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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

[Docket ID: OPM–2025–0012]

RIN 3124–AA35

Determining the Appropriate Penalty for Federal Employees Charged With Misconduct

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or Board) is issuing a final rule amending its regulations governing the Board's review of the reasonableness of an agency's chosen penalty in misconduct-based adverse actions appealed to the Board. Under the final rule, the Board will no longer require consideration of the 12 factors set forth in *Douglas* v. *Veterans Administration,* 5 M.S.P.R. 280 (1981), in every case. Instead, the Board will evaluate whether the agency's penalty is within the tolerable limits of reasonableness in light of the totality of the circumstances, determined on a case-by-case basis.

DATES:

Effective date: This rule is effective October 5, 2026.

Applicability date: The amendments made by this rule apply to appeals filed with the Board on or after October 5, 2026. Appeals pending before the Board on the effective date will be adjudicated under the framework in effect when they were filed.

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board, by email at *mspb@mspb.gov* or by telephone at (202) 653–7200.

SUPPLEMENTARY INFORMATION:

I. Overview and Scope of This Final Rule

On July 2, 2026, the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB or Board) published a joint notice of proposed rulemaking, Promoting Employee Accountability, 91 FR 40444 (July 2, 2026) (the NPRM). The NPRM contained two distinct sets of proposals issued under two distinct grants of statutory authority: OPM proposed amendments to 5 CFR parts 412, 432, 715, and 752 (RIN 3206–AO91), and the Board proposed amendments to its own appellate procedures at 5 CFR 1201.56 (RIN 3124–AA35). The NPRM stated that, after consideration of comments, ''the agencies may issue a joint final rule or each agency may finalize its respective proposals in separate final rules.'' 91 FR at 40444. The Board is issuing this final rule under the title ''Determining the Appropriate Penalty for Federal Employees Charged With Misconduct,'' which reflects the subject and scope of the Board-only amendments finalized in this document.

The comment period closed on August 3, 2026. Approximately 676 unique comments were received on the joint docket from organizations and individuals, including labor organizations, associations of federal employees, managers, executives, and retirees, organizations of practitioners, policy and good-government organizations, current and former civil servants, and individual members of the public. Of these, 43 comments were attributed to individual commenters who indicated on their comment submission that their comment represented more than 1 submission. The Board has reviewed and considered all comments received.

Many commenters urged that the proposed rule be withdrawn or rescinded in whole or in principal part (for example, commenters 0337, 0391, 0427, 0430, 0439, 0492, 0554, 0628, 0629, 0634, 0642, 0644, 0647, 0654, 0656, 0667, 0676). Several commenters expressed strong support for the proposed rule as a whole (for example, commenters 0612, 0623, 0630, 0631, 0664), including two Federal executive departments (commenters 0612, 0623), a Federal employee, in his individual capacity, with experience in management-side labor and employee relations (Commenter 0630), and an individual Federal employee who submitted an arbitration award for the record (Commenter 0631). Additional commenters likewise expressed support for the proposed rule or for particular elements of it (commenters 0006, 0031, 0301, 0350, 0352, 0359, 0387, 0395, 0405, 0406, 0417, 0424, 0429, 0434, 0437, 0489, 0545, 0584, 0585, 0586, 0587, 0588, 0591, 0613, 0614, 0615, and 0627), including several whose submissions are discussed in Section VII. Other commenters did not oppose reform as such but urged specific revisions to preserve clear, reviewable standards and realistic procedures (for example, commenters 0293, 0431, 0435, 0509, 0524, 0538, 0558, 0562, 0570, 0625, 0626, 0636, 0657, 0658, 0666, 0675).

The Board also received several hundred briefer submissions from individual commenters—current and former Federal employees, including supervisors, in their personal capacities; veterans; and members of the public—including many substantially similar or identical form-letter submissions. The Board has reviewed and considered each of these submissions and, consistent with ordinary practice, responds to them by subject in this document rather than individually. Many commenters (for example, 0005, 0009, 0017, 0019, and 0052) expressed general opposition to the proposed rule or urged its withdrawal without raising distinct arguments directed to the Board's amendments; the Board declines to withdraw its proposal for the reasons stated throughout this preamble. Many other commenters (for example, 0007, 0008, 0011, 0018, 0020, and 0021) urged that the *Douglas* factors be retained in whole or in part, or argued that a totality-of-the-circumstances standard will produce vague, inconsistent, subjective, or politicized penalty decisions; those comments are addressed in Sections IV.1, IV.2, IV.14, IX.1, and IX.5. Workforce and retention concerns are addressed in Section IV.17.

Many commenters (for example, 0033, 0051, 0109, 0115, 0116, 0123, and 0124) argued that the existing framework is workable, that no need for the change has been demonstrated, or that the rule will increase rather than decrease litigation and cost; those comments are addressed in Sections IV.7, IX.1, and IX.3. Comments addressed exclusively to OPM's proposed amendments—including comments concerning performance improvement periods, response times, employee representatives and official time, settlement agreements, abandonment of

position, and agency tables of penalties (commenters 0002, 0029, 0034, 0035, 0041, 0077, and 0078, for example)—are outside the scope of this final rule and are referred to OPM, as discussed in Section III. Finally, several submissions consisted in whole or in part of attached files (commenters 0307, 0321, 0422, 0495, 0539, 0560, 0567, 0568, 0582, 0607, and 0650); the attachments are part of the rulemaking record and have been considered, and arguments in them directed to the Board's amendments are addressed by subject in this preamble.

The Board acknowledges the full range of views expressed. The Board has considered every comment to the extent it bears on the Board's amendments to part 1201. For the reasons stated in the NPRM and elaborated below, the Board declines to withdraw its proposal and is finalizing the amendments to 5 CFR 1201.56, with the applicability statement set forth in the **DATES** section of this document and the preamble clarifications discussed in Sections VIII and IX.

Because the docket was joint, many comments addressed OPM's proposals, the Board's proposal, or both. In this document, the Board finalizes only its own proposal: the amendments to 5 CFR 1201.56. OPM's proposed amendments to parts 412, 432, 715, and 752 are not finalized in this document. OPM is finalizing its proposals separately and responds in its own final rule to comments directed to those proposals and to the interaction of those proposals with other OPM rulemakings.

As finalized, the rule provides that, in an appeal of an action taken under 5 U.S.C. chapter 75 in which the Board sustains the charged conduct, the Board will evaluate whether the agency's chosen penalty is within the tolerable limits of reasonableness in light of the totality of the circumstances, determined on a case-by-case basis, with no particular set of enumerated factors required to be addressed in every case. The rule further codifies the framework, consistent with *Lachance* v. *Devall,* 178 F.3d 1246, 1260 (Fed. Cir. 1999), governing when the Board will sustain an agency's penalty, mitigate to the maximum reasonable penalty, or afford the agency an opportunity to institute a lesser penalty. As stated in the NPRM, nothing in this rule alters the longstanding due process requirement that an agency intending to rely upon aggravating factors as a basis for its penalty must include those factors in the advance notice of the proposed action so the employee has a fair opportunity to respond, on pain of reversal on constitutional due process grounds. 91 FR at 40455.

II. Length of Comment Period

Several commenters asked that the comment period be extended. Commenter 0656 requested a 60-day extension, stating that the proposed changes are substantial and that affected employees may not have had a full opportunity to consider and prepare comments. Commenter 0647 argued that a 30-day comment period is ''not an adequate comment period for a proposed rule of this magnitude''; that the Executive orders governing regulatory planning contemplate comment periods of at least 60 days in most cases; that judicial decisions treat 60 days as a more reasonable minimum for complex rules; and that the NPRM's detailed solicitation of reliance-interest information could not reasonably be answered within the period provided.

Commenter 0647 urged that, if the proposal is not withdrawn, the comment period be reopened for no fewer than 60 additional days. Commenter 0430 likewise requested a 60-day extension, citing the length of the joint rule as filed, the number of parts of title 5 of the Code of Federal Regulations it amends, the size of the affected workforce, and the volume of the docket as of late July 2026. Commenter 0439, an individual federal employee commenting in their personal capacity, requested, in the alternative to withdrawal of the rule, that the comment period be extended by at least 60 days, citing the rule's length and scope and the size of the workforce it affects. Commenter 0391 objected that the comment period ran just 32 days, from July 2 to August 3, 2026, shorter than the 60-day period it stated OPM has itself previously described as its standard practice for comment periods of this kind, and expressed concern that the compressed timeline would limit public scrutiny of the proposal. Commenters 0496, 0595, 0658, 0671, 0673, and 0674 likewise requested a 60-day extension of the comment period or objected that the 32-day period provided was insufficient for a rulemaking of this scope.

The Board declines to reopen or extend the comment period. The Administrative Procedure Act does not prescribe a minimum comment period; it requires a meaningful opportunity to participate, and the period provided here—July 2 through August 3, 2026—afforded that opportunity with respect to the Board's proposal, which presented a single, clearly framed issue: the standard the Board will apply in reviewing the reasonableness of agency-selected penalties, together with codification of existing mitigation case law.

The Executive order provisions commenters cite do not alter that conclusion. Executive Order 12866 provides that each agency ''should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.'' E.O. 12866, sec. 6(a)(1), 58 FR 51735, 51740 (Oct. 4, 1993). Executive Order 13563 similarly directs that, ''[t]o the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the internet on any proposed regulation, with a comment period that should generally be at least 60 days.'' E.O. 13563, sec. 2(b), 76 FR 3821, 3821–22 (Jan. 21, 2011).

Three features of these provisions defeat the commenters' reliance on them. First, their operative terms are permissive—''should,'' ''in most cases,'' ''generally,'' ''[t]o the extent feasible''—and thus contemplate that comment periods shorter than 60 days will sometimes be appropriate. This is such a case: the Board's proposal presented a single, discrete question of adjudicatory methodology, fully framed in the NPRM, on which meaningful comment did not require a longer period. Second, both Executive orders are directions for the internal management of the executive branch's regulatory process, and each expressly disclaims the creation of any right or benefit, substantive or procedural, enforceable at law by a party against the United States. E.O. 12866, sec. 10; E.O. 13563, sec. 7(d). Third, the Executive orders' 60-day guidance is addressed to the general run of rulemakings, many of which impose primary-conduct obligations on regulated parties; it does not purport to establish a minimum for every rule regardless of scope, and it does not convert the 32-day period provided here into a procedural violation.

Nor do the cited judicial decisions establish a 60-day floor. The principal decision commenters cite, *Petry* v. *Block,* 737 F.2d 1193, 1202 (D.C. Cir. 1984), described a 60-day period as a more reasonable minimum for complex rules while nonetheless upholding the rule there at issue, which had been adopted after a comment period far shorter than the one provided here; it establishes no categorical floor, and the complexity concern it reflects is answered by the discrete scope of the Board's proposal.

The depth and quality of the submissions received refute the suggestion that interested parties lacked

a meaningful opportunity to comment: the record includes, among other things, a multi-part legal analysis marshaling four decades of the Board's own annual-report statistics (commenter 0647), detailed treatments of the Board's statutory authority and Federal Circuit precedent (commenters 0427, 0629, 0634), and extensive discussions of reliance interests responding directly to the NPRM's solicitation (commenters 0634, 0629, 0647). Commenter 0430's own submission—a comprehensive analysis addressing the Board's proposal section by section and answering in full the Board's request for factor-by-factor comment—further confirms that the period afforded a meaningful opportunity to comment on the Board's proposal. The same is true of the submissions of commenters 0439 and 0391, each of which addresses the Board's penalty-review proposal in substance within the period provided. The same is true of the additional extension requests: commenters 0496, 0658, and 0674, among others, accompanied their requests with detailed substantive analyses of the Board's proposal, further confirming that the period provided was adequate for meaningful comment on the discrete question the Board presented.

III. Comments Outside the Scope of This Final Rule

A substantial share of the comments received addressed OPM's proposed amendments rather than the Board's. OPM responds to them in its separate final rule. The Board expresses no view here on OPM's proposals. The Board notes, however, one point of intersection addressed by several commenters and answered in Section IV below: commenters argued that the combined effect of the Board's revised penalty-review standard and OPM's proposed elimination of penalty tables and narrowing of comparators would remove multiple consistency safeguards at once. The Board responds to that argument in Sections IV.2, IV.8, and IV.9 as it bears on the Board's own rule.

Several commenters situated this rulemaking within other pending or recent rulemakings. Commenter 0636 reiterated its opposition to the exclusion of employees in Schedule Policy/Career positions from adverse-action appeal rights. Commenter 0616 likewise objected to the treatment of Schedule Policy/Career employees in OPM's proposed rule and argued that the combined effect of this rulemaking and other executive actions will politicize the career civil service, and commenter 0028 raised similar objections concerning Schedule Policy/Career positions, nondisclosure requirements, and other pending rulemakings. Commenters 0644, 0427, and 0625 argued that this rulemaking cannot be evaluated in isolation from other OPM rules—concerning suitability action appeals, probationary and trial-period appeals, and reduction-in-force appeals—that reassign categories of review from the Board to OPM.

Commenter 0391 likewise urged that this proposal be evaluated together with other pending personnel proposals—including a separate OPM proposal concerning nondisclosure agreements—and with other personnel actions taken by the administration, rather than in isolation, and that any final rule account for their combined effect on employees' practical ability to report wrongdoing without fear of swift, thinly justified removal. Commenter 0427 further argued that the transfers of adjudication authority effected by those rulemakings are unconstitutional absent congressional reorganization authority.

The exclusion of Schedule Policy/Career positions from coverage, and the suitability, probationary, and reduction-in-force appeal rulemakings, are OPM rulemakings conducted under OPM's authorities and separate RINs and dockets; comments concerning them are referred to OPM and, where applicable, to the dockets for those rulemakings. The nondisclosure-agreement proposal identified by Commenter 0391 is likewise a separate OPM request for comment concerning the proposed creation of a new Optional Form, in a separate docket, and comments concerning it are referred to that docket; the concern that the combined effect of this rule and other actions will impair employees' practical ability to report wrongdoing is addressed in Section IV.2.

This rule does not remove, narrow, or transfer any category of Board jurisdiction. This final rule does not alter which actions are appealable to the Board, who may appeal, the agency's burden of proof under 5 U.S.C. 7701(c), the availability of affirmative defenses under 5 U.S.C. 7701(c)(2), or the availability of judicial review under 5 U.S.C. 7703. It addresses one thing: the analytic standard the Board will apply in reviewing the reasonableness of a penalty in appeals properly before it. Employees retain the same forum, the same procedural rights before the Board, and the same access to judicial review after this rule as before it. The constitutional transfer argument advanced by Commenter 0427 is addressed in Section VI, because as applied to this rule its premise is mistaken: this rule transfers nothing. The Board separately notes that its statutory oversight functions with respect to OPM regulations, including its duty under 5 U.S.C. 1204(a)(4) and 1204(f) to review OPM rules and to report on whether their implementation would require any employee to commit a prohibited personnel practice, are unaffected by this rulemaking, as discussed further in Section VI.

Finally, this rule does not alter veterans' preference rights or the appeal rights afforded by the Veterans Employment Opportunities Act: in response to Commenter 0524, the Board confirms that nothing in this rule diminishes any procedural or appeal right of veteran employees, and that service-related circumstances, including disabilities and accommodation needs, remain cognizable under the totality of the circumstances wherever the record makes them material. In response to Commenter 0478's observation concerning the recurrence of the phrase ''sole and exclusive discretion'' in the proposed regulatory text, the Board notes that the provisions containing that phrase are OPM's proposed amendments, which are not finalized in this document; the phrase does not appear in the Board's regulatory text.

IV. Retirement of the Mandatory Douglas Framework and Adoption of Totality-of-the-Circumstances Review

Consistent with the organization of this document, comments directed to the evidentiary basis and need for the Board's change, to reliance interests and transition, and to regulatory alternatives are addressed in the Regulatory Analysis in Section IX: the need-related comments in the Statement of Need (Section IX.1), the comments proposing alternatives in Regulatory Alternatives (Section IX.5), and the reliance and transition comments in Reliance Interests and Transition (Section IX.6). The remaining comments on the Board's amendments are addressed in this section and in Sections V through VII.

IV.1. Whether the Totality-of-the-Circumstances Standard Is Vague or Standardless

Comment: Many commenters argued that a totality-of-the-circumstances standard under which no particular set of factors must be considered in every case is vague, standardless, or an invitation to arbitrary decision-making.

Commenter 0626 argued that an undefined totality approach risks replacing a predictable analytical framework with a largely subjective inquiry. Commenter 0636 argued that the answer to a framework that has become too rigid is a clearer framework,

not the absence of one. Commenter 0628 argued that agencies and employees will be forced to await the Board's ad hoc analysis before knowing whether a penalty was reasonable, making the process more subjective, less fair, and slower. Commenter 0634 argued that a totality inquiry needs criteria to identify what belongs in the totality, and predicted that managers and administrative judges will either recreate *Douglas* under different labels or proceed without a shared method. Commenter 0427 argued that the proposed test releases decisionmakers and adjudicators from any analytical methodology and would permit rulings based on nearly anything, and that the NPRM overstates the risk that decisions are overturned for failing to discuss every factor, citing Federal Circuit decisions holding that neither the Board nor agencies commit reversible error by not expressly addressing all twelve factors.

Commenter 0647 argued that the proposed standard lacks a defining principle and will leave agencies and the Board in an analytical vacuum, citing precedent that the Board need only consider the relevant factors and that mitigation is warranted only where the agency failed to weigh the relevant factors or the penalty clearly exceeded the bounds of reasonableness. Commenter 0435 argued that a totality test measured only against the tolerable limits of reasonableness is likely to produce less consistency and more successful litigation challenges because it removes the shared vocabulary agencies and the Board have used for decades. Commenter 0654 argued that removing the enumerated factors in favor of an undefined discretionary standard makes the outcome of penalty review less predictable for the employee preparing a defense, less consistent across similarly situated employees, and correspondingly harder to challenge on appeal, even though the nominal right of Board review is retained.

Commenter 0391 argued that the rule replaces a structured, judicially tested disciplinary framework with a vague standard under which managers will no longer be required to walk through a specific list explaining why removal, rather than a warning or a suspension, was the right decision, making it much harder for an employee or a reviewing body to argue that the punishment did not fit the offense. Commenter 0337 argued that the *Douglas* factors currently require deciding officials to consider the employee's length of service, past performance, disciplinary history, rehabilitation potential, and consistency with penalties imposed on others, and that without those required considerations there are fewer checks on subjective management decisions, making it easier to justify removal rather than corrective action. Commenter 0642, a letter from six Members of Congress, argued that these consistent standards have for nearly five decades, across administrations of both parties, provided fairness to federal workers facing accusations of misconduct, and that requiring agencies to rely instead on an arbitrary, case-by-case examination under which no particular factors must be considered in every case could allow agencies to ignore important mitigating factors and more easily remove skilled workers with strong rehabilitation potential from critical industries. Commenter 0439 argued that each of the twelve factors exists because a recurring unfairness—an unproven claim of seriousness, a penalty inconsistent with what a coworker received for the same conduct, discipline imposed for violating a rule no one ever explained—needed a specific answer, and that, in the commenter's words, ''a standard that requires nothing in particular protects nothing in particular.''

Numerous additional commenters raised substantially similar objections to the asserted vagueness or subjectivity of the totality standard (see Section I), and several added distinct variations. Commenters 0293, 0294, 0295, and 0297 argued that ''a vague standard is not a flexible standard when only one party (the agency) controls the underlying record.'' Commenter 0537 asked for greater protection against false allegations. Commenter 0487 argued that annual performance appraisals lose their point if an employee's documented work record need not be considered in setting a penalty, and commenter 0669 argued that the enumerated factors ensure consideration of the government's own investment in an employee's training and development. Commenter 0431, a Federal supervisor, commenting in his personal capacity, urged retention of all twelve factors on the ground that a standard under which no particular set of factors must be considered gives employees no assurance that anything in particular will count.

Response: The Board does not agree that the standard adopted in this final rule is standardless, and it takes this opportunity to state precisely what the rule does and does not do.

What the rule does not do: It does not declare any consideration irrelevant. Under the totality of the circumstances, the considerations identified in *Douglas*—the nature and seriousness of the offense; the employee's position and responsibilities; the employee's disciplinary and work record; the effect of the offense on the employee's ability to perform and on supervisory confidence; the consistency of the penalty with penalties imposed on similarly situated employees; the clarity of notice; the potential for rehabilitation; mitigating circumstances; and the adequacy of alternative sanctions—remain available to the parties and to the Board wherever they are material to the reasonableness of the penalty in the case at hand. Parties remain free to raise them; absent direction otherwise from OPM, deciding officials remain free to address them; and the Board and its administrative judges will weigh relevant record evidence bearing on them.

What ends is the treatment of the twelve factors as a compulsory analytic code: the expectation that every factor be recited in every case, the litigation of penalty appeals as audits of factor-recitation, and any premise that an otherwise reasonable penalty may be disturbed because a decision letter or an initial decision did not march through an enumerated list.

What the rule does: It anchors penalty review where Congress placed it. The operative standards are statutory and regulatory, not open-ended: the action must be taken ''only for such cause as will promote the efficiency of the service,'' 5 U.S.C. 7513(a); the agency bears the burden of proving its case, including the reasonableness of its penalty, by a preponderance of the evidence, 5 U.S.C. 7701(c)(1)(B); the Board may not sustain a decision that resulted from harmful procedural error, was based on a prohibited personnel practice, or was not in accordance with law, 5 U.S.C. 7701(c)(2); and the Board's inquiry, now codified in § 1201.56, is whether the penalty is within the tolerable limits of reasonableness—the formulation drawn from *Douglas* itself, 5 M.S.P.R. at 306—in light of the totality of the circumstances established by the whole record.

Board decisions applying this standard will continue to be reasoned, grounded in record evidence, and subject to review by the federal courts under 5 U.S.C. 7703(c) for arbitrariness, capriciousness, abuse of discretion, legal error, procedural error, and lack of substantial evidence. A body of published precedent applying the codified standard will continue to develop and to guide agencies, employees, and practitioners, exactly as Board and court precedent have always done. Far from releasing adjudicators to rule on the basis of nearly anything, the

codified standard binds them to the whole record and to reasoned, reviewable decision-making.

The authorities invoked by commenters 0427 and 0647—holding that only relevant factors need be considered, that failure to expressly address every factor is not reversible error, and that mitigation is warranted only where the agency failed to weigh the relevant factors or the penalty clearly exceeded the bounds of reasonableness—establish that the twelve factors were never mandatory in every particular. The final rule preserves both aspects of that settled law: the obligation to weigh relevant, material considerations continues under the totality standard, and the mitigation trigger the Board is codifying—a penalty outside the tolerable limits of reasonableness—is the same trigger those decisions articulate. What those authorities also demonstrate, however, is that the mandatory twelve-factor framing adds nothing of substance to the law commenters describe; retiring the framing therefore sacrifices nothing of substance either.

The Board also rejects the premise that predictability resided in the factor list. *Douglas* itself was explicit that the factors were nonexhaustive, that not every factor is pertinent in every case, and that the factors carry no prescribed weights; the Federal Circuit reiterated the same in *Nagel* v. *Department of Health & Human Services,* 707 F.2d 1384 (Fed. Cir. 1983). A framework that prescribes neither which factors govern a given case nor how they are to be weighed does not supply the consistency commenters attribute to it.

What it supplied in practice, as the Board has observed, was a template for recitation. The final rule replaces recitation with the substantive question, and—for the first time—places the operative review standard and the *Devall* mitigation framework in the Board's regulations, where all parties can find them. That is a gain in transparency, not a loss. Finally, as to the prediction that the process will become slower because reasonableness will be determined case by case: penalty reasonableness has always been determined case by case. *Douglas* commanded exactly that, cautioning against acting automatically on the basis of generalizations unrelated to the individual situation. 5 M.S.P.R. at 303. The Board expects the rule to reduce, not increase, adjudicatory burden, by eliminating a layer of satellite litigation over whether each factor was recited and weighted, and by focusing the parties' evidence and argument on the considerations actually material to the case.

The arguments of commenters 0654, 0391, 0337, 0642, and 0439 are answered by the same points. Every consideration those commenters identify—length of service, past performance and disciplinary record, rehabilitation potential, consistency with the penalties imposed on similarly situated employees, notice of the rule violated, and mitigating circumstances—remains relevant and cognizable under the totality of the circumstances wherever the record makes it material, and a penalty determination that ignores material record evidence bearing on those considerations risks being mitigated or reversed as not within the tolerable limits of reasonableness.

The additional variations of commentary on this theme are answered by the same architecture. As to the asymmetry-of-the-record argument pressed by commenters 0293, 0294, 0295, and 0297: the agency bears the burden of proving the reasonableness of its penalty on the whole record, and the Board's procedures afford appellants discovery of agency records and evidence, 5 CFR 1201.71 through 1201.85, so the record against which reasonableness is judged is not within the agency's unilateral control. As to Commenter 0537: penalty review under section 1201.56(b)(3) operates only on charges the agency has proven by a preponderance of the evidence; an allegation the agency cannot prove supports no penalty at all. As to Commenters 0487 and 0669: an employee's documented performance record and the government's investment in the employee's training and development are precisely the kinds of circumstances that may remain relevant and cognizable under the totality of the circumstances Commenter 0431's objection restates the premise, addressed above and in Section IV.14, that protections exist only if enumerated; however, the codified standard preserves the substance of each protection through the burden of proof, the due-process notice obligation, and the whole-record requirement.

IV.2. Consistency, Merit System Principles, and the Detection of Disparate or Politicized Treatment

Comment: Commenter 0636 argued that consistency and uniformity are themselves merit-system values, citing the requirement of fair and equitable treatment in 5 U.S.C. 2301(b)(2), and that a standard under which no factors need be considered makes it substantially harder to detect and correct disparate treatment—and correspondingly easier for arbitrary, inconsistent, or pretextual actions to survive review. Commenter 0634 argued that the Board's change, combined with OPM's proposed prohibition of penalty tables and narrowing of comparators, would remove guideposts on both sides of the appeal and invite variation based on the identity of the supervisor or employee. Commenter 0656 argued the change substantially increases the likelihood that Merit System Principles are violated. Commenter 0435 emphasized that a structured penalty analysis particularly protects career executives, who are visible and at times subject to pressures unrelated to the quality of their work, against penalties that are disproportionate or that could appear to have been imposed for reasons other than the efficiency of the service.

Commenter 0625 expressed concern that reducing codified frameworks, at the same time other administration actions are increasing the potential for political influence over personnel decisions, makes it more likely that discipline and removal decisions will be driven by favoritism or politics rather than documented performance and due process. Commenter 0654 argued that the cumulative effect of the proposed changes carries a heightened risk of chilling protected activity, including whistleblowing and equal employment opportunity complaints; cited a 2020 Government Accountability Office report finding that employees who filed whistleblower disclosures or retaliation complaints were terminated at higher rates than the federal workforce generally; and argued that where the standard governing penalty review becomes less structured and harder to test against fixed considerations, an employee who suspects that a proposed adverse action is retaliatory in substance faces a correspondingly harder task in identifying and proving that a materially inconsistent or disproportionate penalty reflects retaliation rather than a legitimate exercise of managerial discretion—a structural risk the commenter described as independent of the intent behind any individual removal decision.

Commenter 0391 argued that the rule is one piece of a broader effort to convert the federal civil service to a spoils system; that an employee who reports financial irregularities, questions an improper order, or raises a scientific finding inconvenient to a political priority could be moved from a performance rating to a completed removal in roughly a month, with a thinner paper trail and less structured justification required at each step; and

that separate anti-retaliation mechanisms, such as complaints to the Office of Special Counsel or an inspector general, proceed on timelines too slow to prevent the harm.

Commenter 0337 argued that not every manager is a good manager; that managers vary in experience, competence, and integrity; that the personnel system should protect employees from poor management just as it protects agencies from poor employees; and that expanding managerial discretion while removing long-standing safeguards increases the risk of arbitrary, biased, or retaliatory decisions, including favoritism and the replacement of experienced employees with preferred candidates, even where a removal is ultimately overturned on appeal.

Commenter 0439 further defended comparator evidence arguing that comparator evidence is the most concrete way an employee can show that a penalty was arbitrary rather than principled, that the Board recently recalibrated its comparator doctrine in a disciplined and agency-protective way in *Singh* v. *United States Postal Service,* 2022 MSPB 15, and that making the inquiry optional removes a working, recently updated safeguard.

Related concerns came from many quarters. Commenters 0243, 0399, 0463, 0504, 0579, and 0620 argued that discipline must apply with equal rigor to supervisors and senior officials, with commenter 0243 urging that supervisory status continue to be treated, where appropriate, as an aggravating rather than a mitigating circumstance, and commenter 0504 arguing that accountability should begin at the senior grades. Commenter 0544 asserted that discipline is being used pretextually at the commenter's facility to remove employees and repost their positions at lower grades. Commenter 0543, a disabled veteran, and commenters 0518 and 0519 described hostility toward veteran employees and argued that reduced structure in penalty review will fall hardest on employees who depend on independent redress, with commenter 0543 warning of severe personal consequences for affected employees. Commenter 0012 argued that deference to an agency's penalty is unjustified where, in the commenter's view, other provisions of the joint proposal remove standardization. Commenters 0040 and 0671, among many others, expressed concern that the revised standard will empower biased or vindictive management and facilitate the removal of whistleblowers.

Response: The Board agrees that consistency in the treatment of similarly situated employees is a merit-system value, and nothing in this rule diminishes the tools by which inconsistency is exposed and remedied in Board proceedings. Evidence that similarly situated employees received materially different penalties for the same or similar conduct remains relevant under the totality of the circumstances. Beyond penalty review, the structural safeguards against disparate, pretextual, or politicized action are statutory and are untouched by this rule: an appellant may establish as an affirmative defense that the action was based on discrimination—including discrimination on the basis of political affiliation—whistleblower reprisal, or any other prohibited personnel practice described in 5 U.S.C. 2302(b), and the Board may not sustain an action shown to rest on such a practice. 5 U.S.C. 7701(c)(2)(B). Harmful-error and not-in-accordance-with-law defenses likewise remain fully available. 5 U.S.C. 7701(c)(2)(A), (C). A penalty imposed for reasons other than the efficiency of the service fails the statutory standard itself—and that statutory standard is precisely the question the codified totality inquiry directs the Board to ask.

The Board additionally observes, as it did in the NPRM, that the perceived obligation to process every case through an identical twelve-factor template is itself in tension with the individualized judgment the merit system demands, and with Merit System Principles 4 and 6 in particular. 91 FR at 40447. Uniformity of recitation is not uniformity of treatment. The consistency the merit system requires is that like cases produce like outcomes for reasons the record supports—a question the totality standard addresses directly. To the extent commenters' concern rests on the combined effect of this rule and OPM's proposed provisions on penalty tables and comparators, the Board notes that those OPM provisions are not finalized in this document, and the operation of the Board's rule described above—including the continued relevance and admissibility of comparator evidence in Board proceedings—does not depend on them.

These submissions are answered by the same statutory architecture. The retaliation scenarios Commenters 0654 and 0391 describe are the subject of protections this rule does not touch: whistleblower reprisal, retaliation for the exercise of complaint or appeal rights, and every other prohibited personnel practice described in 5 U.S.C. 2302(b) remain affirmative defenses on which the Board may not sustain an action, 5 U.S.C. 7701(c)(2)(B), and an action taken for retaliatory reasons fails the efficiency-of-the-service standard itself. Nothing in the Board's rule shortens any timeline, reduces the record an agency must create—including the due-process obligation to identify in the advance notice the aggravating factors on which the penalty will rest—or accelerates any removal.

In response to Commenter 0337, the Board observes that this rule is not premised on an assumption that every manager exercises discretion well. This rule preserves Board penalty review in full: every penalty within the Board's jurisdiction remains subject to independent adjudication on the whole record, under a codified and publicly stated standard, with the Board's mitigation authority preserved. As to comparator evidence, the Board confirms what is stated above in this section: evidence that similarly situated employees received materially different penalties for the same or similar conduct remains relevant, and nothing in this rule disturbs the Board's precedent governing comparator analysis, including *Singh.*

The responses above answer these submissions as well. The codified standard is a single standard: it governs the Board's review of penalty reasonableness in every appeal within its scope, whatever the appellant's grade, position, or supervisory status, and comparator evidence concerning similarly situated supervisors, like comparator evidence concerning any similarly situated employee, remains relevant.

Nothing in this rule alters the settled principle that the heightened responsibilities of a supervisory position may bear on the reasonableness of a penalty wherever the record makes them material. Pretextual discipline of the kind commenter 0544 describes is the subject of the affirmative defenses and prohibited-personnel-practice protections described above, which this rule leaves untouched; evidence that an action was taken to achieve an improper staffing objective rather than to promote the efficiency of the service defeats the action under the statutory standard itself. As to comparator scope, in proceedings before the Board, comparator evidence is not confined to a single supervisor or work unit; its probative weight depends on the similarity the record establishes, as the Board's precedent, including *Singh,* provides. Finally, the Board takes seriously the concerns of veteran employees expressed by commenters 0518, 0519, 0524, and 0543. Nothing in this rule diminishes the Board's independent review, the availability of

disability-discrimination and reprisal defenses, or the agency's burden of proof; the Board's processes remain fully available to veteran appellants, and material evidence of disability, accommodation needs, or service-related circumstances remains cognizable under the totality of the circumstances.

IV.3. Notice to Employees and the Claim That the Rule Hides the Ball

Comment: Commenter 0629 argued that the *Douglas* framework gives both parties notice of the considerations a reviewing body will find relevant, and that the totality standard does not change the ultimate calculation performed by the deciding official but removes the stage at which everyone must show their work, leaving managers and employees in the dark. Commenter 0427 similarly argued that employees use the articulated factors to respond before final agency action and that managers consider the factors and employee evidence before deciding, adding predictability and efficiency to the statutory process. Commenters 0003, 0044, 0217, 0373, and 0493 pressed a related, ex ante version of the argument: that the enumerated factors do front-end work—prompting proposing and deciding officials to seek out mitigating information before deciding, requiring supervisors to show their work, disciplining investigations, and lending credibility to the resulting decision—and that without them penalty decisions will become a ''black box.'' Commenter 0316 argued that added flexibility reduces transparency, and commenters 0095, 0177, 0505, 0508, 0564, and 0663 raised similar transparency and notice concerns.

Response: The Board disagrees. Three sources of notice remain. First, the substantive considerations that have always mattered continue to matter: an employee's years of service, clean record, rehabilitative potential, and mitigating circumstances do not become less relevant because their consideration is no longer compelled by an enumerated list, and this preamble expressly confirms their continued relevance in appropriate cases. Second, and more fundamentally, the constitutional and case-law notice obligations that protect the employee's opportunity to respond are unchanged: as the NPRM stated, an agency that intends to rely on aggravating factors as a basis for its penalty must identify them in the advance notice of the proposed action so the employee has a fair opportunity to respond before the deciding official, and failure to do so risks reversal of the action on due process grounds. 91 FR at 40455. That requirement—not the *Douglas* list—is what guarantees the employee knows the charges to be answered, and it survives this rule in full. Third, the final rule codifies the operative review standard and the already existing *Devall* mitigation framework in regulation for the first time.

The ex ante argument pressed by commenters 0003, 0044, 0217, 0373, and 0493 warrants a direct answer. The Board agrees that well-founded penalty decisions rest on information gathered before the decision is made; that is what the burden of proof requires. What compels that gathering, however, is not the enumeration of twelve factors—it is the agency's obligation to prove, on the record and against the employee's reply, that the chosen penalty is reasonable, together with the due-process obligation to identify in the advance notice the aggravating considerations on which the penalty will rest.

Both obligations survive this rule in full, and a deciding official who fails to inform himself or herself of the material circumstances—including mitigating circumstances raised in the employee's reply—risks producing exactly the unexplained, unsupported penalty determination that fails under the codified standard. Nothing in this rule prevents an agency from continuing to use structured internal aids to organize that work (Sections IV.8 and IX.6) or from providing detailed written decisions; what may no longer be demanded is recitation of an enumerated list as a condition of a penalty's validity. Commenter 0493's related observation—that an excessive penalty itself disserves the efficiency of the service by demoralizing a productive workforce—states a proposition the codified standard embraces: a penalty disproportionate to the sustained conduct on the whole record is not within the tolerable limits of reasonableness and thus will not be sustained.

IV.4. Statutory Authority for the Board's Rule

Comment: Commenter 0656 asserted that OPM and MSPB have no authority to regulate away controlling decisions with which current leadership disagrees and that the change runs counter to congressional intent because Congress has not acted on the issues identified. Commenter 0647 argued that the *Douglas* factors were drawn from preexisting Civil Service Commission law and were understood to be necessary tools compelled by the CSRA's prohibition on penalties that are arbitrary, capricious, or an abuse of discretion, and that without a demonstrated substantive flaw in *Douglas* the Board cannot lay a foundation for abandoning it. Commenter 0634 argued that a regulation cannot make material evidence optional by deleting the name of the framework in which courts have considered it—reasoning that if the proposed standard preserves existing obligations the change is largely semantic, and if it authorizes ignoring material evidence it invites reversal under 5 U.S.C. 7703(c).

Commenters 0010, 0048, 0069, 0341, and 0419 likewise argued that the agencies lack authority for the change or that it is contrary to congressional intent. Commenter 0066, a practitioner before the Board, argued that the *Douglas* analysis is implicitly written into statutory law through Senior Executive Service legislation that, in the commenter's view, legislated mitigation standards paralleling *Douglas,* such that its abandonment would not survive review under the Administrative Procedure Act; the commenter also noted, while expressly reserving them, the questions whether the Board may overrule decisional law by regulation and whether the regulation constitutes a prohibited advisory opinion.

Response: The Board has ample authority for this rule. Congress authorized the Board to prescribe regulations to carry out its adjudicatory functions, 5 U.S.C. 1204(h) and 7701(k), and the standard this rule addresses is one the Board itself created: the *Douglas* factors appear nowhere in the CSRA. Congress enacted a standard—''only for such cause as will promote the efficiency of the service,'' 5 U.S.C. 7513(a)—and a burden of proof, 5 U.S.C. 7701(c), and left the methodology of penalty review to the Board. The Board articulated one methodology in 1981 through adjudication (in *Douglas*); it may refine that methodology in 2026 through notice-and-comment rulemaking. It is well established that an agency vested with both rulemaking and adjudicatory authority may choose to announce and revise principles of general applicability through rulemaking rather than case-by-case adjudication. *See SEC* v. *Chenery Corp.,* 332 U.S. 194, 203 (1947); *Heckler* v. *Campbell,* 461 U.S. 458, 467 (1983); *Am. Hosp. Ass'n* v. *NLRB,* 499 U.S. 606, 612 (1991). A change in the Board's own decisional framework, adopted with public participation and a reasoned explanation, is the ordinary and lawful exercise of that authority—not a usurpation of Congress's role. Congress's silence on the *Douglas* factors cuts in the Board's favor, not

against it: the factors are the Board's gloss on the statute, and the Board is returning its review to the statutory text.

Commenter 0647's provenance argument confirms, rather than refutes, this conclusion. The CSRA compels reasoned, non-arbitrary, evidence-supported penalty decisions; it nowhere compels the twelve-factor form. That *Douglas* synthesized considerations drawn from preexisting adjudicatory practice confirms the factors' character as decisional common law—the very kind of framework an adjudicatory agency may restate, refine, or replace, whether by adjudication or by rule. The substantive prohibitions the commenter identifies—against arbitrary, capricious, or abusive penalties—are statutory, are preserved, and are codified in this rule's tolerable-limits-of-reasonableness standard.

As to commenter 0634's dilemma—that the change is either semantic or unlawful—the Board rejects both horns. The change is not semantic: it eliminates a mandatory analytic overlay, the recitation-centered litigation that overlay generated, and any basis for disturbing an otherwise reasonable penalty for failure to enumerate factors. Neither does the change authorize disregard of material evidence: the Board's obligation to decide on the whole record, the agency's burden of proof, and judicial review under 5 U.S.C. 7703(c) all remain. Material record evidence bearing on reasonableness—including mitigating evidence—cannot lawfully be ignored under the totality standard any more than it could under *Douglas,* and this preamble so confirms. What the rule eliminates is the compulsory form, not the substantive obligation of reasoned, record-based decision-making.

Commenter 0066's ratification argument does not alter this analysis. Congressional enactments addressing actions against senior executives operate within subchapter V of chapter 75, a materially different scheme that this rule does not touch (Section IV.13). Legislation particular to that scheme neither enacted the twelve-factor form for actions under 5 U.S.C. 7513 nor withdrew from the Board the authority over its own decisional methodology that 5 U.S.C. 1204(h) and 7701(k) confer, and congressional acquiescence in an adjudicatory framework of the Board's own creation does not freeze that framework against revision through notice-and-comment rulemaking. As for the questions the commenter reserves: the relationship of this rule to decisional law is addressed in Section IV.5, and the rule is not an advisory opinion—it is a legislative rule of general applicability, adopted under 5 U.S.C. 1204(h) and 7701(k) through notice-and-comment procedures, that decides no pending case and advises no party on any specific dispute.

IV.5. Federal Circuit and Supreme Court Precedent

Comment: Commenter 0629 argued that the Board may not eliminate the *Douglas* standard by rulemaking because the Federal Circuit has adopted *Douglas* analysis into its own precedent, which the Board must follow unless and until the court itself revises it, citing Federal Circuit decisions rejecting Board attempts to depart from circuit-endorsed legal tests and a decision applying *Douglas* notwithstanding a subsequent express statute; the commenter predicted the Federal Circuit is likely to reject any attempt by regulation to undercut its longstanding precedent. Commenter 0427 argued that the Supreme Court has upheld *Douglas* as a proper statement of the Board's authority. Commenter 0647 noted that the Federal Circuit has repeatedly approved use of the factors as a basis for determining the reasonableness of a penalty and has held that failure to consider a significant mitigating circumstance constitutes an abuse of discretion. Commenter 0634 similarly emphasized that the Supreme Court has described *Douglas* as the general framework for penalty review. Commenters 0096 and 0212 similarly argued that removing the factors contradicts decades of precedent, and commenter 0066 emphasized that innumerable Federal Circuit decisions have informed and confirmed the application of the *Douglas* standards without ever criticizing their existence.

Response: The Board has carefully considered its relationship to Federal Circuit and Supreme Court precedent and concludes that this rule is consistent with it. Three points are essential.

First, the *Douglas* factors are the Board's creation, not the court's or Congress's. The Supreme Court's description of *Douglas* as the Board's general framework reflects exactly that: *Douglas* is the framework the Board announced for exercising its own review function. The Federal Circuit's decisions have reviewed the Board's application of the Board's framework and have repeatedly emphasized—beginning with *Nagel*—that the factors were intended to assist, need not be applied mechanically, and that consideration of the relevant factors is all the law requires. 707 F.2d at 1386. Decisions approving the framework as a lawful exercise of the Board's authority are not holdings that it is the only lawful methodology; no decision of the Federal Circuit or the Supreme Court holds that the twelve enumerated factors are compelled by 5 U.S.C. 7513, by 5 U.S.C. 7701, or by the Constitution.

What circuit precedent does compel—and what this rule preserves and codifies—are the substantive limits on penalties: a penalty may not be arbitrary, capricious, an abuse of discretion, grossly disproportionate to the offense, or unsupported by the record. *See, e.g., Beard* v. *Gen. Servs. Admin.,* 801 F.2d 1318, 1321 (Fed. Cir. 1986); *Webster* v. *Dep't of the Army,* 911 F.2d 679, 685–86 (Fed. Cir. 1990); *Tartaglia* v. *Dep't of Veterans Aff.,* 858 F.3d 1405, 1408–09 (Fed. Cir. 2017); *Lachance* v. *Devall,* 178 F.3d 1246 (Fed. Cir. 1999).

The principle Commenter 0647 invokes—that failure to consider a significant mitigating circumstance is an abuse of discretion—survives intact under this rule: the totality of the circumstances by definition includes significant mitigating circumstances established by the record, and a penalty determination that ignores them remains an abuse of discretion under the codified standard. The Supreme Court's decision commenters invoke, *United States Postal Service* v. *Gregory,* 534 U.S. 1 (2001), is consistent with this understanding. *Gregory* addressed the Board's treatment of prior disciplinary actions in penalty review; it described the *Douglas* factors as the Board's own general framework for penalty review and emphasized the deferential character of the Board's review of agency-selected penalties—the very allocation of responsibility this rule codifies—and it nowhere held that the enumerated factors are required by statute or are otherwise beyond the Board's authority to revise. 534 U.S. at 8–10.

The Federal Circuit decisions commenters collect are of a piece: Zingg v. *Department of the Treasury,* 388 F.3d 839, 841 (Fed. Cir. 2004), approved use of the factors as ''a basis for determining the reasonableness of a penalty''—approval of a permissible methodology, not a holding that the methodology is exclusive—and *VanFossen* v. *Department of Housing & Urban Development,* 748 F.2d 1579, 1581 (Fed. Cir. 1984), and *Purifoy* v. *Department of Veterans Affairs,* 838 F.3d 1367, 1372 (Fed. Cir. 2016), enforce the record-based principle, fully preserved here, that significant mitigating circumstances may not be ignored. The same is true of the decisions invoked by commenters 0066, 0096, and 0212: decisions applying and clarifying the Board's

framework confirm its lawfulness; they do not enact it as the exclusive methodology.

Second, the line of authority reflected in Cobert v. *Miller, 800 F.3d 1340, 1349 (Fed. Cir. 2015)—on which commenter 0629 relies for the proposition that the Board must follow circuit-endorsed legal tests unless and until the court itself revises them—concerns a different posture:* the Board's obligation, when adjudicating, to follow circuit precedent interpreting governing law rather than departing from it by decision. This rule is not an adjudicatory departure from circuit precedent; it is a legislative rule, adopted through notice-and-comment procedures under an express statutory grant, 5 U.S.C. 1204(h), revising the Board's own methodology on a question the statute leaves to the Board. When the legal framework itself lawfully changes, the court reviews Board decisions under the new framework; prior decisions applying the superseded framework do not freeze it in place.

Miller itself illustrates the distinction: the Federal Circuit there held that the Board, when adjudicating, was not free to disregard circuit precedent that had adopted an interpretation the Board itself first developed. It did not address, much less foreclose, revision of the Board's decisional methodology through a duly promulgated legislative rule. Nor does the Board read the Federal Circuit's decisions as having independently adopted the twelve-factor enumeration as a construction of 5 U.S.C. 7513 or 7701 that binds the Board in rulemaking. What the court has adopted and enforced as its own precedent are the substantive boundaries of penalty review—deference to the agency's primary discretion, bounded by the tolerable limits of reasonableness and policed through abuse-of-discretion review—and this rule codifies those boundaries rather than departing from them. And *Connor* v. *Department of Veterans Affairs,* 8 F.4th 1319 (Fed. Cir. 2021)—the decision commenters cite as applying *Douglas* notwithstanding a subsequent express statute—construed a distinct statutory scheme, the expedited removal authority Congress enacted for a single department (the Department of Veterans Affairs) at 38 U.S.C. 714, and addressed the role of the *Douglas* factors under that scheme in the absence of any regulation or other applicable case law on the question; it did not hold that chapter 75 or chapter 77 mandates the twelve factors as against a duly promulgated Board regulation.

Third, the Board acknowledges—as it must—that the validity of this rule, and of Board decisions applying it, will be subject to judicial review under 5 U.S.C. 7703. The Board has concluded that the rule is within its authority and consistent with statute and precedent for the reasons stated here, and it has structured the rule to codify, rather than displace, the substantive principles the Federal Circuit has enforced. Should the court conclude otherwise in any respect, the Board will of course conform its adjudications to the court's rulings. In the interim, the rule reduces rather than creates tension with circuit precedent: it leaves untouched every holding enforcing the substantive limits of penalty review, and it withdraws only a decisional template the court itself has repeatedly described as non-mandatory. *See Nagel,* 707 F.2d at 1386; *Kumferman* v. *Dep't of the Navy,* 785 F.2d 286, 291 (Fed. Cir. 1986); *Davis* v. *U.S. Postal Serv.,* 487 F. App'x 571, 576 (Fed. Cir. 2012) (holding that the Board need not expressly address every factor in every decision).

IV.6. Due Process and Access to Judicial Review

Comment: Commenter 0626 argued that broad discretionary standards without clearly articulated limits may make court review more difficult, invoking Supreme Court decisions reflecting a principle that personnel systems should be predictable and capable of meaningful judicial review. Commenters 0629 and 0656 invoked employees' constitutional due process rights, including the pre-deprivation protections recognized in *Cleveland Board of Education* v. *Loudermill,* 470 U.S. 532 (1985). Commenter 0654 likewise invoked *Loudermill* and *Arnett* v. *Kennedy,* 416 U.S. 134 (1974), and argued that the predictability on which *Loudermill*'s due-process framework depends rests on the assumption that a reviewing body's assessment of an adverse action can be meaningfully tested against ascertainable standards—an assumption the commenter contended an undefined discretionary standard undermines even though the nominal right of Board review is retained. Commenters 0014, 0062, 0088, 0121, 0292, 0314, and 0370 likewise invoked due process and the right of employees to defend themselves.

Response: This rule does not touch any of the interests those authorities protect. The mixed-case decisions Commenter 0626 cites concern the forum for judicial review; nothing in this rule alters the Board's jurisdiction, mixed-case procedures, or the routing of judicial review, and those decisions remain fully applicable. *Loudermill* concerns the pre-deprivation process due a tenured public employee—notice of the charges, an explanation of the evidence, and a meaningful opportunity to respond before the deciding official. Those protections arise from 5 U.S.C. 7513(b) and from the Constitution, are administered through agency-level procedures, and are not amended by this rule. Indeed, as noted above, the rule expressly leaves intact the case law requiring that aggravating factors relied upon for the penalty be identified in the advance notice, on pain of reversal on due process grounds. 91 FR at 40455.

As for meaningful judicial review, the codified standard is at least as reviewable as its predecessor: the Board's decisions will identify the circumstances found material, weigh them on the record, and explain why the penalty does or does not fall within the tolerable limits of reasonableness, and the Federal Circuit will review those decisions under the unaltered standards of 5 U.S.C. 7703(c). Commenter 0654's argument fares no better. *Loudermill* and *Arnett* concern the pre-deprivation process due before an adverse action is taken—notice of the charges, an explanation of the evidence, and a meaningful opportunity to respond—and, as stated above, those protections are unaltered by this rule. To the extent the commenter's argument concerns the standards governing post-deprivation review, the codified standard supplies ascertainable standards: the tolerable-limits-of-reasonableness inquiry the Federal Circuit has policed for four decades, the agency's unchanged burden of proof under 5 U.S.C. 7701(c)(1)(B), and reasoned, record-based Board decisions subject to judicial review under 5 U.S.C. 7703(c).

These conclusions answer as well the similar due-process objections of commenters 0014, 0062, 0088, 0121, 0292, 0314, and 0370: the pre-deprivation protections of notice, an explanation of the evidence, and a meaningful opportunity to respond arise from the Constitution and 5 U.S.C. 7513(b) and are unaltered by this rule, and post-deprivation review before the Board and the courts continues under unchanged burdens of proof and standards of judicial review.

IV.7. The Claim That the Rule Will Increase Litigation and Reversals

Comment: Commenter 0634 predicted that, absent identified factors, managers and administrative judges will either recreate *Douglas* under different labels or proceed without a shared method, producing reversals for arbitrary and capricious decision-making; commenters 0667, 0656, 0427, and 0647 predicted increased litigation, less

consistency, and poorly reasoned decisions; commenter 0435 predicted a higher likelihood of successful litigation challenges; and commenter 0629 argued that without delineated factors the Federal Circuit would be required to review every penalty more searchingly, opening the door to challenges. Commenters 0027 and 0345 predicted that removals under the revised standard will be undone in litigation; commenter 0496 argued that discarding a framework around which forty-five years of precedent has developed ''resets the litigation clock rather than reducing it''; and commenter 0665 argued that the rulemaking supplies no cost estimate for the foreseeable litigation over what the totality standard requires.

Response: The Board expects the opposite, for reasons already stated: the rule removes an entire category of appellate issues—whether each factor was recited, addressed, and adequately weighted—that today consumes party and adjudicator resources without advancing the statutory inquiry. The Board also notes that the standard it is codifying is not novel to the reviewing court: the tolerable-limits-of-reasonableness formulation is the one the Federal Circuit has policed for four decades, and the abuse-of-discretion and gross-disproportion limits the court enforces are unchanged.

The Board's own historical data, submitted by commenter 0647 and discussed in the Statement of Need in Section IX.1, corroborate this expectation: mitigation outcomes have been rare and stable for decades because they turn on substantive reasonableness, which this rule leaves in place. To the extent an initial period of precedent-building accompanies any doctrinal refinement, the Board is confident that its published decisions will supply guidance sufficiently rapidly, as they did in the years following *Douglas* itself. And to the extent commenters predict that adjudicators will continue to find familiar *Douglas* considerations material in many cases, the Board does not regard that as a defect: those considerations are often material. The point of this rule is that their consideration follows from the record, not from a mandatory template.

Commenter 0496's litigation-clock argument, and commenter 0665's related cost objection, are answered by the same points and in Section IX.3. The codified formulation is not a new test whose meaning must be constructed from nothing: it is the tolerable-limits-of-reasonableness standard the Federal Circuit has policed for four decades, together with the *Devall* mitigation framework, both carried forward with their existing case law intact. Precedent applying the substantive limits of penalty review retains its force; what is retired is the litigation of recitation, not the law of reasonableness.

IV.8. The Prediction That Informal Frameworks Will Persist Without Transparency

Comment: Commenter 0625 predicted that removing codified frameworks will not eliminate their use in practice: because the possibility of appeal remains, human resources and legal offices will continue to develop and apply their own informal, *Douglas*-like checklists and penalty aids—but without the transparency, consistency, and accountability that come from codified frameworks—making the application of performance-based and adverse actions more opaque and more variable across agencies. The commenter also observed that large, multi-layered agencies with thousands of supervisors need some shared framework to promote consistent, defensible decisions, and that unstructured discretion is workable only in small organizations.

Response: This rule governs the standard the Board applies on review. The transparency and accountability the commenter values are supplied at that stage by public, codified, and reviewable materials that this rule leaves in place or creates: the codified review standard and mitigation framework in § 1201.56; the due-process requirement that aggravating factors be identified in the advance notice; the record on appeal; and the Board's decisions. Cross-agency consistency is policed by a single codified standard of review applied by one national adjudicator and reviewed by one court.

IV.9. Request To Exclude Federal Law-Enforcement Personnel or To Prescribe Factors for Law-Enforcement Appeals

Comment: Commenter 0443, which expressed support for the proposed rule's stated objectives, requested that covered federal law-enforcement personnel be excluded from the rulemaking's amendments—including the amendment to 5 CFR part 1201—and that the Board retain *Douglas*-based penalty review in appeals under 5 U.S.C. 7513 involving such personnel. In the alternative, the commenter requested that the final rule expressly require the Board to consider, in law-enforcement appeals, the officer's operational circumstances, prior record, notice of the governing standard, consistency of penalty, intent, and rehabilitation potential. The commenter emphasized that law-enforcement duties—arrests, citations, crowd control, and use of force—predictably generate public complaints, including complaints that are ultimately unsubstantiated; that penalty procedures applicable to officers must preserve the ability to distinguish proven misconduct from good-faith operational judgment exercised under rapidly evolving conditions; and that a general totality standard, particularly in combination with OPM's proposed provisions on penalty tables and comparators, may reduce transparency and produce inconsistent outcomes among similarly situated officers. The commenter also requested, at a minimum, a separate law-enforcement impact analysis before the rule is applied to those workforces. Other commenters serving in or representing law-enforcement and correctional workforces raised similar concerns (commenters 0119, 0239, 0299, 0324, 0349, 0357, 0394, 0397, 0401, 0403, 0404, 0423, 0441, 0648, and 0655), emphasizing the operational realities of policing and corrections, the volume of complaints those environments generate, and the risk of inconsistent or command-influenced discipline; several also addressed OPM's proposed provisions, and those portions of their comments are referred to OPM.

Response: The Board declines to adopt an occupational exclusion from § 1201.56(b)(3) or to codify a mandatory factor list applicable to a subset of appeals. A single standard of review, applied by one national adjudicator and reviewed primarily by one court, is itself a structural guarantor of the consistency the commenter seeks; fragmenting the standard by occupation would multiply the boundary and classification disputes the commenter's own proposed definitions illustrate, and a codified mandatory list for one workforce would reintroduce, for that workforce, the compulsory-checklist dynamic described in Sections IX.1 and IX.5. The Board is confident, however, that the substance of the commenter's concerns is accommodated by the codified standard.

Every consideration the commenter identifies—the operational context in which the conduct occurred; the distinction between proven misconduct and good-faith operational judgment exercised under dangerous, rapidly changing conditions; the officer's record; the clarity of the standards the officer was expected to meet; intent; the consistency of the penalty with penalties imposed on similarly situated officers; and rehabilitative potential—is a circumstance bearing on the

reasonableness of the penalty, remains fully cognizable under the totality of the circumstances, and, where the record makes it material, must be weighed.

So too the commenter's observation that policing predictably generates complaints, including unsubstantiated ones: the codified standard operates on charges the agency has proven by preponderant evidence, not on the existence or volume of complaints, and the distinction between sustained misconduct and unsubstantiated allegation is preserved in full. Comparator evidence—including, where the record supports its materiality, evidence concerning officers in comparable commands, districts, or operational units—remains relevant, as stated in Section IV.2. The same response applies to the other law-enforcement and correctional commenters identified above: every operational consideration they identify remains cognizable under the totality of the circumstances, the codified standard operates only on charges proven by preponderant evidence, and relevant comparator evidence remains admissible in Board proceedings.

IV.10. The ''Conscientious Consideration'' Formulation and the Standard of Judicial Review

Comment: Commenter 0430 argued that proposed § 1201.56(b)(3) adopts the second half of *Douglas's* operative sentence—review of the penalty for whether it is within ''tolerable limits of reasonableness''—while deleting the first half, under which the Board's review is ''essentially to assure that the agency did conscientiously consider the relevant factors,'' and that a boundary without a metric bounds nothing; the commenter requested that any final rule codify both halves of the sentence. The commenter further argued that under *Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369 (2024), courts exercise independent judgment on questions of statutory meaning; that the *Douglas* framework is the Board's contemporaneous and consistent construction of the efficiency-of-the-service standard, of the kind that carries persuasive weight; and that the Board is discarding its most durable construction of the statutes it administers in favor of a position taken for the first time in this rulemaking. Commenter 0509 similarly argued that the proposal keeps ''reasonableness'' while discarding the analysis that gives it meaning, and commenters 0478 and 0622 likewise invoked *Loper Bright* and the end of judicial deference to agency interpretations of statutes.

Response: The Board declines to add the requested clause to the regulatory text, but it rejects the premise that the omission authorizes penalty decisions unmoored from the relevant considerations. The agency bears the burden of proving, by preponderant evidence on the whole record, that its penalty is reasonable. A penalty determination that is unexplained, rests on facts the record does not support, or ignores material record evidence—including significant mitigating circumstances—is not within the tolerable limits of reasonableness and risks mitigation or reversal; Sections IV.1, IV.5, and V so confirm, and the Federal Circuit's abuse-of-discretion precedent, which this rule codifies rather than displaces, so requires. The obligation of conscientious, record-based decision-making therefore survives in full. What the Board declines to codify is a formulation that four decades of experience shows is understood in practice as commanding a factor-by-factor demonstration—the very understanding this rule is designed to correct. Reasoned consideration of what the record makes material is required; recitation of an enumerated list is not; and the difference between the two is the point of this rulemaking.

As to Loper Bright: the Board agrees that courts will exercise independent judgment in reviewing this rule, but the commenter's framing mistakes what the rule decides. The statutory content of chapter 75 penalty review is not in dispute and is not changed: the action must be taken only for such cause as will promote the efficiency of the service; the agency must prove its case, including the reasonableness of its penalty, by preponderant evidence; and the Board's decisions are reviewed by the courts under 5 U.S.C. 7703(c).

What this rule addresses is the Board's own decisional methodology for applying that standard—whether reasonableness review must be organized around an enumerated advisory list. That methodology is committed to the Board by 5 U.S.C. 1204(h) and 7701; the Board created it by adjudication in 1981, and it may revise it by rulemaking in 2026, as Section IV.4 explains. And to the extent longevity confers persuasive force on the Board's constructions, the construction that has endured—and that this rule codifies—is *Douglas's* actual standard of review: deference to the agency's primary discretion, bounded by the tolerable limits of reasonableness.

The compulsory twelve-factor application the commenter defends is not a construction *Douglas* announced; it is the practice *Douglas* warned against, *Nagel* rejected, and this rule corrects. Finally, the Board has considered the commenter's argument that codifying *Nagel*—retaining the enumerated list with a codified anti-mechanical disclaimer—is the obvious alternative within the ambit of the existing policy. Section IX.5 explains why the Board concludes that course would re-entrench the perceived obligation this rule dispels: *Douglas* and *Nagel* both contained the disclaimer, and four decades of disclaimed practice nonetheless produced the checklist regime the record describes.

These conclusions answer the parallel arguments of commenters 0509, 0478, and 0622. The obligation of reasoned, record-based consideration that gives the reasonableness standard its content survives in full, as stated above; and because the rule revises the Board's own decisional methodology rather than construing ambiguous statutory text, the demise of judicial deference to agency statutory interpretation does not undermine it—the courts will review the rule, and Board decisions under it, exercising their own judgment, and the Board is confident in the rule's validity for the reasons stated in Sections IV.4 and IV.5.

IV.11. Due Process Notice and the Administrability of Penalty Review

Comment: Commenter 0430 argued that the *Douglas* factors are what make administrable the constitutional notice obligation recognized in *Stone* v. *FDIC,* 179 F.3d 1368 (Fed. Cir. 1999), and *Ward* v. *United States Postal Service,* 634 F.3d 1274 (Fed. Cir. 2011): a shared, finite vocabulary in which agencies draft the penalty portion of proposal notices, employees frame replies, and the Board audits whether a decision strayed beyond the noticed grounds. If no factors are required, the commenter asked, what must the proposal notice? The commenter predicted that agencies will either continue noticing aggravating considerations with the same specificity as today—in which case the rule changes nothing—or allow notices to degrade into totality boilerplate while deciding officials reach for un-noticed considerations, producing a wave of automatic due-process reversals at the expense of agencies and employees alike.

Response: The question the commenter poses has a settled answer, and this rule does not change it: the advance notice must identify the charges and the aggravating factors on which the agency intends to rely in selecting its penalty, in sufficient detail to give the employee a fair and meaningful opportunity to respond

before the deciding official, and a decision that rests on new and material information not so noticed—whether bearing on the charge or on the penalty—violates due process and will be reversed.

That obligation was never keyed to the *Douglas* taxonomy. It is keyed to the information the deciding official actually considers: an agency has never been required to notice all twelve factors, and it has never been permitted to rely on an un-noticed aggravating consideration merely because that consideration could be sorted under one of them. Nothing in this rule alters those requirements, and Sections IV.3 and VIII expressly preserve them. The commenter's dilemma is therefore a false one. Agencies must continue to disclose, in the advance notice, the considerations on which the penalty will rest—with or without an enumerated review framework—and a deciding official who reaches beyond the notice courts reversal after this rule exactly as before it. What changes is not the notice obligation but the review of the decision: the Board will ask whether the penalty is reasonable on the whole record and consistent with the noticed grounds, not whether the decision letter recited an enumerated list. The Board expects agencies to respond to this rule the way careful litigants respond to any codified standard—by proving their noticed case—and the Board's adjudications will continue to enforce the due-process boundary without exception.

IV.12. Arbitration of Chapter 75 Actions Under 5 U.S.C. 7121(e)(2)

Comment: Commenter 0430 argued that the NPRM did not address arbitration; that under 5 U.S.C. 7121(e)(2), an arbitrator resolving a grievance over a matter covered under 5 U.S.C. 4303 or 7512 shall be governed by 5 U.S.C. 7701(c)(1); and that under *Cornelius* v. *Nutt,* 472 U.S. 648 (1985), Congress intended arbitrators to apply the same substantive standards the Board would apply, to promote consistency and prevent forum shopping. The commenter contended that the rule therefore either silently rewrites the review standard applied in every negotiated grievance procedure in the government or produces divergent review of identical removals depending on the forum in which they are challenged—the inconsistency, in the commenter's view, that the rule claims to cure. From the opposite direction, Commenter 0631, an individual federal employee commenting in their personal capacity, argued that arbitrators treat the *Douglas* factors as binding criteria and frequently mitigate removals that do not exactingly conform to the twelve-factor test—making it difficult, in the commenter's experience, to remove bargaining unit employees who commit serious misconduct—and urged that the rule be finalized quickly precisely because the codified standard would bind arbitrators.

Many other commenters addressed the rule's operation in negotiated grievance and arbitration procedures from both directions (commenters 0059, 0061, 0445, 0453, 0456, 0459, 0497, 0498, 0499, 0503, 0511, 0541, 0563, 0574, 0635, 0638, 0641, 0643, and 0668), several arguing that arbitrators, unions, and agencies rely on the *Douglas* framework to evaluate and resolve disciplinary disputes and that its retirement will disrupt settled grievance practice. Commenter 0066 argued that arbitrators would be stripped of a useful analytical tool in evaluating adverse actions under just-cause provisions that parallel the efficiency-of-the-service standard.

Response: Congress commanded substantive parity between the Board and arbitrators in covered matters, and this rule maintains that parity. The standard codified at § 1201.56(b)(3) is, upon its applicability, the substantive standard governing the Board's review of penalty reasonableness in appeals within its scope; under 5 U.S.C. 7121(e)(2) as construed in *Cornelius,* an arbitrator adjudicating a grievance over a matter that could have been appealed to the Board applies the same substantive standards the Board would apply. The parity command thus carries the codified standard into arbitration by operation of the statute—just as it has carried the Board's substantive case law into arbitration for four decades—and the forum divergence the commenter predicts does not arise.

The same statutory parity answers Commenter 0631: upon its applicability, the standard codified in § 1201.56(b)(3) is the substantive standard an arbitrator must apply in resolving a grievance over a matter that could have been appealed to the Board, as discussed further in Sections VII and IX.1. Consistent with the applicability statement described in Sections VIII and IX.6, the Board expects the codified standard to operate in arbitration on the same prospective basis on which it operates before the Board: a matter that would be adjudicated under the prior framework had it been timely appealed to the Board should be adjudicated under that framework in arbitration. The Board acknowledges that it does not administer negotiated grievance procedures, and nothing in this rule purports to regulate arbitral procedure or the content of collective bargaining agreements.

The additional arbitration comments identified above are answered by the parity principle stated in this section: in covered matters, the substantive standard an arbitrator must apply is the standard the Board would apply, and the codified standard—including the continued relevance of every consideration the record makes material—will operate in arbitration exactly as it operates before the Board, on the same prospective basis. Arbitrators are no more stripped of analytical tools than the Board is: the considerations identified in *Douglas* remain available wherever the record makes them material; what may no longer be treated as dispositive is an agency's failure to recite an enumerated list.

IV.13. Scope of Paragraph (b)(3): Appeals Under 5 U.S.C. 7513

Comment: Commenter 0430 observed that proposed § 1201.56(b)(3)(i) applies only to appeals filed under 5 U.S.C. 7513, and argued that the proposal is silent on the standard governing penalty review in Senior Executive Service actions under 5 U.S.C. 7543 and in other categories of penalty review outside § 7513—a gap the commenter contended the final rule must either explain or close. Commenter 0570, an association representing Foreign Service employees, asked that the final rule confirm that the rule does not govern or bind review of Foreign Service disciplinary and adverse actions by the Foreign Service Grievance Board; that it imposes no obligation on the Department of State to conform the Foreign Affairs Manual's disciplinary-factors framework (3 FAM 4370 *et seq.*) to the totality-of-the-circumstances approach; and that any such conformance remains governed by the labor-management provisions of the Foreign Service Act, 22 U.S.C. 4101 *et seq.,* rather than compelled by this rule.

Response: The limitation is intentional, and the Board explains it here rather than expand the rule beyond what was proposed. Paragraph (b)(3) codifies the Board's penalty-review standard for the category of appeals in which penalty review is most frequently litigated—adverse actions taken under 5 U.S.C. 7513. For appeals outside that scope, existing law continues to govern, unchanged by this rule. In appeals of performance-based actions under 5 U.S.C. chapter 43, the Board does not review the agency's choice of penalty because it lacks authority to mitigate chapter 43 actions. In other appeals in which the Board reviews the

reasonableness of a penalty, including actions taken against members of the Senior Executive Service under 5 U.S.C. 7543, the Board's existing precedent continues to apply unless the Board in the future holds otherwise, either via regulation or case law.

The limitation also reflects the materially different statutory scheme chapter 75 creates for the Senior Executive Service. Actions against senior executives proceed under subchapter V rather than subchapter II: the covered class is defined separately and more narrowly, 5 U.S.C. 7541; the covered actions are only removal and suspension for more than 14 days, 5 U.S.C. 7542, so both the penalties available to the agency and the penalties to which any mitigation could run are more limited than in actions under 5 U.S.C. 7512; and the governing cause standard is not ''such cause as will promote the efficiency of the service,'' 5 U.S.C. 7513(a), but the enumerated grounds of ''misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function,'' 5 U.S.C. 7543(a).

Paragraph (b)(3) is drafted against the architecture of subchapter II: its totality inquiry is keyed to the efficiency of the service, and its mitigation framework presupposes the range of actions covered by 5 U.S.C. 7512. A counterpart standard for executive appeals would accordingly require conforming provisions—among them, keying review to the cause standard of 5 U.S.C. 7543(a) and confining any mitigated penalty to an action authorized by 5 U.S.C. 7542—and would need to account for executive actions that carry no Board appeal at all, such as removal from the Senior Executive Service for less than fully successful executive performance under 5 U.S.C. 3592, for which the statute provides an informal hearing rather than an adjudication. Those design questions were not presented in the NPRM, and the Board does not resolve them here. The Board may consider, in adjudication or in a future rulemaking, whether the standard codified in paragraph (b)(3) should be extended to additional categories of appeals.

The Board confirms the scope limitation that commenter 0570 identifies. This rule amends 5 CFR 1201.56, which governs proceedings before this Board, and paragraph (b)(3) applies only to appeals filed with the Board under 5 U.S.C. 7513. The rule does not (and could not) amend the Foreign Service Act of 1980, does not govern or bind the Foreign Service Grievance Board or its review standards, and imposes no obligation on the Department of State or any other agency to conform internal disciplinary guidance, including 3 FAM 4370 *et seq.,* to the standard codified here. Whether and how an employing agency revises its internal guidance, and any labor-management obligations attending such revisions under 22 U.S.C. 4101 *et seq.,* are matters outside the scope of this rule, on which the Board expresses no view. Commenter 0066's related argument concerning Senior Executive Service legislation is addressed in Section IV.4 and is consistent with the scope limitation explained above: actions against senior executives proceed under a materially different statutory scheme, which is among the reasons paragraph (b)(3) is confined to appeals under 5 U.S.C. 7513.

IV.14. The Factor-by-Factor Submission

Comment: In response to the NPRM's request for comment on whether the Board should retain all or some of the *Douglas* factors, Commenter 0430 submitted a factor-by-factor analysis urging retention of all twelve. For each factor, the commenter identified the protection it supplies and a recurring failure mode it answers, supported by Board and Federal Circuit precedent and by illustrative composites drawn from practice: seriousness established by adjectives rather than facts, and zero-tolerance policies treated as removal mandates (factor 1); ''position of trust'' recitals for positions carrying no special trust (factor 2); reliance on prior discipline that was un-noticed, unreliable, withdrawn, or expired (factor 3); conversion of long service and a clean record into an aggravator (factor 4); conclusory loss-of-confidence testimony contradicted by the agency's own conduct, such as an intervening promotion or months of unrestricted duty (factor 5); materially different penalties for substantially similar conduct in the same unit under the same deciding official (factor 6); unexplained departure from the agency's own penalty guidance (factor 7); presumed rather than proven notoriety (factor 8); punishment for violating rules of which the employee lacked fair notice, including openly condoned practices (factor 9); treating an employee's denial of the charge or exercise of appeal rights as evidence of poor rehabilitative potential (factor 10); failure to weigh medical or other mitigating circumstances causally linked to the conduct (factor 11); and removal by default, without consideration of whether a lesser sanction would serve the agency's interest (factor 12). The commenter argued that the factors are the accumulated memory of what fairness requires, and that a totality standard under which no particular set of factors must be considered is the phrase without the memory.

Response: The Board specifically requested this form of comment, and it has considered the submission factor by factor. Its answer, considered against each of the twelve, is the same, because the submission's premise is that the protections it catalogs exist by virtue of the enumerated list. They do not. Each is a substantive principle of reasoned, record-based penalty review, and each survives this rule where the circumstances of a particular case present it, for reasons this preamble makes explicit.

It bears emphasis at the outset, however, that what follows describes how these principles operate when a case fairly raises them—it does not reconstitute, under another name, a list that every penalty decision must traverse. Under the codified standard no consideration, enumerated or otherwise, must be addressed in every case; which principles bear on a given penalty, and with what weight, depends on the circumstances of the case and the record the parties make. A penalty may not rest on assertion: seriousness, loss of trust or confidence, notoriety, and reputational harm, when the agency relies on them, are facts the agency must prove, because the agency bears the burden of proving the reasonableness of its penalty by preponderant evidence, and a penalty resting on facts the record does not support is an abuse of discretion (factors 1, 2, 5, and 8). Aggravating considerations on which the agency relies, including prior discipline, must be identified in the advance notice so the employee can respond, on pain of reversal on due process grounds; and the reliability, recency, finality, and similarity of a prior action offered in aggravation remain subject to challenge and bear directly on the weight it can carry (factor 3; Sections IV.3 and IV.11). Length of service, a clean record, demonstrated rehabilitation, and mitigating circumstances causally connected to the conduct remain, where the record presents them, mitigating considerations entitled to the weight the record earns them; material mitigating evidence cannot be passed over in silence; and an employee's lawful denial of a charge, or exercise of the right to appeal, may not be treated as evidence of poor rehabilitative potential (factors 4, 10, and 11; Sections IV.1 and IV.10).

Evidence that similarly situated employees received materially different

penalties for substantially similar conduct remains potentially relevant, and an agency that knowingly and unjustifiably treats employees differently may find that fact weighed against the reasonableness of its penalty (factor 6; Section IV.2). Where an agency maintains penalty guidance, an unexplained departure from its own guidance in the case at hand may bear on the reasonableness of the penalty under the totality of the circumstances (factor 7; the Board returns to this factor at the close of this response). Fair notice of the rule assertedly violated, and evidence that the charged practice was known to and tolerated by the agency, remain circumstances the Board will weigh in a case that raises them (factor 9). And because the question under the codified standard is whether the chosen penalty—not merely some penalty—is within the tolerable limits of reasonableness, a record showing that the deciding official gave no consideration to whether a lesser sanction would serve the efficiency of the service remains exactly the kind of record on which a penalty fails (factor 12).

A fuller explanation is warranted with respect to factor 7—''consistency of the penalty with any applicable agency table of penalties,'' *Douglas,* 5 M.S.P.R. at 305–06—because that factor illustrates with particular clarity why the Board will no longer prescribe a fixed set of considerations that must be addressed in every case. The factor presupposes an instrument that need not exist. A table of penalties is internal agency guidance: it is adopted without notice and comment, is ordinarily self-described as advisory and non-exhaustive, and may be revised or rescinded at any time; many agencies maintain no table, and some that once did have rescinded theirs. A mandatory factor keyed to ''any applicable'' table therefore makes the required content of a penalty analysis turn on the fortuity of whether such a document exists at a given agency at a given time—and, where one does exist, elevates internal guidance into a quasi-regulatory benchmark that no statute prescribes and that the guidance's own drafters typically disclaim. The Board's adjudicatory experience is that mandatory consideration of the factor has generated collateral disputes remote from the statutory question: litigation over which row of a table an offense occupies, whether conduct constitutes a first or a second offense, and how overlapping offense categories interact—questions about the construction of guidance rather than about whether the penalty chosen is within the tolerable limits of reasonableness on the record made.

Tables of penalties can also disserve the individualized judgment the statute requires. A table's ranges attach to offense labels rather than to circumstances, and ranges keyed to labels invite decision by label: the operative penalty judgment migrates upstream into the drafting and selection of charges, and a deciding official who locates the applicable row and stays within the printed range may treat the analysis as complete even though the statutory question—whether this penalty, for this employee and this conduct, promotes the efficiency of the service—has not been asked. Tables ossify as missions, workplaces, and forms of misconduct change, embedding judgments about relative seriousness that may be decades old. Because each agency's table is its own, substantially similar conduct can carry materially different prescribed ranges from one agency to the next, so that fidelity to a table may produce the appearance of consistency within an agency while entrenching unexplained variation across the government. And treating whatever guidance an agency adopts as a mandatory benchmark in litigation creates incentives that run against sound management: an agency can insulate itself by rescinding useful guidance, or by draining it of content through ranges that run from reprimand to removal for every offense—outcomes that serve neither employees nor agencies.

An unexplained departure from the agency's own guidance, or its uneven application among similarly situated employees, may be weighed, as stated above, in determining whether a penalty is within the tolerable limits of reasonableness. What the rule removes is the obligation to address a table in every case—including the many cases in which no table exists, and those in which the table adds nothing the record does not already supply. The Board expresses no view here on OPM's separate proposals concerning agency tables of penalties, which OPM addresses in its own final rule.

IV.15. Structural Objections to the Joint Rulemaking

Comment: Commenter 0430 argued that this is, to public knowledge, the first joint OPM–MSPB rulemaking of its kind; that Congress deliberately separated OPM's workforce-management function from the Board's adjudicatory and oversight functions; that the rule relaxes the Board's own scrutiny of the personnel actions OPM superintends; and that when the adjudicator announces in advance, in a rulemaking co-authored with the entity whose actions it reviews, that it will extend substantial deference and require no particular considerations, deference becomes surrender.

Response: These arguments restate the structural and prejudgment objections addressed in Section VI, and the Board incorporates that discussion here, adding two observations. First, the standard codified in this rule is not OPM's preferred standard adopted by the Board; it is the Board's own standard—the deference formulation and the tolerable-limits-of-reasonableness boundary announced in *Douglas* and enforced by the Federal Circuit for four decades—proposed by the Board under its own statutory authority and finalized by the Board in this separate, Board-only document on its own analysis.

Second, the premise that the rule relaxes scrutiny is answered throughout this preamble: the agency's burden of proof, the affirmative defenses, the Board's mitigation authority, and reasoned-decision review under 5 U.S.C. 7703(c) are unchanged, and Section V states expressly that an unexplained, unsupported, or grossly disproportionate penalty will not be sustained. The Board's decision to finalize only its own proposal, under its own title and on its own timetable, is itself an exercise of the independence the commenter urges the Board to maintain.

IV.16. Additional Objections to the Review Standard and to the Regulatory Analysis

Comment: Commenter 0676, styling its submission as a formal evidentiary submittal and legal brief, argued that the proposed rule is arbitrary and capricious, exceeds statutory rulemaking authority, and fails the analytical standards of E.O. 12866 and OMB Circular A–4. As relevant to the Board's rule, the commenter argued that retiring the *Douglas* factors in favor of what it characterized as an unguided totality standard removes essential guardrails ensuring that aggravating and mitigating circumstances are weighed impartially; invites arbitrary and inconsistent penalty application across supervisors and work units; would make it impossible for agencies to prove by preponderant evidence that a penalty promotes the efficiency of the service; and deprives administrative judges and litigants of objective standards, in violation of reasoned-decisionmaking requirements. The commenter demanded answers to a series of

questions, including what objective, replicable evidentiary standard administrative judges will use to evaluate penalty reasonableness under the totality standard and how disparate penalty impositions across regional offices will be prevented. It proposed, as an alternative, that the Board retain the *Douglas* factors as non-binding analytical guideposts, with explicit instructions against rigid, mechanical box-checking, alongside streamlined penalty matrices. The commenter also argued that the rulemaking's economic analysis undercounts secondary litigation, EEO, and arbitration costs and fails the net-benefits directives of E.O. 12866 and Circular A–4.

Response: The commenter's objections to the review standard restate the vagueness, consistency, and reasoned decision-making arguments addressed in Sections IV.1, IV.2, IV.4, and IV.10, and the Board incorporates those responses here. The commenter's proposed alternative—retention of the factors as non-binding guideposts accompanied by an anti-mechanical instruction—is the alternative the Board expressly considered and declined for the reasons stated in Sections IX.5 and IV.10: it is, in substance, the regime *Douglas* and *Nagel* themselves announced, and four decades of experience demonstrate that an enumerated list gravitates toward compulsory-checklist status in practice notwithstanding disclaimers. The Board has therefore evaluated the commenter's proposed alternative on the record and explained its reasons for not adopting it, which is what reasoned decision-making requires.

To the commenter's specific question—what standard the Board's administrative judges will apply—the answer is the one codified in § 1201.56(b)(3) and elaborated throughout this preamble: whether the agency has proven, by preponderant evidence on the whole record, that its chosen penalty is within the tolerable limits of reasonableness in light of the totality of the circumstances relating to the efficiency of the service. That standard is objective in the way legal standards are objective: it is applied to record evidence, in reasoned written decisions, subject to review by the full Board and by the federal courts under 5 U.S.C. 7703(c), and its uniform application across the Board's regional offices is secured by published, precedential Board decisions and a primary reviewing court, as discussed in Sections IV.1 and IV.7.

The premise that the standard makes it impossible for agencies to carry their burden is mistaken for the reasons stated in Section IV.2: the codified inquiry is the same tolerable-limits inquiry the Federal Circuit has policed for four decades, under the same burden of proof, and agencies have carried that burden throughout. The commenter's economic objections are addressed in Section IX: the cost projections in the joint NPRM's regulatory analysis are attributable to OPM's proposed amendments and are addressed in OPM's final rule, and Section IX explains why the Board's own amendment imposes no more than de minimis costs and yields benefits that exceed them.

IV.17. Comments From Members of Congress Concerning Workforce Impacts and National Security

Comment: Commenter 0642, a letter from three United States Senators and three Members of the House of Representatives who represent the civilian workforce at the Portsmouth Naval Shipyard, urged that the proposed rule be withdrawn and that the agencies consider alternatives that preserve federal workers' longstanding civil service protections. The commenters argued that the rule would weaken protections that promote merit-based employment, due process, and the recruitment and retention of skilled workers; that replacing the consistent standards applied since *Douglas* with an arbitrary, case-by-case examination could allow agencies to ignore important mitigating factors—including rehabilitation potential and length of service—and more easily remove skilled workers from critical industries; and that, at a shipyard that must hire hundreds of workers annually to meet the Navy's demand, stripping away the procedures that keep discipline fair introduces costly unpredictability, risks increased attrition in the experienced workforce that keeps the submarine fleet ready, and thereby threatens national security. The commenters also objected to the proposed 30-day limit on performance improvement periods, to making termination the default penalty for unacceptable performance, and to barring the use of official time to represent workers in removal proceedings.

Response: The Board has given respectful consideration to the views of the Members of Congress. The concerns directed to the Board's amendment—that a totality standard permits mitigating considerations to be ignored—are answered in Sections IV.1 and IV.2 and throughout this preamble: rehabilitation potential, length of service, past record, and consistency with the treatment of similarly situated employees remain relevant and cognizable wherever the record makes them material; material mitigating evidence cannot lawfully be passed over in silence; the agency continues to bear the burden of proving the reasonableness of its penalty by preponderant evidence; and the Board retains, and has codified, its authority to mitigate penalties that exceed the tolerable limits of reasonableness. Nothing in the Board's amendments authorizes, requires, or makes more likely any performance-based or adverse action; it governs only the standard of review the Board applies in appeals properly before it, and, for the reasons stated in Sections IX.1 through IX.4, the Board expects outcomes to continue to turn on substantive reasonableness. A review standard under which unexplained, unsupported, or disproportionate penalties will not be sustained protects, rather than threatens, the retention of a skilled workforce.

V. Codification of the Devall Framework, Deference, and Mitigation Authority

Comment: Commenter 0626 expressed concern with the proposed rule's statement that the Board will defer to an agency's penalty analysis rather than conducting an independent review, arguing that if the Board simply accepts the agency's analysis, its function shifts from independent adjudicator to reviewer of process. Commenter 0667 observed that an agency's decision already carries substantial weight in a Board appeal unless clearly beyond the bounds of reasonableness, and argued the rule removes standards essential to the Board's system.

Commenter 0427 argued that the proposed standard is designed to leave the Board as little more than a rubber stamp for agency disciplinary decisions, and that *Douglas* rests on Congress's intent that the Board function in an independent, quasi-judicial role applying de novo review. Commenter 0435 urged that the final rule preserve the Board's long-standing authority to review the reasonableness of a penalty and, where warranted, to mitigate it, and that the rulemaking not be used to constrain that authority. Commenter 0629 argued that the proposed codification of *Lachance* v. *Devall* is not a comprehensive statement of controlling law, and recited Federal Circuit precedent that the Board must review penalties for abuse of discretion, that penalties cannot be grossly disproportionate, and that an agency abuses its discretion by relying on facts unsupported by substantial evidence or

by imposing an unconscionably harsh penalty; the commenter stated these requirements cannot be avoided by rulemaking. Commenter 0430 stated that it does not oppose codification of the *Devall* framework, which it acknowledged is existing law, and asked that the Board be held to the NPRM's statement that the rule will not alter the Board's mitigation authority.

Commenters 0012, 0518, 0519, 0538, 0579, 0616, 0646, and 0651 raised related objections: that deference is unjustified or will insulate penalties from meaningful review; that codifying mitigation ''to the maximum reasonable penalty'' preemptively constrains the Board's independent judgment (commenter 0012); that the Board should not volunteer to narrow its own role (commenter 0558); and that Board review cannot test whether the factual premises of an action are true (commenter 0646). Commenter 0559 argued that retiring *Douglas* while simultaneously codifying the *Devall* deference framework compounds the loss of transparency.

Response: The Board clarifies that this rule neither adopts a rubber stamp nor purports to displace the Federal Circuit's penalty-review precedent. On the contrary, the rule codifies this precedent.

Deference to an agency's choice of penalty is not an innovation of this rule; it is the settled allocation of responsibility under the CSRA, recognized in *Douglas* itself: the Board's function is not to displace management's responsibility, but to ensure that managerial judgment has been properly exercised within tolerable limits of reasonableness, with appropriate deference to the primary discretion entrusted to agency management. 5 M.S.P.R. at 306; see 91 FR at 40455. Commenter 0427's own submission quotes this language. The de novo character of Board adjudication that the same commenter emphasizes concerns the Board's fact-finding and its independent adjudication of the agency's charges and the appellant's defenses—functions this rule does not touch.

As to the penalty, the Board's role has never been de novo penalty selection; *Douglas* allocated primary discretion to agency management and reserved to the Board the assurance that the discretion was legitimately invoked and properly exercised. What this rule codifies is the existing structure of that review as the Federal Circuit articulated it in *Devall:* where the Board sustains all charges and finds the penalty reasonable, it sustains the action; where it sustains all charges but finds the penalty unreasonable, it mitigates to the maximum reasonable penalty; where it sustains fewer than all charges, it applies the *Devall* rules governing mitigation and the agency's expressed penalty preferences. 178 F.3d at 1260; 91 FR at 40454.

None of this withdraws the Board's independent judgment. Under the final rule, the Board and its administrative judges will continue to determine independently, on the whole record and de novo as to the facts, whether the agency has proven its charges, whether the action promotes the efficiency of the service, whether any affirmative defense is established, and whether the penalty falls within the tolerable limits of reasonableness. An agency's penalty analysis receives the weight the record earns it—no more. A penalty that is unexplained, rests on facts the record does not support, ignores material mitigating evidence, or is grossly disproportionate to the sustained conduct will not be sustained, and the Board retains, and has codified, its mitigation authority for exactly those cases—the preservation commenter 0435 requested.

For the same reasons, the Board agrees with commenter 0629 that the regulation is not, and does not purport to be, a comprehensive statement of controlling law, and that the substantive limits recited in the Federal Circuit's abuse-of-discretion precedent continue to govern. The rule is drafted to operate within that precedent, and the Board will apply it that way. The concern that codifying *Devall* somehow narrows administrative judges' authority is misplaced: administrative judges exercise the Board's penalty-review authority in the first instance, and the codified framework describes—for the benefit of all parties and adjudicators alike—how that authority operates. Placing the framework in regulation increases the transparency and predictability of Board review; it does not diminish its independence. Finally, the Board confirms, as commenter 0430 requested, that this rule does not alter the Board's mitigation authority, which predates this rule, was recognized by the Federal Circuit in *Devall,* and is now codified in § 1201.56(b)(3).

The related objections identified above rest on premises this section has addressed. The deference codified in § 1201.56(b)(3) is *Douglas's* own allocation of responsibility, not a new withdrawal of review, and the maximum-reasonable-penalty formulation to which commenter 0012 objects is not a ceiling invented by this rule: it is the Federal Circuit's articulation, in *Devall,* of the limit on the Board's authority when it mitigates, and it binds the Board with or without this rule. In response to commenter 0646, the Board reiterates that its administrative judges find the facts de novo: whether the charged conduct occurred is determined independently on the record, not accepted from the agency, and an action resting on facts the agency cannot prove fails at the threshold. In response to commenters 0558 and 0559, codification neither narrows the Board's role nor obscures it; it states publicly, in regulation, the review standard and mitigation framework that previously had to be assembled from decades of case law—a gain in transparency for every party who appears before the Board.

VI. The Board's Independence, the Joint Rulemaking, and Claimed Prejudgment

Comment: Commenter 0634 argued that the proposed rule must be evaluated in the context of broader administration actions concerning the career civil service, and that joint authorship with OPM sits uneasily with the Board's separate statutory oversight duty under 5 U.S.C. 1204(a)(4) and 1204(f), demanding decisional separation. Commenter 0427 argued that Congress created the Board to be independent of control or direction and as a check on other executive agencies including OPM; that OPM's recent rulemakings transfer core Board functions to OPM; that without congressional reorganization authority—the last Reorganization Act having lapsed in 1984—one executive agency cannot diminish or restructure another; and that this proposal likewise seeks to transfer authority the Board cannot relinquish and OPM cannot arrogate, including by eliminating the *Douglas* factors and by divesting the Board of its ability to determine whether a performance-improvement period is reasonably long.

Commenter 0435 identified two features of the joint NPRM as bearing on the Board's independence—the effort to set the Board's standard of review by regulation, and the narrowing of the Board's authority to mitigate a penalty it finds unreasonable—and urged that the rulemaking not constrain the Board's role. Commenter 0629 argued that the Board's co-sponsorship of provisions limiting adjudicators is troubling because, by committing in advance and outside any adjudicatory record that a categorical class of employee defenses will never succeed, the Board prejudges issues that will come before it, raising impartiality concerns. Commenters 0004, 0015, 0016, 0064, 0240, 0448, and 0662

likewise objected that it is inappropriate for the Board to co-author a rulemaking with OPM, and commenter 0496 argued that joint issuance raises a question about the appearance of impartiality. Commenter 0449 argued that the joint package bundles provisions of differing strength, contending that a rule confident in each provision on the merits would not need to package its strongest justification alongside its weakest.

Response: The Board takes seriously its distinct statutory role, and both the structure of this rulemaking and the content of this final rule reflect it.

As to process: the Board and OPM each proposed amendments under their own statutory authorities, and each identified its own proposals and its own RIN in the joint NPRM. Joint publication reflected the practical interaction of the proposals and gave the public the opportunity—which many commenters used—to address that interaction in one place; it did not merge the agencies' deliberations or subordinate the Board's judgment to OPM's. The NPRM expressly preserved each agency's independent decisional path by providing that the agencies might finalize separately, 91 FR at 40444, and the Board's decision to finalize only its own proposal in this document, under its own title, on its own analysis, and on its own timetable, is itself a demonstration of that independence.

The Board's oversight functions under 5 U.S.C. 1204(a)(4) and 1204(f)—including its duty to review OPM rules after they take effect and to determine whether their implementation would require the commission of a prohibited personnel practice—are statutory, are unaffected by this rulemaking, and continue to apply with respect to OPM's rules, including the separate final rule OPM is issuing in this proceeding, in accordance with those provisions. Comments concerning the composition of the Board and related matters are beyond the scope of this rulemaking.

As to the constitutional transfer argument: its premise is mistaken as applied to this rule. Nothing finalized in this document transfers any function from the Board to OPM, and nothing in it diminishes any Board authority. This is the Board's own regulation, adopted by the Board, under the Board's own rulemaking authority, 5 U.S.C. 1204(h), governing the Board's own standard of review. No Reorganization Act or other transfer authority is implicated when an agency revises its own adjudicatory procedures through its own rulemaking. Comments directed at OPM rulemakings that would reassign categories of appeals to OPM are referred to those dockets, and the provision commenter 0427 identifies concerning the length of performance-improvement periods is an OPM proposal under part 432 that is not finalized here. Commenter 0435's first concern—the effort to set the Board's standard of review by regulation—likewise mistakes the author: the standard of review in § 1201.56 is being set by the Board itself, for its own proceedings, through public notice-and-comment procedures. A tribunal's adoption, through public rulemaking, of the standard it will apply is an exercise of independence, not a derogation of it. The commenter's second concern, regarding mitigation authority, is answered in Section V: that authority is retained and, for the first time, codified.

As to prejudgment: the argument proves too much. It is black-letter administrative law that an agency with rulemaking authority may resolve issues of general applicability by rulemaking rather than reserving every question for case-by-case adjudication, and that doing so does not disqualify the agency from adjudicating cases arising under the rule. *See Heckler* v. *Campbell,* 461 U.S. 458, 467 (1983); *SEC* v. *Chenery Corp.,* 332 U.S. 194, 203 (1947). This rule announces the legal standard the Board will apply; it prejudges no adjudicative fact in any appeal. It does not commit the Board to sustaining any penalty, forecloses no defense, and predetermines no outcome: every element of the agency's case, every affirmative defense, and the reasonableness of every penalty remain to be decided on the record of each appeal. Announcing the governing standard in advance, through public procedures, is the opposite of partiality; it is the ordinary means by which a tribunal gives all parties equal notice of the rules of decision. (The specific provision commenter 0629 characterized as foreclosing a categorical class of employee defenses—concerning the adequacy of performance assistance under proposed 5 CFR 432.104—is an OPM proposal not finalized here, and comments on it are referred to OPM.)

The appearance concern raised by commenter 0496, and the co-authorship objections of commenters 0004, 0015, 0016, 0064, 0240, 0448, and 0662, are answered by the process points above: the Board's proposal was its own, its deliberations were its own, and its decision to finalize separately, on its own analysis, is the structural answer to the concern. Commenter 0449's bundling objection is answered by this document itself: the Board has unbundled the package. It finalizes here only its own amendment, on its own justification, and the severability discussion in Section VIII confirms that the Board's rule stands independently of any disposition of OPM's proposals.

VII. Comments Supporting the Rule

Comment: Commenter 0664 expressed strong support for the proposed rulemaking, including the Board's refocusing of penalty review, and documented collective bargaining provisions that, in its view, illustrate rigid application of the *Douglas* framework, including an agreement whose mandated *Douglas* analysis was the basis for arbitral mitigation of a penalty. The commenter also proposed specific expansions of OPM's regulatory text concerning official time. Commenters 0435 and 0625 supported aspects of the joint proposal—including the supervisory training provisions and the personnel-records accuracy provisions—while opposing or urging revision of others.

Additional supporting submissions included the following. Commenter 0417, a career senior executive with 33 years of Federal service, described the *Douglas* analysis as having become (in their experience) a checklist completed in a mechanical fashion rather than a thoughtful assessment, and one used within agencies to discourage warranted discipline; the commenter recommended extending supervisory training to human-resources professionals and agency counsel. Commenter 0489, a human-resources and employee-relations professional, supported the rule on the basis of Federal Employee Viewpoint Survey results and published research on the productivity effects of unaddressed misconduct, and described firsthand experience with cases in which accountability was not achieved under the existing framework. Commenter 0545 endorsed commenter 0417's submission and described the totality standard as a balanced approach. Commenters 0587 and 0591, employee-relations practitioners, stated that the totality standard restores appropriate deference while preserving reasonableness review. Commenters 0350, 0359, and 0406, supervisors and labor-relations specialists, described the existing framework's operation in union grievances and arbitration as an obstacle to warranted corrective action. Commenters 0006, 0031, 0301, 0352, 0395, 0405, 0424, 0429, 0434, 0437, 0613, 0614, 0615, and 0627 expressed general support and urged prompt finalization. Commenters 0584, 0585, 0586, and 0588 expressed support directed principally to OPM's proposed amendments, and those comments are

referred to OPM; commenter 0387 supported the rule while urging attention to employees with disabilities, a concern referred to OPM to the extent it addresses OPM's proposals and answered, as to the Board's rule, in Sections III and IV.2.

Response: The Board acknowledges these expressions of support and has noted, in the Statement of Need in Section IX.1, the relevance of the collective bargaining materials identified by Commenter 0664 to the Board's assessment of how the *Douglas* framework operates in practice. The specific suggestions from these commenters concerning official time, training, and records accuracy relate to OPM's proposed regulatory text under parts 412, 432, and 752 and are referred to OPM for consideration in its final rule. The in-scope concerns raised by commenters 0435 and 0625 are addressed in Sections IV through VI.

Comment: Four commenters filed detailed submissions in support of the rule. Commenter 0612, a Federal executive department, stated that the administrative procedures governing performance-based and adverse actions have accreted over nearly half a century from regulations, case decisions, and executive orders, and have become overly complicated and excessively burdensome; that the nearly universal expectation that a deciding official thoroughly consider the applicability of each of the twelve *Douglas* factors in every case has in practice produced a checklist used to ''paper'' the case file—one that carries little meaning for the deciding official or the employee but is then parsed and scrutinized in subsequent grievance arbitrations and appeals; and that the totality-of-the-circumstances standard better promotes the consideration that matters in every case: what is, or is not, in the interest of the efficiency of the service.

Commenter 0623, another Federal executive department, supported the rule on the basis of multi-year workforce, disciplinary, arbitration, and settlement data from its own operations, and stated that the perceived need to address each *Douglas* factor regardless of its relevance increases litigation burden without producing more accurate or defensible outcomes; that a totality-of-the-circumstances standard grounded in the statutory efficiency-of-the-service requirement would allow deciding officials to focus on the facts most relevant to each case; and that, to the extent an individual *Douglas* factor remains relevant in a particular case, it can continue to inform the analysis without separate, mechanical documentation. That commenter also stated, in response to the NPRM's solicitation on reliance interests, that it is not aware of reliance interests of a kind or magnitude that would warrant delaying implementation.

Commenter 0630, a Federal employee with agency responsibility for labor and employee relations, commenting in their personal capacity, strongly supported the Board's proposal, stating that although Board precedent does not require every factor to be addressed in every case, grievance arbitrators often treat each element of the *Douglas* framework as mandatory and seize on an agency's asserted failure to consider, or properly consider, a single factor as grounds to overturn or mitigate a removal. The commenter submitted for the record a December 2024 arbitration award in which the arbitrator sustained charges of timesheet falsification and lack of candor, described the failure to perform assigned work while charging overtime as serious misconduct warranting discipline, and nonetheless mitigated the removal to a thirty-day suspension based on comparator cases and principles of progressive discipline. Because arbitrators must apply the Board's substantive standards in adverse-action grievances, the commenter argued, the Board's rule would carry the codified standard into arbitration and give agencies confidence that warranted removals will be sustained.

Commenter 0631, an individual federal employee, similarly stated that arbitrators treat the *Douglas* factors as binding considerations and will overturn removals if the agency did not conscientiously consider each one, and submitted for the record—obtained through a Freedom of Information Act request—a 2018 arbitration award in which a Forest Service employee who, after consuming alcohol, accepted a fire assignment and drove a government-owned vehicle to the scene of an active fire, registering a blood alcohol content well above the state legal limit, was removed on charges of conduct unbecoming a federal employee and driving a government-owned vehicle after consuming intoxicants. The arbitrator found the charges proven and found a nexus between the conduct and the efficiency of the service, but concluded that the deciding official had not conscientiously evaluated each *Douglas* factor—reasoning that repeated statements about the seriousness of the offense could not substitute for a conscientious review of the case within the *Douglas* framework, and that the resulting penalty was therefore arbitrary, unfair, and unreasonable—and mitigated the removal to a 25-day suspension. The commenter argued that the award illustrates how the framework operates in arbitration and urged that the rule be finalized promptly.

Response: The Board acknowledges these submissions and has considered them both as expressions of support and as record evidence. The two departments' accounts of their own administrative experience—factor-by-factor documentation prepared to insulate the case file and then parsed in subsequent litigation; the burden of addressing each factor regardless of its relevance to the case—corroborate, from the perspective of agencies that must operate the framework, the diagnosis stated in the Statement of Need in Section IX.1, and the Board has weighed them alongside the opposing comments discussed there.

The arbitration award submitted by commenter 0630 is part of the administrative record of this rulemaking, and illustrate, from the opposite direction, the same phenomenon the collective bargaining materials discussed in Section IX.1 illustrate: a proceeding in which sustained, serious misconduct was displaced as the focus of decision by an audit of enumerated considerations. The award submitted by commenter 0631 is likewise part of the administrative record, and it supplies a second, independent arbitral illustration of that phenomenon: charges sustained, their seriousness acknowledged, a nexus to the efficiency of the service found—and removal nonetheless set aside on the ground that the deciding official's analysis did not conscientiously traverse the enumerated factors. Both awards are discussed in the Statement of Need in Section IX.1.

The Board also confirms the premise of the arbitration point made by commenters 0630 and 0631, for the reasons stated in Section IV.12: because arbitrators adjudicating grievances over matters covered under 5 U.S.C. 7512 must apply the same substantive standards the Board would apply, the standard codified in this rule will govern penalty review in arbitration on the same prospective basis on which it governs before the Board.

Commenter 0623's statement that it has identified no reliance interests warranting transitional measures is noted; as explained in Section IX.6, the Board has nonetheless adopted an applicability statement as a measured accommodation of the reliance and transition concerns raised by other commenters.

The Board acknowledges these additional expressions of support. The firsthand accounts of commenters 0417,

0489, 0350, 0359, and 0406—mechanical, risk-averse factor documentation; warranted actions deterred or abandoned; grievance and arbitral audits of factor recitation—corroborate, from the perspectives of supervisors and practitioners who operate the framework, the diagnosis stated in the Statement of Need in Section IX.1, and the Board has weighed them alongside the opposing comments discussed there. The training suggestion of commenter 0417 concerns OPM's proposed amendments to part 412 and is referred to OPM.

VIII. Changes From the Proposed Rule; Applicability; Severability

After consideration of the comments, the Board is finalizing the amendments to 5 CFR 1201.56 as proposed, with an applicability statement set forth in the **DATES** section of this document rather than in the regulatory text, as follows:

First, the final rule adopts the amendments to 5 CFR 1201.56 without change to the proposed regulatory text. Several commenters (commenters 0391, 0430, 0435, 0439, 0443, 0625, 0626, 0636, 0642, 0676), together with many individual commenters identified in Sections I, IV.1, and IX.5, urged the Board to codify an enumerated factor list or the conscientious-consideration formulation, a core subset of factors, occupation-specific standards or exclusions, or a general clarification that considerations of the kind identified in *Douglas* remain cognizable. The Board declines to add any such enumeration or clarification to the regulatory text (Sections IX.5, IV.9, IV.10, IV.14, and IV.16).

In brief: four decades of experience demonstrate that an enumerated list gravitates toward compulsory-checklist status in practice notwithstanding anti-mechanical disclaimers—*Douglas* and *Nagel* themselves contained the disclaimer—so re-enacting a list in regulation would entrench the very perception of obligation this rule is designed to dispel; codifying a reduced subset would invite negative-implication arguments that omitted considerations are disfavored; occupation-specific lists or exclusions would fragment a single national standard of review and reintroduce the checklist dynamic for the carved-out workforce; and a regulatory-text clarification that *Douglas*-type considerations remain cognizable is unnecessary because that result follows from totality review itself and is confirmed authoritatively in this preamble. The regulatory text states the operative standard—review of the penalty for whether it is within the tolerable limits of reasonableness in light of the totality of the circumstances, together with the codified *Devall* mitigation framework—and this preamble supplies the Board's authoritative confirmation (Sections IV.1, IV.3, IX.5, and IX.6) that the considerations identified in *Douglas* remain relevant and cognizable wherever they are material to the reasonableness of the penalty.

Second, the final rule states the applicability of the amended standard in this preamble rather than in the regulatory text. As set forth in the **DATES** section of this document, the amended § 1201.56 standard applies to appeals filed with the Board on or after the effective date of this rule, and appeals pending before the Board on the effective date will be adjudicated under the framework in effect when they were filed. The Board proposed no applicability language for codification, and it adds none in this final rule: the statement is transitional in nature, will be spent once the appeals pending on the effective date are concluded, and is therefore appropriately stated in the preamble—which supplies the authoritative statement of the Board's intent—rather than carried permanently in the Code of Federal Regulations. Section IX.6 explains the basis for the applicability statement and why it accommodates the reliance and transition concerns raised in the comments without prejudicing parties whose underlying actions predate the effective date.

Third, consistent with the NPRM, 91 FR at 40455, the final rule effects no change to the requirement that aggravating factors relied upon in penalty selection be identified in the advance notice of proposed action, and no change to the Board's mixed-case procedures, jurisdiction, burdens of proof, or the availability of affirmative defenses.

The Board's amendments to part 1201 are severable from OPM's amendments to parts 412, 432, 715, and 752, which OPM is finalizing in a separate document; the Board's rule operates independently of OPM's and would function sensibly regardless of the disposition of OPM's proposals. Within this rule, the totality-of-the-circumstances standard, the codification of the *Devall* mitigation framework, and the applicability statement are likewise severable from one another: each states an independently operative principle of Board review or administration, and the Board would have adopted each without the others.

IX. Regulatory Analysis

1. Statement of Need

This rule is needed to return the Board's review of agency-selected penalties to the standard Congress enacted and to correct the drift, documented in the NPRM and elaborated below in this section, toward a rigid and mechanistic application of the framework announced in *Douglas*—an application the original decision never prescribed and expressly cautioned against. The perceived obligation to address twelve enumerated factors in every case has imposed recurring process costs on agencies, appellants, and the Board: standardized worksheets treated as legally compulsory; penalty appeals litigated as audits of whether each factor was recited and adequately weighted; and a checklist-centered practice that increasingly overshadows the statutory question—whether the agency's chosen penalty reasonably promotes the efficiency of the service under 5 U.S.C. 7513(a). 91 FR at 40453–54.

Federal agency commenters corroborated that need from their own administrative experience, describing factor-by-factor documentation prepared to insulate case files and then parsed in subsequent grievance arbitrations and appeals (Section VII). The rule is also needed to place the Board's operative review standard, and the mitigation framework the Federal Circuit articulated in *Devall,* in the Code of Federal Regulations for the first time. Codification gives agencies, employees, representatives, and the Board's administrative judges a single, public, authoritative statement of how penalty review operates, improving the transparency and predictability of Board adjudication.

Several commenters disputed that need, arguing that the Board offered no evidence that the *Douglas* framework causes unwarranted outcomes. Commenter 0629 characterized the NPRM's statement that agencies apply *Douglas* in a rigid, mechanistic way as an unsupported stereotype, and asked where the Board precedent chiding agencies for misapplication is, and where the statistics or examples are. Commenter 0634 similarly asserted that the NPRM supplies no example in which an action failed because a deciding official omitted an irrelevant factor and identifies no Board decisions requiring mechanical worksheets.

Commenter 0656 asserted that OPM and MSPB offer no evidence of an issue the rule purports to solve. Commenter 0654 argued that neither the NPRM's stated rationale nor the accompanying

record identifies particularized evidence that existing procedures have proven inadequate to protect the efficiency of the service, as opposed to being merely inconvenient to managers seeking faster removals, and that under the reasoned-decisionmaking requirement of *Motor Vehicle Manufacturers Association* v. *State Farm Mutual Automobile Insurance Co.,* 463 U.S. 29 (1983), and 5 U.S.C. 553(c), a preference for expedited removal authority does not by itself supply a rational connection between the facts found and the choice made; the commenter stated that its submission was made in part to preserve a factual and legal accounting in the administrative record for any subsequent oversight, litigation, or judicial review.

Commenter 0628 noted that agencies prevail in more than 80 percent of employment cases before the MSPB, arguing that agency leadership already has the tools to administer employee discipline. Commenter 0427 argued that agencies' use of *Douglas*-based checklists is evidence of workability rather than rigidity—that the factors have endured because they provide a workable, clear framework. Commenter 0647 presented data drawn from the Board's own annual reports: penalties were mitigated in roughly 6.4 percent of adjudicated cases in FY 1986 and 4.7 percent in FY 1990, and in roughly 1.6 to 2.0 percent of adjudicated cases in each sampled year from FY 2000 through FY 2025. From this, commenter 0647 argued that mitigation rates declined after *Douglas* and remain low; that no evidence shows agencies or the Board mitigate inappropriately or at unusual rates; and that no evidence ties any such problem to the *Douglas* factors.

Commenters 0421, 0433, 0525, 0569, and 0662 pressed related record-based objections, and commenter 0236 offered a contrary observation. Commenter 0421 argued that the agencies failed adequately to explain their deviation from decades of precedent. Commenter 0433, taking no position on adoption or withdrawal, identified what it described as an unreconciled gap between the Statement of Need and the joint NPRM's regulatory analysis, which reported a 33 percent single-year increase in removals under the existing framework; commenter 0616 pressed the same point in urging withdrawal. Commenter 0525 asked what removal rate the agencies believe would demonstrate an appropriately accountable workforce and urged that success metrics be defined before any change is made. Commenter 0569, an agency litigator commenting in their personal capacity, argued that there has been no showing that the *Douglas* factors impede agencies or the Board, and that the factors are non-prescriptive guides with decades of case law that make them easy to research and apply. Commenter 0662 argued that the NPRM's own acknowledgment that *Douglas* was never rigid undercuts the stated rationale. Commenter 0236, by contrast, asserted that the factors are already ignored at the commenter's agency without repercussion.

The Board disagrees that the record is inadequate to support the change. The basis for this rule is, first and foremost, the Board's own institutional experience over more than four decades administering the framework it created. The Board and its administrative judges review the disciplinary records agencies actually produce, and the briefs parties actually file, in thousands of appeals each year. As the NPRM explained, that experience shows that agencies regularly rely on standardized *Douglas* worksheets as though they were legally compulsory; that parties routinely litigate whether each of the twelve factors was recited, whether the deciding official assigned adequate weight to each factor, and whether the administrative judge conducted an explicit factor-by-factor review; and that this checklist-centered practice has increasingly overshadowed the statutory question—whether the agency's chosen penalty reasonably promotes the efficiency of the service under 5 U.S.C. 7513(a). 91 FR at 40454.

An adjudicatory agency's firsthand observation of how a doctrine of its own creation functions in practice is competent—indeed, uniquely probative—evidence of the need to revise that doctrine. Nothing in the Administrative Procedure Act requires an agency to substantiate a change of this kind with statistical studies; it requires a reasoned explanation. An agency changing position ''need not demonstrate to a court's satisfaction that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better.'' *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009).

The same standard answers Commenter 0654. The Board has examined the relevant data available to it—its own sustained adjudicatory experience, the studies cited in the NPRM, and the corroborating comment record described in this section, including the arbitral awards submitted by commenters 0630 and 0631—considered the important aspects of the problem, and articulated a rational connection between what it has observed and the standard it is codifying; that is what *State Farm* and 5 U.S.C. 553(c) require. To the extent commenter 0654's evidentiary objection is directed at the procedural streamlining proposed by OPM—response windows, improvement periods, and representation—it concerns OPM's proposals and is referred to OPM. The commenter's stated purpose of preserving its analysis in the administrative record is, in any event, accomplished: the submission is a permanent part of the docket of this rulemaking.

The comment record itself corroborates the Board's observation. Commenter 0664 identified collective bargaining agreements that contractually mandate a strict weighing of the *Douglas* factors, including an agreement whose asserted violation—a failure to properly analyze the *Douglas* factors—was the basis for an arbitrator's mitigation of a penalty. Commenter 0631 supplied a second arbitral illustration, described in Section VII: an award in which the arbitrator sustained charges arising from an employee's operation of a government vehicle after consuming alcohol and found a nexus to the efficiency of the service, yet mitigated the removal to a suspension on the ground that the deciding official had not conscientiously evaluated each *Douglas* factor—reasoning that treated the enumerated framework, rather than the sustained misconduct, as the touchstone of decision.

Other commenters, in defending the framework, described the twelve factors as the primary check and the only structured analysis against improper penalties (commenter 0656), and described a practice in which agencies routinely invoke their consideration of the factors as the defense of a penalty's reasonableness (commenter 0628)—descriptions that confirm the factors are treated in practice as an obligatory analytic code rather than the nonexhaustive, case-dependent summary of considerations that *Douglas* itself announced. Commenter 0427's own submission illustrates the point: it defends agency checklist practice as proof of the framework's utility. The persistence of a template, however, shows habituation, not fitness; the question is whether the checklist form serves or overshadows the statutory reasonableness inquiry, and the Board's experience is that it increasingly overshadows it.

The Board also notes a tension that runs through the opposing comments:

commenters argue both that *Douglas* is already applied flexibly and non-mechanically under *Nagel,* and that removing the mandatory framework will radically destabilize disciplinary review. Both cannot be true. To the extent the factors function merely as a nonbinding summary of considerations that remain relevant—as the Board confirms elsewhere in this preamble they do—the disruption commenters predict is substantially overstated. To the extent the factors function in practice as a compulsory checklist, the Board's diagnosis is confirmed.

The mitigation-rate data presented by commenter 0647 measure the wrong variable. The Board did not propose this rule because it mitigates penalties too often or not often enough; the identified problem is the analytic overlay—the process costs of building, briefing, and adjudicating a twelve-factor record in every case; the satellite litigation over recitation and weighting; and the deterrent effect on supervisors documented in the studies cited in the NPRM. 91 FR at 40446–47, 40453–54. None of those costs appears in a mitigation rate, and the rate likewise cannot capture agency-level effects such as penalties never proposed or actions abandoned. If anything, the data reinforce two of the Board's points. First, a mitigation rate that has remained low and stable for four decades indicates that outcomes at the Board turn on the substantive reasonableness question rather than on the twelve-factor form—which is precisely why the form can be retired without sacrificing substance.

Second, the same data refute the parallel prediction, advanced by several of the same commenters, that this rule will produce dramatic changes in outcomes: if mitigation has been rare under *Douglas* because agency penalties are generally reasonable, it will remain rare under a codified standard that asks the same ultimate question. As to the observation that agencies prevail in a high percentage of appeals (commenter 0628), the sustain rate does not answer the problem this rule addresses for the same reason: a framework can produce high sustain rates and still misdirect the inquiry while imposing substantial costs on agencies, appellants, and the Board.

The same points answer the record-based objections of commenters 0421, 0433, 0616, 0525, 0569, and 0662. The reasoned-explanation obligation invoked by commenter 0421 is satisfied for the reasons stated throughout this section: the Board has identified the specific practice it observes, explained why that practice disserves the statute, exposed its proposed correction to public comment, and responded to objections on the merits. The removal statistics identified by commenters 0433 and 0616 measure the volume of agency actions, which the Board's rule does not regulate; they bear, if at all, on OPM's amendments, and they say nothing about the process costs and misdirected litigation that are the Board's stated basis for this rule—indeed, that the volume of actions rises and falls under the existing framework confirms that the twelve-factor form is not what determines outcomes.

For the same reason, the Board declines commenter 0525's invitation to specify a target removal rate: the Board adjudicates appeals; it does not manage the workforce, and no removal rate, high or low, is a goal of this rule. Commenter 0569's description of the factors as readily applied, non-prescriptive guides restates the tension addressed above—if the factors truly operated as non-binding guides, retiring the mandatory form would work no disruption—and the Board's experience, corroborated by the record, is that they do not so operate in practice, an observation that commenter 0236's account of factor analyses disregarded without consequence reinforces from another direction and that the tension identified by commenter 0662 does not dissolve. Finally, the corroborating submissions described in Section VII, including the practitioner and supervisory accounts of commenters 0417, 0489, 0350, 0359, and 0406, are additional record evidence supporting the diagnosis stated in this section.

Commenters also challenged the sources cited in the NPRM. Commenter 0554 argued that the studies cited—GAO and MSPB reports issued between 1990 and 2021—do not support retiring the *Douglas* factors; that those sources instead reflect a decades-old consensus that performance management is best improved through increased supervisory training, individualized support for underperforming employees, and more effective use of probationary periods; that the Board did not assert that the *Douglas* factors have led to the retention of poorly performing employees; and that the Board instead relied on its own knowledge and expertise, which the commenter contended is an insufficient basis for rulemaking under decisions such as *United Mine Workers of America* v. *Mine Safety & Health Administration,* 626 F.3d 84 (D.C. Cir. 2010), and *Coinbase, Inc.* v. *SEC,* 126 F.4th 175 (3d Cir. 2025).

Commenter 0492 similarly argued that the *Douglas* factors have worked for decades because they require deciding officials to examine the employee's record, comparative treatment, and rehabilitative potential before imposing discipline; that replacing them with a vague totality standard opens the door for different supervisors to impose different penalties for the same conduct; and that the rulemaking measures the speed of discipline while failing to measure the costs of poor management—how many disciplinary actions are overturned, how many grievances are sustained because management violated a negotiated agreement, how many Board appeals are lost, and how many taxpayer dollars are spent defending personnel actions that should never have been proposed.

To the extent these comments restate the evidentiary objections addressed above, or the vagueness and consistency objections addressed in Sections IV.1 and IV.2, the Board incorporates those responses here, adding the following points specific to these submissions. First, the basis for the Board's rule is stated above: the Board's own sustained institutional observation, as the national adjudicator of these disputes, of how the framework it created operates in litigation—an observation corroborated by the comment record itself.

Second, the decisions the commenter cites condemning conclusory invocations of agency ''knowledge and expertise'' involve agencies asserting expertise in place of explanation. The Board has not done that. It has identified the specific practice it observes—standardized worksheets treated as legally compulsory, penalty appeals litigated as audits of factor recitation, the statutory question overshadowed—explained why that practice disserves the statute, exposed its proposed correction to public comment, and responded to the objections on the merits. A reasoned explanation grounded in an adjudicative agency's firsthand experience of its own doctrine, tested through notice and comment, is what the Administrative Procedure Act requires; it bears no resemblance to the conclusory assertions at issue in the cases the commenter cites.

Third, the observation that the Board has not claimed the *Douglas* framework causes the retention of poor performers is accurate—and consistent with the Board's rationale. As explained above, the problem this rule addresses is the analytic overlay and its process costs, not the Board's mitigation rate or the outcomes of its cases. Fourth, as to commenter 0492's proposed metrics: the mechanisms by which deficient agency actions fail are untouched by this rule. The agency bears the burden of proof; harmful procedural error, prohibited

personnel practices, and decisions not in accordance with law remain grounds on which an appellant prevails; and the Board retains, and has codified, its mitigation authority. An agency case that cannot withstand review will fail under the codified standard exactly as it fails today, and the Board's published decisions and annual reports will continue to make those outcomes visible to the public. Proposals to impose new accountability measures on supervisors and managers, and comments directed at agency labor-relations and human-resources practices, are outside the scope of the Board's rule and are referred to OPM to the extent they bear on its proposals.

2. Impact

This rule governs the standard the Board applies in reviewing the reasonableness of an agency's chosen penalty in appeals of adverse actions taken under 5 U.S.C. 7513 that are filed with the Board on or after the rule's effective date. It does not change which actions are appealable to the Board, who may appeal, the agency's burden of proof under 5 U.S.C. 7701(c), the availability of affirmative defenses, the Board's mixed-case procedures, or the availability or standards of judicial review. Its direct impact falls on the litigation of penalty issues in Board proceedings: parties will direct penalty evidence and argument to the considerations the record makes material rather than to an enumerated template, and the Board and its administrative judges will decide penalty reasonableness on the whole record under the codified standard. Agencies may choose to update deciding-official training and decision templates, but nothing in this rule requires agencies to discard existing training or internal analytic aids, and records assembled under the prior framework remain fully probative under the codified standard (Section IX.6). Employees retain every substantive protection identified in Sections IV and V, including the due-process notice obligations and the Board's codified mitigation authority. Because the ultimate statutory question is unchanged, the Board expects outcomes to continue to turn on substantive reasonableness, as they have for four decades (Section IX.1). The impacts of OPM's amendments to 5 CFR parts 412, 432, 715, and 752—including any change in the number of performance-based or adverse actions agencies take—are attributable to those amendments and are addressed in OPM's separate final rule.

3. Costs

The Board has considered the costs of this rule and concludes that they are de minimis. Several commenters (commenters 0430, 0439, 0492, 0554, 0665, 0674, and 0676) cited the joint NPRM's regulatory analysis—including its projections of additional removals, additional initial appeals and petitions for review, additional EEO counselings and complaints of discrimination, and associated agency litigation-defense costs—as evidence that the rulemaking would generate litigation rather than efficiency. Commenter 0439 argued specifically that an agency that predicts its own rule will produce roughly 599 additional removals a year, 366 additional Board appeals, 205 additional petitions for review, increases in EEO counseling and formal complaints of discrimination, and more than $20 million a year in new agency litigation-defense costs has not shown that the rule serves efficiency, but the opposite. Those projections concern the joint regulatory package and are driven by OPM's proposed amendments, which the NPRM projected would increase the number of actions agencies take; they are not attributable to the Board's amendment of its own review standard, which neither authorizes, requires, nor makes more likely any performance-based or adverse action, and they are addressed in OPM's separate final rule. Commenter 0665 further argued that the agencies produced granular cost estimates elsewhere in the joint rulemaking while supplying none for litigation over what the totality standard requires; the transition and adjudication costs of the Board's amendment, including the expected brief period of argument over the codified standard's application, are addressed below and in Sections IV.7 and IX.4.

The costs attributable to the Board's own amendment fall into three categories, each of which the Board has considered. The first is one-time familiarization: agency human-resources professionals, deciding officials, employee and union representatives, agency counsel, and the Board's own administrative judges will read the amended regulation and this preamble and absorb the codified standard. That cost is modest in absolute terms. The operative regulatory text is brief; the standard it codifies is the tolerable-limits-of-reasonableness formulation that has governed penalty review for four decades, so the learning burden falls on form rather than substance; and the cost is partially offset by the fact that the rule replaces a framework previously dispersed across decades of case law with a single, public, codified statement. The rule imposes no reporting, recordkeeping, or other compliance obligations, requires no new systems or processes, and requires no filing from any party.

The second category is discretionary updating: agencies, unions, and representatives may elect to revise training materials, decision templates, and internal guidance that reference the *Douglas* factors. The Board expects those costs to be limited and incurred over time, for three reasons. Nothing in the rule requires agencies to discard existing training or internal analytic aids, and deciding officials remain free to organize their analyses around the considerations *Douglas* identified where they fit the case (Section IX.6), so revisions can be folded into ordinary training and guidance refresh cycles rather than undertaken on an emergency basis. The ultimate question in penalty review, the parties' evidentiary obligations, and the agency's noticing requirements are unchanged, so the substantive content of existing materials remains largely serviceable. And records and replies assembled under the prior framework remain fully probative under the codified standard, so no case files must be rebuilt.

The third category is transition and adjudication costs. The applicability statement set forth in the **DATES** section of this document eliminates the principal potential transition cost—relitigation of penalty issues in appeals already pending—by providing that appeals pending on the effective date will be adjudicated under the framework in effect when they were filed. The Board acknowledges that any doctrinal refinement can generate a short initial period of argument over the new standard's application; it expects that period to be brief and its costs small, because the codified formulation is the one the Federal Circuit has policed for four decades and because the Board's published decisions will supply guidance rapidly, as they did in the years following *Douglas* itself (Section IV.7). Weighing against these limited costs is an offsetting, recurring saving: to the extent the codified standard eliminates satellite litigation over factor recitation and weighting, the per-appeal burden of briefing and adjudicating penalty issues will decline for agencies, appellants, and the Board alike. Finally, should the volume of appeals filed with the Board change as a result of OPM's amendments, the associated adjudication costs are costs of those amendments, were estimated in the joint NPRM, and are addressed by OPM. Considering these categories

together, the Board concludes that the incremental costs of its own amendment are de minimis.

4. Benefits

The rule's principal benefits are qualitative. First, it refocuses penalty review on the question Congress enacted—whether the penalty is within the tolerable limits of reasonableness in light of the totality of the circumstances relating to the efficiency of the service—rather than on compliance with an enumerated template. Second, it eliminates a recurring category of satellite litigation: disputes over whether each of twelve factors was recited, addressed, and adequately weighted, which consume party and adjudicator resources without advancing the statutory inquiry. Third, it codifies, for the first time, both the Board's operative review standard and the *Devall* mitigation framework, giving all parties a single, public, authoritative statement of how the Board exercises its penalty-review authority—a gain in transparency and predictability over a framework previously dispersed across four decades of case law. Fourth, it preserves, and this preamble makes express, the substantive protections on which fair penalty review depends: the agency's burden of proof, the due-process obligation to identify aggravating factors in the advance notice, the whole-record requirement, the continued relevance of mitigating and comparator evidence, and the Board's mitigation authority. The Board cannot quantify these benefits with precision, but for the reasons stated in Sections IX.1, IV.1, and IV.7, it concludes that they are substantial and that they exceed the rule's de minimis costs.

5. Regulatory Alternatives

The Board considered a range of alternatives to this rule, including each alternative proposed by commenters. Commenter 0636 recommended that the Board retain, in regulation, a set of clear, understandable, and reviewable standards to guide penalty determinations while expressly disclaiming any requirement that every enumerated factor be mechanically addressed in every case. Commenter 0626 recommended that the final rule expressly provide that relevant *Douglas* factors remain applicable; that agencies must articulate the basis for penalty determinations; that administrative judges retain authority to assess penalty reasonableness; and that Board review remain grounded in objective and reviewable criteria. Commenter 0435 recommended that six considerations remain central to any reasonableness review, whether or not they continue to carry the *Douglas* name—the nature and seriousness of the offense; the employee's executive or fiduciary responsibilities; the past disciplinary and performance record; consistency with genuinely comparable cases; mitigating circumstances; and the potential for rehabilitation—while confirming they are not a rigid formula and that not all apply in every matter.

Commenter 0625 recommended retaining emphasis on a core subset of factors most central to a fair and defensible penalty determination: the seriousness of the offense, the employee's past disciplinary record, the effect on the employee's ability to perform, consistency of the penalty with those imposed on comparable employees, and the potential for rehabilitation. Commenter 0676 proposed that the Board retain the factors as non-binding analytical guideposts, with explicit instructions against rigid, mechanical box-checking, alongside streamlined penalty matrices. Commenter 0509 urged retention of all twelve factors together with mandatory comparator review and continued penalty guidance, and commenters 0426 and 0558 similarly proposed that agencies retain non-prescriptive penalty guidance or written penalty guidelines. Commenter 0658 proposed modernizing the *Douglas* framework through updated guidance rather than retiring it, and commenter 0675 proposed a simplified analysis for minor matters. Commenters 0609 and 0672 proposed augmenting the factors to address the misuse of artificial intelligence, including fabricated or AI-generated evidence and automated monitoring of employees. And many commenters urged, as their preferred alternative, improved selection, training, and accountability of supervisors and human-resources advisers before, or instead of, any change to the review standard (for example, commenters 0013, 0038, 0315, 0386, 0408, 0413, 0466, 0540, 0576, 0593, 0618, and 0666).

Commenter 0629 argued that the problem the Board identified—mechanical use of the factors—can and should be overcome by training and updated policy rather than by discarding the framework, and commenter 0634 likewise urged that the better course is to retain the *Douglas* factors and clarify their application. Commenter 0647 argued that the Board failed to consider obvious alternatives, including continued case-by-case refinement of *Douglas* questions through adjudication, alternative discipline, and pilot programs. Commenters 0391, 0439, and 0642 urged that all twelve *Douglas* factors be retained rather than replaced with an undefined totality standard, as did a large number of individual commenters (see Sections I and IV.1), with commenter 0391 urging that any reform be redrafted from the ground up with that preservation built in from the start, and commenter 0642 asking that the agencies consider alternatives that preserve federal workers' longstanding civil service protections.

The Board first considered leaving the current framework in place. For the reasons stated in the Statement of Need (Section IX.1) and in the NPRM, retaining the status quo would leave the Board's operative review standard uncodified and would perpetuate the checklist-centered practice this rule corrects.

The Board next considered codifying an enumerated factor list—whether the full twelve, a core subset, or a renamed equivalent—accompanied by an anti-mechanical disclaimer; in substance, codifying the rule of *Nagel.* It declines that course because that is, in substance, the regime the Board already has, and its ineffectiveness is the occasion for this rule. *Douglas* itself disclaimed mechanical application, describing the factors as nonexhaustive and cautioning against formulaic weighing; *Nagel* repeated the disclaimer two years later; and the Board and the court have repeated it since. Four decades of experience demonstrate that an enumerated list gravitates toward compulsory-checklist status in practice notwithstanding disclaimers—in agency worksheets, in training, in negotiated agreements, and in litigation. Re-enacting a list in regulation, even with the strongest disclaimer, would entrench the very perception of obligation the rule is designed to dispel, and would invite the same recitation-centered litigation under a new citation.

Codifying a reduced subset, as commenters 0435 and 0625 propose, would add a further problem of negative implication: considerations omitted from a codified subset would inevitably be argued to be disfavored or irrelevant—a result no commenter intends and the Board does not intend. The same reasoning answers commenter 0676's proposed guideposts-and-matrices alternative, which the Board has evaluated on the record and declines for these reasons (Section IV.16).

The Board likewise declines to rely on training alone. Improved supervisory training is valuable—OPM proposed it, and several commenters supported it—but training cannot correct a perceived

legal requirement; only a change in the governing legal materials can. The Board notes that the same commenters who propose training as the remedy elsewhere argue that Board and court precedent already make the factors non-mandatory; if forty years of precedential instruction has not dispelled the perceived requirement, additional training premised on that precedent is unlikely to do so. The same reasoning answers the many commenters who urged training-first sequencing or improved supervisory selection as the alternative: a perceived legal requirement is corrected by changing the governing legal materials, not by instruction premised on the very precedent that failed to dispel the perception.

The proposals of commenters 0426, 0509, 0558, 0658, and 0675—retained penalty guidance, mandatory comparator review, modernized factor guidance, or a tiered analysis for minor matters—are variants of the enumerated-list alternatives addressed above and in Sections IV.10 and IV.14, and the Board declines them for the same reasons; nothing in this rule, however, prevents an agency from maintaining internal decisional aids, as Sections IV.8 and IX.6 explain, and comparator evidence remains relevant as stated in Section IV.2. As to commenters 0609 and 0672: the Board declines to codify new enumerated factors, for the reasons stated throughout this section, but the concern those commenters raise is accommodated by existing law and by the codified standard—the agency bears the burden of proving its charges and the reasonableness of its penalty on the record; the authenticity and reliability of the evidence offered, including digital, automated, or artificially generated material, bear directly on whether that burden is carried; and a charge or penalty resting on fabricated or unreliable evidence will not be sustained.

For related reasons, the Board declines commenter 0647's suggested alternatives of continued adjudication and pilot programs: case-by-case adjudication is the vehicle that, over four decades and notwithstanding repeated precedential cautions, did not arrest the drift toward formalism; and pilot programs are ill-suited to the standard of review applied by a single, national adjudicative body, where a uniform rule of decision is itself the objective. The Board also considered occupational exclusions and occupation-specific factor lists, and declined them for the reasons stated in Section IV.9.

The Board is, however, able to give commenters much of the assurance they seek, and does so in this preamble. First, as stated throughout this document, the considerations identified in *Douglas*—including each of the considerations enumerated by commenters 0435 and 0625—remain relevant and cognizable under the totality of the circumstances wherever they are material, and parties remain free to raise them.

Second, agencies must, as always, be prepared to articulate and prove the basis for their penalties: the burden of proof under 5 U.S.C. 7701(c)(1)(B) is unchanged, the due process obligation to notice aggravating factors is unchanged, and an unexplained or unsupported penalty will not survive review under the codified standard.

Third, administrative judges and the Board retain full authority to assess penalty reasonableness and to mitigate penalties that exceed the tolerable limits of reasonableness, under the *Devall* framework now codified in § 1201.56.

Fourth, Board review remains grounded in reviewable criteria: the codified standard, the whole record, and the reasoned-decision obligations enforced by the Federal Circuit under 5 U.S.C. 7703(c). The difference between this final rule and commenters' preferred alternatives is not the presence or absence of standards; it is whether the standards take the form of a codified enumerated template.

Finally, the Board adopted one alternative urged by commenters in part: in response to reliance and transition concerns, and as set forth in the **DATES** section of this document, the amended standard applies only to appeals filed with the Board on or after the effective date, with pending appeals adjudicated under the framework in effect when they were filed. Section IX.6 discusses the reliance interests bearing on that choice, including the view of one commenter (commenter 0623) that no reliance interests warrant transitional measures.

6. Reliance Interests and Transition

Commenters identified substantial reliance interests in the *Douglas* framework in response to the NPRM's express solicitation of comment on reliance interests and possible transition measures. 91 FR at 40460. Commenter 0634 argued that *Douglas* is embedded in agency policies, OPM guidance, Board precedent, training, decision templates, negotiated agreements, and litigation practice; that replacing it will require retraining, rewriting policies, bargaining, and transition litigation; and that the NPRM's treatment of the change as having de minimis cost, with no transition provision, renders the change arbitrary and capricious under *Department of Homeland Security* v. *Regents of the University of California,* 591 U.S. 1, 30–31 (2020).

Commenter 0629 similarly cited *Regents* and *Encino Motorcars, LLC* v. *Navarro,* 579 U.S. 211 (2016), and argued the agencies failed to consider less drastic alternatives. Commenter 0647 argued that the *Douglas* factors are deeply ingrained in the fabric of federal-sector labor relations and have engendered extraordinary reliance interests since 1981 among agencies, employees, unions, reviewing courts, and the Board itself, and that abandoning them without real analysis is arbitrary and unreasoned. Commenter 0642 similarly emphasized that these standards have been applied consistently for nearly five decades, across administrations of both parties, and have provided fairness to federal workers facing accusations of misconduct.

Commenter 0430 requested that any final rule (1) apply the amended § 1201.56(b)(3), if adopted at all, only to actions proposed after the final rule's effective date; (2) preserve *Douglas*-based review for all actions and appeals pending on that date, in whatever forum; (3) resolve the arbitration-parity question on the record; and (4) state expressly that nothing in the rule disturbs the *Devall* mitigation framework or the notice obligations recognized in *Stone* and *Ward.* By contrast, commenter 0623, a Federal executive department, stated that it is not aware of reliance interests of a kind or magnitude that would warrant delaying implementation.

Commenter 0062 expressed a transition concern from the opposite direction, asserting that agency litigators are slow-walking pending disputes in anticipation of this rule in order to obtain the benefit of the revised standard. Commenter 0045 objected that repeated revision of the governing framework destabilizes settled expectations, and commenter 0665 identified reliance interests that include four decades of *Douglas*-based compliance practice built by agencies, employees, and their representatives.

The Board acknowledged in the NPRM that *Douglas* has long been a cornerstone of federal employment law, and it has weighed the reliance interests commenters identified. Having done so, the Board concludes that those interests, while real, are more limited than commenters suggest, and that they are outweighed by the benefits of the rule and accommodated by its design.

The reliance interests are limited because the ultimate legal question is unchanged. Before and after this rule, an agency must select a penalty that promotes the efficiency of the service and must be prepared to prove, by a preponderance of the evidence on the whole record, that its penalty is reasonable. The substantive considerations agencies have trained their deciding officials to evaluate—seriousness, record, notice, consistency, rehabilitation, mitigation—remain relevant wherever material. An agency whose human-resources professionals and deciding officials are practiced in assembling records addressing those considerations loses none of that investment. Nothing in this rule requires agencies to discard existing training or internal analytic aids, and nothing in this rule prohibits a deciding official from organizing his or her analysis around the considerations *Douglas* identified where they fit the case. What agencies, employees, and adjudicators may no longer do is treat the enumerated list as compulsory in form.

The Board has also accommodated transition concerns—and has granted much of commenter 0430's transition request in substance—through the applicability statement set forth in the **DATES** *section of this document:* the amended § 1201.56 standard applies to appeals filed with the Board on or after the effective date of this rule, and appeals pending before the Board on that date will be adjudicated under the framework in effect when they were filed. The Board keys applicability to the filing of the appeal rather than to the date the underlying action was proposed because the rule governs the Board's review methodology—not any standard of primary conduct—and the filing of the appeal is the event that invokes that methodology.

Because the amended standard governs the manner in which the Board evaluates penalty reasonableness in proceedings before it, its application to newly filed appeals is prospective in the relevant sense: it attaches no new legal consequence to completed conduct and alters no substantive standard the parties' actions were required to satisfy. *Cf. Landgraf* v. *USI Film Prods.,* 511 U.S. 244, 275 (1994) (rules governing procedure in adjudication ordinarily apply to proceedings instituted after their adoption); *Bowen* v. *Georgetown Univ. Hosp.,* 488 U.S. 204, 208 (1988). Nor does the filing-date rule prejudice a party whose action was proposed, answered, or decided under the prior framework: the ultimate question—whether the penalty is reasonable on the whole record—is unchanged; a record and reply built around the *Douglas* considerations are fully probative under totality review; the agency's noticing obligations are unchanged; and no defense or category of evidence available under the prior framework becomes unavailable under the codified one. The arbitration-parity question raised by commenter 0430 is addressed in Section IV.12, and the codified standard will operate in arbitration on the same prospective basis on which it operates before the Board. And the final rule confirms expressly, in Sections V and VIII, that it codifies rather than disturbs the *Devall* mitigation framework and effects no change to the requirement that aggravating factors relied upon in penalty selection be identified in the advance notice of proposed action.

The applicability statement also answers commenter 0062's concern that pending disputes are being slow-walked in anticipation of this rule. Delay yields no advantage under the rule's design: appeals pending before the Board on the effective date proceed under the prior framework, and for appeals filed afterward the ultimate question—whether the penalty is reasonable on the whole record—is unchanged, so there is no more forgiving substantive regime to be gained by timing. Dilatory litigation conduct, moreover, remains subject to the Board's existing case-processing authorities. The reliance identified by commenters 0045 and 0665—practice, training, and records built around the *Douglas* considerations—is the reliance addressed above: that investment remains fully serviceable under the codified standard, and the filing-date applicability rule ensures that no pending appeal is adjudicated under a framework other than the one in effect when it was filed.

Finally, the Board considered the less disruptive alternatives commenters proposed, principally retaining a codified factor list—in whole or in part—with an anti-mechanical disclaimer, and explains in Section IX.5 why it declined that course. The *Regents* line requires an agency to assess reliance and weigh it against competing policy concerns; it does not require the agency to preserve the status quo. The Board has performed that assessment here.

X. Procedural Issues and Regulatory Review

A. Severability

If any of the provisions of this rule is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it shall be severable from its respective section(s) and shall not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. As explained in Section VIII of this preamble, the Board's amendments to part 1201 are also severable from the amendments to 5 CFR parts 412, 432, 715, and 752 that OPM proposed in the joint notice of proposed rulemaking and is finalizing in a separate document: the Board's rule operates independently of OPM's and would function sensibly regardless of the disposition of OPM's proposals. In enforcing civil service protections and merit system principles, MSPB will comply with all applicable legal requirements.

B. Regulatory Review

MSPB has examined the impact of this rule as required by E.O.s 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for rules that 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. This rulemaking does not reach that threshold but has otherwise been designated as a ''significant regulatory action'' under section 3(f) of E.O. 12866. This rule is not considered an E.O. 14192 regulatory action because, as addressed in Section IX.3, the Board's portion of the proposed rule imposes no more than de minimis costs.

C. Regulatory Flexibility Act

The Board certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it applies only to Federal agencies and employees.

Commenter 0665 argued that this certification fails to address indirect impacts on labor organizations whose negotiated agreements are assertedly displaced by the joint proposal and which may qualify as small entities under 5 U.S.C. 601. The Regulatory Flexibility Act is concerned with the direct economic effects of a rule on regulated small entities, and this rule regulates none: it governs the standard

of review the Board applies in appeals before it and imposes no compliance obligation on any labor organization or other small entity. Any displacement of negotiated agreements to which the commenter refers would flow, if at all, from OPM's proposed amendments, which are not finalized in this document and which OPM addresses in its separate final rule. The certification is accordingly unchanged.

D. Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, the Board certifies that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 (61 FR 4729; Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately $206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

G. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act or CRA) (5 U.S.C. 801 *et seq.*) requires most final rules to be submitted to Congress before taking effect. The Board will submit to each House of Congress and to the Comptroller General of the United States a report regarding the issuance of this final rule before its effective date. The Office of Information and Regulatory Affairs in the Office of Management and Budget has determined that this rule is not a major rule as defined by the CRA (5 U.S.C. 804(2)).

H. Paperwork Reduction Act

This regulatory action will not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35).

Gina K. Grippando,

Clerk of the Board.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Government employees.

Accordingly, for the reasons stated in the preamble, the Merit Systems Protection Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

Subpart B—Procedures for Appellate Cases

■ 2. Amend § 1201.56 by adding paragraph (b)(3) to read as follows:

§ 1201.56 Burden and degree of proof.

* * * * *

(b) * * *

(3) *Penalty determination.* (i) This paragraph (b)(3) applies only to appeals filed under 5 U.S.C. 7513.

(ii) The agency's choice of penalty is entitled to substantial deference. The Board will review a penalty only to determine whether it is within the tolerable limits of reasonableness in light of the charges sustained under paragraph (b)(1)(ii) of this section. This determination is based upon the totality of the circumstances relating to the efficiency of the service, on a case-by-case basis.

(iii) If the Board sustains all of the agency's charges, the Board will determine whether the penalty imposed by the agency is within the tolerable limits of reasonableness, and will not substitute its judgment for the judgment of the deciding official.

(A) If the Board makes an affirmative finding in this regard, the Board will sustain the agency's action.

(B) If the Board makes a negative finding in this regard, the Board may mitigate the agency's original penalty to the maximum reasonable penalty.

(iv) If the Board sustains fewer than all of the agency's charges, the Board may mitigate the agency's original penalty to the maximum reasonable penalty so long as the agency did not indicate either in its final decision, or during proceedings before the Board, that it desired that a lesser penalty be imposed if the Board did not sustain all of its charges.

(A) If the agency so indicated, the Board may:

(*1*) Impose the lesser penalty the agency indicated it would have imposed; or

(*2*) If the Board cannot discern what that penalty would have been, accord the agency an opportunity to institute a lesser penalty.

(B) If the agency did not so indicate, the Board may:

(*1*) Mitigate the agency's original penalty to the maximum reasonable penalty; or

(*2*) Accord the agency an opportunity to institute a lesser penalty.

* * * * *

[FR Doc. 2026–18061 Filed 9–2–26; 8:45 am]

BILLING CODE 7400–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2026–2476]

RIN 3150–AL71

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind System, Certificate of Compliance No. 1032, Amendment No. 10

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of October 6, 2026, for the direct final rule that was published in the **Federal Register** on July 23, 2026. This direct final rule amended the Holtec International HI–STORM Flood/Wind System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 10 to Certificate of Compliance No. 1032.

DATES: *Effective date:* The effective date of October 6, 2026, for the direct final rule published July 23, 2026 (91 FR 46243), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2026–2476 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:* Electronically at *https://*

www.regulations.gov. Search for Docket ID NRC–2026–2476. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The revision of Certificate of Compliance No. 1032, the associated changes to the technical specifications, and the final safety evaluation report are available in ADAMS under Accession No. ML26240A234.
- *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, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7204, email: *Denise.Edwards@nrc.gov* and John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0262, email: *John-Chau.Nguyen@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On July 23, 2026 (91 FR 46243), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to include Amendment No. 10 to Certificate of Compliance No. 1032. In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on October 6, 2026.

The NRC received and docketed three comment submissions on the companion proposed rule (91 FR 46314; July 23, 2026). Electronic copies of the comments can be obtained from the Federal Rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2026–2476 and are also available in ADAMS under Accession No. ML26244A087. The NRC evaluated the comments against the criteria described in the direct final rule and determined that the comments were not significant and adverse. Therefore, this direct final rule will become effective as scheduled.

Dated: September 1, 2026.

For the Nuclear Regulatory Commission.

Araceli Billoch Colon,

Chief, Rulemaking Projects Branch 2, Division of Guidance, Rulemaking, Economic Analysis, and Technical Editing Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–18107 Filed 9–2–26; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8793; Project Identifier MCAI–2026–00772–T; Amendment 39–23458; AD 2026–18–03]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318–112; Model A319–115, –132, and –133; Model A320–214, –216, –232, –233, –251N, and –271N; and Model A321–211, –213, –231, –271N, –251NX, –253NX, and –271NX airplanes. This AD was prompted by a quality escape identified in the production assembly line on the main landing gear (MLG) support rib 5 lugs, which resulted in tool mark damage in the bore of the forward and aft lugs. This AD requires repetitive detailed visual inspections (DVIs) of the affected parts and applicable corrective actions. This AD also provides a one-time special detailed inspection (SDI) as a terminating action for the repetitive inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 18, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2026.

The FAA must receive comments on this AD by October 19, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8793; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–8793.

FOR FURTHER INFORMATION CONTACT: Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *Andrew.E.Younglove@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8793; Project Identifier MCAI–2026–00772–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider

all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *Andrew.E.Younglove@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0142, dated July 20, 2026 (EASA AD 2026–0142) (also referred to as the MCAI), to correct an unsafe condition for certain Model A318–112; Model A319–115, –132, –133; Model A320–214, –216, –232, –233, –251N, –271N; and Model A321–211, –213, –231, –271N, –251NX, –253NX, and –271NX airplanes. The MCAI states that a quality escape was identified in the production assembly line on the MLG support rib 5 lugs. The non-conformity on the affected MLG support ribs is tool mark damage in the bore of the forward and aft lugs due to an improper bush removal technique used by the supplier at the assembly stage. This condition, if not corrected, could lead to fatigue damage of the MLG support rib 5, a safe-life principal structural element (PSE), which could result in structural failure and subsequent collapse of the MLG.

The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8793.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0142 specifies procedures for repetitive DVIs of the MLG support rib 5 lugs for discrepancies, a one-time SDI of the lug bore holes of each affected part for discrepancies as a terminating action for the repetitive inspections, and applicable corrective actions (*i.e.,* contacting the manufacturer for repair instructions and doing the repair). Discrepancies include cracking, corrosion, any out of tolerance dimension, signs of bush rotation or migration, presence of liner bushes, ovality, nicks (*e.g.,* any scratches, shallow dents, scoring), on the forward lug, aft lug, or between the forward and aft lugs, or identifying a part having a part number (P/N) or serial number (S/N) other than the ones listed in Appendix 1 of EASA AD 2026–0142.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2026–0142 described previously, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between This AD and the MCAI for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

EASA AD 2026–0142 paragraph (2) requires an SDI within specified compliance times. However, the planned compliance times for that action allows enough time to provide notice and opportunity for prior public comment on the merits of the action. Therefore, this AD does not require the SDI. However, the FAA is allowing the SDI as an optional terminating action as specified in paragraph (4) of EASA AD 2026–0142. The FAA is considering further rulemaking to mandate the terminating action within the specific compliance times.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2026–0142 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2026–0142 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0142 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 2026–0142. Material required by EASA AD 2026–0142 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8793 after this AD is published.

Interim Action

The FAA considers that this AD is an interim action. The FAA is considering further rulemaking to mandate the terminating action.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because fatigue damage of the MLG support rib 5, a safe-life PSE, could result in structural failure and subsequent collapse of the MLG. Additionally, the compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 29 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$0	$255	$7,395

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
345 work-hours × $85 per hour = $29,325	Up to $30,300	Up to $59,625.

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

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–18–03 Airbus SAS: Amendment 39–23458; Docket No. FAA–2026–8793; Project Identifier MCAI–2026–00772–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 18, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (4), certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2026–0142, dated July 20, 2026 (EASA AD 2026–0142).

(1) Model A318–112 airplanes.

(2) Model A319–115, –132, and –133 airplanes.

(3) Model A320–214, –216, –232, –233, –251N, and –271N airplanes.

(4) Model A321–211, –213, –231, –271N, –251NX, –253NX, and –271NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a quality escape identified in the production assembly line on the main landing gear (MLG) support rib 5 lugs, which resulted in tool mark damage in the bore of the forward and aft lugs. The FAA is issuing this AD to address fatigue damage of the MLG support rib 5, which could result in structural failure and subsequent collapse of the MLG.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2026–0142.

(h) Exceptions to EASA AD 2026–0142

(1) Where EASA AD 2026–0142 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt paragraph (2) of EASA AD 2026–0142.

(3) Where paragraph (3) of EASA AD 2026–0142 specifies ''discrepancies, as defined in the AOT, are detected'', this AD requires replacing that text with ''any discrepancy is detected''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0142.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2026–0142 that contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *Andrew.E.Younglove@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0142, dated July 20, 2026.

(ii) [Reserved]

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

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

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

Issued on August 27, 2026.

Brian Knaup,

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

[FR Doc. 2026–18052 Filed 9–1–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2724; Project Identifier AD–2025–01606–E; Amendment 39–23451; AD 2026–17–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Pratt & Whitney Division (PW) Model PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 engines. This AD was prompted by the discovery of a quality escape involving incorrect shot peening on certain high-pressure compressor (HPC) drum rotor disk assemblies. This AD requires visually inspecting the HPC drum rotor disk assembly for incorrect shot peen coverage and, depending on the results of the inspection, replacing the HPC drum rotor disk assembly with a part eligible for installation. This AD also requires removing and replacing certain HPC drum rotor disk assemblies before reaching certain life limits. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 8, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 8, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2724; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For PW material identified in this AD, contact PW, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@prattwhitney.com;* website: *connect.prattwhitney.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–2724.

FOR FURTHER INFORMATION CONTACT: Molly Sturgis, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (562) 627–5373; email: *molly.a.sturgis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain PW Model PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 engines. The NPRM was published in the **Federal Register** on March 24, 2026 (91 FR 13984). The NPRM was prompted by a notification from the manufacturer of a repair shop quality escape, which revealed that certain HPC drum rotor disk assemblies were shot peened in an area where peening was prohibited. Further investigation by the manufacturer revealed that incorrect shot peening of the HPC drum rotor disk assembly reduces the life of the part, and PW identified a select number of fielded HPC drum rotor disk assemblies that could have experienced the same quality escape and may have been peened in a prohibited area. As a result, PW revised the airworthiness limitations section of the existing aircraft maintenance manual to reflect the reduced life limit for the affected part and published updated service material with instructions for removal of affected HPC drum rotor disk assemblies prior to reaching the updated reduced life limits, and inspections of affected HPC drum rotor disk assemblies for incorrect shot peening. In the NPRM, the FAA proposed to require visually inspecting the HPC drum rotor disk assembly for incorrect shot peen coverage before accumulating between 8,600 and 10,400 total life cycles since new, as applicable to HPC drum rotor disk assembly, and, depending on the results of the inspection, replacing the HPC drum rotor disk assembly with a part eligible for installation. The FAA also proposed to require removing and replacing certain HPC drum rotor disk assemblies before reaching certain life limits. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters. The commenters were the Air Line Pilots Association, International (ALPA), All Nippon Airways (ANA), and The Boeing Company (Boeing). ALPA and Boeing supported the NPRM without change. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Acceptable Inspection Results and a Part Eligible for Installation

ANA requested that the FAA revise the NPRM to clarify what action should be taken if evidence of shot peening is not discovered during the visual inspection of the HPC drum rotor disk assembly, and to clarify that affected HPC drum rotor disk assemblies that have passed the visual inspection required by the NPRM are still eligible for installation. Specifically, ANA requested that the FAA add the following language to paragraphs (g) and (h)(2) of the proposed AD: ''HPC drum rotor disk assemblies that have passed the inspection specified in paragraph (h)(1) of this AD with ''SB A72–373'' marking can be treated as a part eligible for installation.''

The FAA partially agrees. The FAA disagrees with the specific language proposed by the commenter but agrees to update the definitions in paragraph (g) of this AD to clarify that HPC drum rotor disk assemblies that pass the visual inspection required by paragraph (h)(1) of this AD are considered eligible for installation.

Request To Allow Future Revisions of Service Material

ANA requested that the FAA revise the material citations specified in the NPRM to read ''or later'' following the revision date. ANA stated that future revisions of the material are possible.

The FAA disagrees with the request. Referring to documents that do not exist at the time the AD is published violates Office of the Federal Register (OFR) regulations, 1 CFR part 51, regarding approval of materials ''incorporated by reference'' in rules. These OFR regulations require that either the service document be submitted to the OFR for approval as ''referenced'' material, in which case it may be simply called out in the text of an AD, or the service document contents be published as part of the actual AD language. Per 1 CFR 51.1(f), an AD may reference only the specific service document that was submitted to and approved by the OFR for ''incorporation by reference.'' In order for operators to use later revisions of the referenced document (issued after the publication of the AD), either the FAA must revise the AD to reference the specific later revisions, or operators must request the approval of their use as an alternative method of compliance (under the provisions of paragraph (i) of this AD). The FAA did not change this AD as a result of this comment.

Request To Refer to Service Material

ANA requested that the FAA revise paragraphs (h)(3) and (4) of the proposed AD by incorporating the following language: ''. . . remove the HPC drum rotor disk assembly from service in accordance with the Accomplishment Instructions, paragraph 1.A., of PW Service Bulletin PW4G–112–A72–370, Original Issue or later, and replace with a part eligible for installation.'' ANA noted that as the NPRM is currently written, it is unclear that these paragraphs are requirements of PW Service Bulletin PW4G–112–A72–370.

The FAA infers that ANA is requesting for PW Service Bulletin PW4G–112–A72–370 to be incorporated by reference. The FAA disagrees with the request to incorporate PW Service Bulletin PW4G–112–A72–370 by reference. Paragraphs (h)(3) and (4) of this AD identify the part numbers and serial numbers for the affected HPC drum rotor disk assemblies that need to be replaced, as well as the compliance times for replacement. The FAA did not incorporate PW Service Bulletin PW4G–112–A72–370 by reference because the AD allows any FAA-approved method for replacing the HPC drum rotor disk assembly and incorporating this service bulletin by reference would unnecessarily restrict operators. The FAA did not change this AD as a result of this comment.

Request for Issue Date and Effective Date of NPRM

ANA requested that the FAA provide ANA with the issue date and effective date of the NPRM.

The FAA agrees to clarify. The issue date for the NPRM was March 20, 2026, which is included at the bottom of the NPRM after the final paragraph. NPRMs do not have an assigned effective date. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed PW Alert Service Bulletin (ASB) PW4G–112–A72–373, dated September 10, 2025. This material specifies procedures for a visual inspection of the HPC drum rotor disk assembly for incorrect shot peen coverage. This material also provides updated inspection thresholds for visual inspection of affected HPC drum rotor disk assemblies. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects four engines installed on airplanes of U.S. registry. The FAA estimates that one of the four engines installed on an airplane of U.S. registry has an HPC drum rotor disk assembly installed that requires replacement of the HPC drum rotor disk assembly at the reduced life limit.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect HPC drum rotor disk assembly ...	10 work-hours × $85 per hour = $850	$0	$850	$2,550.
Replace HPC drum rotor disk assembly	10 work-hours × $85 per hour = $850	1,622,040	1,622,890	Up to $6,491,560.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–17–08 Pratt & Whitney Division: Amendment 39–23451; Docket No. FAA–2026–2724; Project Identifier AD–2025–01606–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 8, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) Model PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by the discovery of a quality escape involving incorrect shot peening on certain high-pressure compressor (HPC) drum rotor disk assemblies. The FAA is issuing this AD to prevent failure of the HPC drum rotor disk assembly. The unsafe condition, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Definitions

For the purpose of this AD, a ''part eligible for installation'' is:

(1) Any HPC drum rotor disk assembly having a part number (P/N) and serial number (S/N) that is not identified in paragraph (h) of this AD.

(2) Any HPC drum rotor disk assembly having a P/N and S/N identified in paragraph (h)(1) of this AD that has passed the inspection required by paragraph (h)(1) of this AD.

(h) Required Actions

(1) For HPC drum rotor disk assemblies having P/N 50S634, and S/N CENCD26931, CENCD29577, CENCD29597, CENCD41851, or CENCD43536, as applicable, before accumulating the total life cycles since new in Table 1 of the Accomplishment Instructions of PW Alert Service Bulletin (ASB) PW4G–112–A72–373, dated September 10, 2025 (PW ASB PW4G–112–A72–373), perform a visual inspection of the HPC drum rotor disk assembly in accordance with the Accomplishment Instructions, paragraph 1.B., of PW ASB PW4G–112–A72–373.

(2) If, during the inspection required by paragraph (h)(1) of this AD, evidence of incorrect shot peening is discovered, before further flight, replace the HPC drum rotor

disk assembly with a part eligible for installation.

(3) For the HPC drum rotor disk assembly having P/N 50S634 and S/N CENCD30975, before accumulating 9,800 total life cycles since new, remove the HPC drum rotor disk assembly from service and replace with a part eligible for installation.

(4) For the HPC drum rotor disk assembly having P/N 50S634 and S/N CENCD42978, before accumulating 11,000 total life cycles since new, remove the HPC drum rotor disk assembly from service and replace with a part eligible for installation.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to:

AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Molly Sturgis, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (562) 627–5373; email: *molly.a.sturgis@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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) Pratt & Whitney Division (PW) Alert Service Bulletin PW4G–112–A72–373, dated September 10, 2025.

(ii) [Reserved]

(3) For PW material identified in this AD, contact PW, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@prattwhitney.com;* website: *connect.prattwhitney.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 20, 2026.

Brian Knaup,

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

[FR Doc. 2026–18019 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8787; Project Identifier MCAI–2025–00836–T; Amendment 39–23452; AD 2026–17–09]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A350–1041 airplanes. This AD was prompted by the detection of missing chamfers under the heads of critical fasteners on the primary structure of both pylons. This AD requires an inspection of the fasteners in the affected areas and corrective actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 18, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2026.

The FAA must receive comments on this AD by October 19, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8787; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–8787.

FOR FURTHER INFORMATION CONTACT: Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *andrew.e.younglove@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8787; Project Identifier MCAI–2025–00836–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *andrew.e.younglove@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0106, dated May 7, 2025 (EASA AD 2025–0106) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–1041 airplanes. The MCAI states that during visual inspections, missing chamfers under the heads of critical fasteners on the primary structure of both the left-hand (LH) and right-hand (RH) pylons of A350–1041 airplanes were detected. This discrepancy could be attributed to a programming error or improper maintenance of cutting tools, which could result in improper fastener installation, potentially compromising the long-term structural integrity of the pylon. This condition, if not detected and corrected, could lead to reduced fatigue life, which could adversely affect the structural integrity of the airplane.

The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8787.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0106 specifies procedures for conducting a detailed inspection of the gap under the fastener heads in the affected areas (*i.e.,* primary structure of the LH and RH pylons) and corrective actions if any discrepancy (*i.e.,* the gap is not within the allowable limits) is detected. Corrective actions include contacting the manufacturer for repair instructions and doing the repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2025–0106 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0106 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0106 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0106 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0106. Material required by EASA AD 2025–0106 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8787 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680	$0	$680

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–17–09 Airbus SAS: Amendment 39–23452; Docket No. FAA–2026–8787; Project Identifier MCAI–2025–00836–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 18, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0106, dated May 7, 2025 (EASA AD 2025–0106).

(d) Subject

Air Transport Association (ATA) of America Code 54, Wings.

(e) Unsafe Condition

This AD was prompted by the detection of missing chamfers under the heads of critical fasteners on the primary structure of both pylons. The FAA is issuing this AD to address missing chamfers on the left-hand (LH) and right-hand (RH) pylons. This condition, if not detected and corrected, could lead to reduced fatigue life, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0106.

(h) Exceptions to EASA AD 2025–0106

(1) Where paragraph (2) of EASA AD 2025–0106 specifies ''any discrepancy is detected'', this AD requires replacing that text with ''the gap under any fastener head in the affected areas is not within the allowable limits''.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0106.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0106 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

For more information about this AD, contact Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: *andrew.e.younglove@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0106, dated May 7, 2025.

(ii) [Reserved]

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

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

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

Issued on August 20, 2026.

Brian Knaup,

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

[FR Doc. 2026–18055 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8792; Project Identifier MCAI–2025–01180–T; Amendment 39–23456; AD 2026–18–01]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. This AD was prompted by a determination that a new airworthiness limitation is necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 18, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2026.

The FAA must receive comments on this AD by October 19, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8792; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–8792.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8792; Project Identifier MCAI–2025–01180–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

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 AD 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 final rule, 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 final rule. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0135, dated June 26, 2025 (EASA AD 2025–0135) (also referred to as the MCAI), to correct an unsafe condition on certain ATR–GIE Avions de Transport Régional Model ATR42–400 and –500 airplanes. Model ATR42–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states a new airworthiness limitation has been developed. This new airworthiness limitation is contained in Temporary Revision 18.9 of ATR42–400/–500 Time Limits Document (TLD), dated April 9, 2025 (TR 18.9).

The FAA is issuing this AD to address the inability to close the ventilation electrical shut-off valves in case of annunciated smoke in a Class E cargo compartment, which could allow suppressed fire to reignite and further propagate. This condition, if not addressed, could result in an uncontrolled fire in the cargo compartment.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8792.

Other Relevant Rulemaking

EASA AD 2025–0135 refers to EASA AD 2024–0052, dated February 23, 2024 (EASA AD 2024–0052); EASA AD 2025–0005, dated January 7, 2025 (EASA AD 2025–0005); and AD 2025–0045, dated February 19, 2025 (EASA AD 2025–0045); which were previously issued to require the airworthiness limitations in ATR42–400/-500 TLD, Revision 18, dated October 16, 2023; TR 18.1 of ATR42–400/-500 TLD, dated July 30, 2024; and TR 18.3 of ATR42–400/-500 TLD, dated November 22, 2024; respectively. The FAA issued AD 2024–19–02, Amendment 39–22844 (89 FR 82491, October 11, 2024) (AD 2024–19–02); AD 2025–25–10, Amendment 39–23218 (91 FR 202, January 5, 2026) (AD

2025–25–10); and AD 2026–10–08, Amendment 39–23348 (91 FR 31353, May 27, 2026) (AD 2026–10–08); to adopt the requirements of EASA AD 2024–0052, EASA AD 2025–0005, EASA AD 2025–0045, respectively. The FAA reviewed all the relevant service information and determined that revising the existing maintenance or inspection program, as applicable, to incorporate the new airworthiness limitations in EASA AD 2025–0135 as referenced in TR 18.9 would not affect compliance with FAA AD 2024–19–02, AD 2025–25–10, and AD 2026–10–08.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0135 specifies a new airworthiness limitation for performing repetitive operational tests of the air conditioning (*i.e.,* ventilation electrical) shut-off valves.

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

FAA's Determination

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

AD Requirements

This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation, which is specified in EASA AD 2025–0135 described previously, as incorporated by reference. Any differences with EASA AD 2025–0135 are identified as exceptions in the regulatory text of this AD.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (j)(1) of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0135 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0135 through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0135 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0135. Material required by EASA AD 2025–0135 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8792 after this final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections or intervals) may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional AD Provisions.'' This new format includes a ''Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. For any affected airplane that may be imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate

is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–18–01 ATR–GIE Avions de Transport Régional: Amendment 39–23456; Docket No. FAA–2026–8792; Project Identifier MCAI–2025–01180–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 18, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0135, dated June 26, 2025 (EASA AD 2025–0135).

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks; 21, Air Conditioning and Pressurization.

(e) Unsafe Condition

This AD was prompted by a determination that a new airworthiness limitation is necessary. The FAA is issuing this AD to address the inability to close the ventilation electrical shut-off valves in case of annunciated smoke in a Class E cargo compartment, which could allow suppressed fire to reignite and further propagate. This condition, if not addressed, could result in an uncontrolled fire in the cargo compartment.

(f) Compliance

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

(g) Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0135.

(h) Exceptions to EASA AD 2025–0135

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0135.

(2) Paragraph (3) of EASA AD 2025–0135 specifies revising the approved aircraft maintenance program (AMP) within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the task specified in paragraph (3) of EASA AD 2025–0135 is on or before the associated thresholds as incorporated by the requirements of paragraph (3) of EASA AD 2025–0135, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2025–0135.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0135.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2025–0135.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 responsible Flight Standards 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*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0135, dated June 26, 2025.

(ii) [Reserved]

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

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

(5) You may view this material at the National Archives and Records

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

Issued on August 25, 2026.

Christopher R. Parker,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18053 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31681; Amdt. No. 4233]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective September 3, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 3, 2026.

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

For Examination

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

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

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

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

Availability

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

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

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

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

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

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

Rune Duke,

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

Adoption of the Amendment

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

PART 97—Standard Instrument Approach Procedures

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

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

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

Effective 1 October 2026

Burbank, CA, BUR, ILS Y OR LOC Y RWY 8, Amdt 6C
Sheldon, IA, SHL, RNAV (GPS) RWY 33, Amdt 1G
Wichita, KS, ICT, ILS OR LOC RWY 1R, Amdt 18

Effective 29 October 2026

Anchorage, AK, ANC/PANC, ILS OR LOC RWY 7L, ILS RWY 7L (SA CAT I), ILS RWY 7L (SA CAT II), Amdt 5A
Anchorage, AK, ANC/PANC, ILS OR LOC RWY 7R, ILS RWY 7R (SA CAT I), ILS RWY 7R (CAT II), ILS RWY 7R (CAT III), Amdt 5A
Cordova, AK, CDV/PACV, ILS OR LOC RWY 27, Amdt 12A
Cordova, AK, CDV/PACV, PULPP ONE, Graphic DP
Cordova, AK, CDV/PACV, RNAV (GPS) RWY 27, Amdt 3
Cordova, AK, CDV/PACV, RNAV (GPS)–B, Amdt 3
Cordova, AK, CDV/PACV, Takeoff Minimums and Obstacle DP, Amdt 9
Butler, AL, 09A, RNAV (GPS) RWY 12, Amdt 1A
Huntsville, AL, HSV, ILS OR LOC RWY 36L, Amdt 12A
Blytheville, AR, BYH, ILS OR LOC RWY 18, Amdt 3, CANCELED
Delano, CA, DLO, Takeoff Minimums and Obstacle DP, Amdt 4
Jefferson, GA, JCA, RNAV (GPS) RWY 35, Amdt 4
Thomson, GA, HQU, LOC RWY 10, Amdt 2
Thomson, GA, HQU, Takeoff Minimums and Obstacle DP, Amdt 3
Kahului, HI, OGG/PHOG, RNAV (GPS) RWY 20, Amdt 2B
Kahului, HI, OGG/PHOG, RNAV (GPS) RWY 23, Amdt 1B
Kahului, HI, OGG/PHOG, VOR Z OR TACAN RWY 20, Amdt 1B
Williamsburg, KY, BYL, RNAV (GPS) RWY 2, Amdt 3
Opelousas, LA, OPL, RNAV (GPS) RWY 18, Amdt 2
Opelousas, LA, OPL, RNAV (GPS) RWY 36, Amdt 2
Springhill, LA, SPH, RNAV (GPS) RWY 18, Orig-A
Southbridge, MA, 3B0, Takeoff Minimums and Obstacle DP, Amdt 4
Grand Rapids, MI, GRR, ILS OR LOC RWY 35, ILS RWY 35 (SA CAT I), ILS RWY 35 (SA CAT II), Amdt 2C
Grand Rapids, MI, GRR, RNAV (GPS) RWY 8R, Amdt 1D
Grand Rapids, MI, GRR, RNAV (GPS) RWY 17, Amdt 1D
Iuka, MS, 15M, RNAV (GPS) RWY 1, Orig-A
Iuka, MS, 15M, RNAV (GPS) RWY 19, Orig-A
Rome, NY, RME, ILS OR LOC RWY 33, Amdt 4
Rome, NY, RME, RNAV (GPS) RWY 15, Amdt 2
Rome, NY, RME, RNAV (GPS) RWY 33, Amdt 3
Rome, NY, RME, Takeoff Minimums and Obstacle DP, Amdt 2
Dayton, OH, MGY, RNAV (GPS) RWY 2, Orig-B
Columbia, SC, CAE, ILS OR LOC RWY 11, ILS RWY 11 (CAT II), ILS RWY 11 (CAT III), Amdt 16A
Columbia, SC, CAE, ILS OR LOC RWY 29, Amdt 5A
Columbia, SC, CAE, RNAV (GPS) RWY 11, Amdt 2A
Columbia, SC, CAE, RNAV (GPS) RWY 23, Amdt 2E
Columbia, SC, CUB, Takeoff Minimums and Obstacle DP, Amdt 4
Hilton Head Island, SC, HXD, RNAV (GPS) RWY 3, Amdt 2
Hilton Head Island, SC, HXD, RNAV (GPS) RWY 21, Amdt 2
Bristol/Johnson/Kingsport, TN, TRI, ILS OR LOC RWY 5, Amdt 4
Bristol/Johnson/Kingsport, TN, TRI, ILS OR LOC RWY 23, ILS RWY 23 (SA CAT I), ILS RWY 23 (CAT II), Amdt 25
Centerville, TN, GHM, Takeoff Minimums and Obstacle DP, Amdt 2
Savannah, TN, SNH, RNAV (GPS) RWY 1, Orig-B
Savannah, TN, SNH, RNAV (GPS) RWY 19, Orig-C
Smyrna, TN, MQY, ILS OR LOC RWY 32, Amdt 8
Hondo, TX, HDO, RNAV (GPS) RWY 17, Orig
Hondo, TX, HDO, RNAV (GPS) RWY 17L, Amdt 1B, CANCELED
Hondo, TX, HDO, RNAV (GPS) RWY 35, Orig
Hondo, TX, HDO, RNAV (GPS) RWY 35R, Orig-B, CANCELED
Hondo, TX, HDO, Takeoff Minimums and Obstacle DP, Amdt 1
San Angelo, TX, SJT, VOR OR TACAN–A, Orig
San Angelo, TX, SJT, VOR Y OR TACAN Y RWY 3, Amdt 1, CANCELED
La Crosse, WI, LSE, RNAV (GPS) RWY 31, Orig-E
Manitowoc, WI, MTW, Takeoff Minimums and Obstacle DP, Amdt 5
Waukesha, WI, UES, ILS OR LOC RWY 10, Amdt 4
Waukesha, WI, UES, RNAV (GPS) RWY 10, Amdt 1
Waukesha, WI, UES, Takeoff Minimums and Obstacle DP, Amdt 7

[FR Doc. 2026–18032 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 234

[Docket No. DOT–OST–2026–1257]

RIN 2105–AF29

Cause of Airline Delay and Cancellation Categories Under Section 511(b) of the FAA Reauthorization Act of 2024

AGENCY: Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, Department of Transportation.

ACTION: Final rule.

SUMMARY: The U.S. Department of Transportation (Department or DOT) is amending its regulations governing how air carriers report the causes of flight cancellations and delays. This action implements Section 511(b) of the FAA Reauthorization Act of 2024, which mandates that ten specific types of events be excluded from the ''Air Carrier'' causal reporting code. That code is reserved for circumstances that are within the carrier's control. This final rule creates a new reporting category to capture these ten specific events, ensuring that the data reported to the Department and shared with the traveling public accurately reflects the statutory distinction between carrier-controllable events and the specific exclusions identified by Congress.

DATES: This final rule becomes effective on October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Nazareth, Bureau of Transportation Statistics, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–934–2413, *robert.nazareth@dot.gov* (email). You may also contact Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–9342 (phone), 202–366–7152 (fax), *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

Background and Statutory Authority

Since 2002, DOT regulations at 14 CFR 234.4 have required reporting carriers to submit monthly data identifying the causes of flight cancellations and delays of 15 minutes or greater. Under the existing framework, delays are attributable to one of 5 categories: (1) Air Carrier, (2) Extreme Weather, (3) National Aviation System, (4) Security, and (5) Late Arriving Aircraft.[1] Carriers use the same categories to report cancellations under the regulation, except that there is no category for Late Arriving Aircraft.[2] The Air Carrier category has historically included any delay or cancellation due to circumstances within the control of the carrier such as maintenance, crew scheduling, or aircraft cleaning.

These causal categories are further detailed in Bureau of Transportation Statistics (BTS) Technical Directive #40, ''On-time Performance'' (Technical Directive).[3] The technical directive provides a non-exclusive list of events that carriers should report in the Air Carrier category like: aircraft cleaning; aircraft damage (except bird strikes, lightning/hail damage); airport curfew; awaiting the arrival of connecting passengers or crew; awaiting alcohol test; awaiting gate space; baggage loading; cabin servicing; cargo loading; catering; computer outage—carrier equipment; crew legality (pilot or attendant rest); damage by hazardous goods; engineering inspection; public health, etc.; flight paperwork; fueling; gate congestion; government forms not properly completed—INS, FAA, Agriculture; ground equipment out of service; hot brakes restriction; last minute passenger; late mail from Post Office; late crew; lavatory servicing; maintenance; medical emergency; out of service aircraft; oversales; positive passenger baggage match; passenger services; potable water servicing; pre-flight check; ramp congestion—blocked by another aircraft under carrier's control; ramp service; removal of unruly passenger; revised weight sheet; shortage of ramp equipment; slow boarding or seating; snow removal (when it is a carrier ramp service function); stowing carry-on baggage; and weight and balance delays.[4] The Technical Directive provides similar lists of events for the other causal categories, except for Late Arriving Aircraft, which does not have a list of events.

On May 16, 2024, the FAA Reauthorization Act of 2024 (2024 FAA Act) became law.[5] Section 511(b) of that act provides that 10 delineated events ''shall not be included within the Air Carrier code.''

Provisions of the Final Rule

To implement this statutory requirement, the Department is adding a new reporting category to 14 CFR 234.4. This category, to be known as Section 511(b) category, will be used exclusively for the ten events identified in section 511(b) of the 2024 FAA Act. At the same time, the Department is revising the definition of the Air Carrier category to prohibit the inclusion of these ten events explicitly. They are:

(1) aircraft cleaning necessitated by the death of a passenger,

(2) aircraft damage caused by extreme weather, foreign object debris, or sabotage,

(3) a baggage or cargo loading delay caused by an outage of a bag system not controlled by a carrier or its contractor,

(4) cybersecurity attacks (provided that the air carrier is in compliance with applicable cybersecurity regulations),

(5) a shutdown or system failure of government systems that directly affects the ability of an air carrier to conduct flights safely and is unexpected,

(6) overheated brakes due to a safety incident resulting in the use of emergency procedures,

(7) unscheduled maintenance, including in response to an airworthiness directive, manifesting outside a scheduled maintenance program that cannot be deferred or must be addressed before flight,

(8) an emergency that required medical attention through no fault of the carrier,

(9) the removal of an unruly passenger, and

(10) an airport closure due to the presence of volcanic ash, wind, or wind shear.

By creating a separate category rather than reassigning these events to existing codes like NAS or Extreme Weather, the Department ensures that the reporting structure remains consistent with the nondiscretionary language of the 2024 FAA Act.

Good Cause for the Final Rule

The Administrative Procedure Act provides an exception to its notice-and-comment rulemaking procedures when an agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest.[6] The agency must incorporate the good cause finding and a brief statement of its reasoning in the rule issued.[7] This final rule implements the statutory requirement that delays and cancellations caused by a list of specific events are excluded from the Air Carrier category in 14 CFR 234.4. Because these exclusions are not discretionary, and the final regulation uses the statutory language for these exclusions without further interpretation, the Department determines that notice and public comment on the rule is unnecessary.

Future Rulemaking

In addition to those required exclusions from the air carrier category provided in section 511(b) of the 2024 FAA Act, section 511(a) of the act also requires the Director of BTS to initiate a rulemaking to revise 14 CFR 234.4 ''to create a new 'cause of delay' category (or categories) that identifies and tracks information on delays and cancellations of air carriers . . . that are due to instructions from the FAA Air Traffic Control System. In addition, Airlines for America (A4A) filed a petition for rulemaking with the Department requesting the Department expedite this rulemaking and make additional regulatory revisions beyond those required by section 511(b).

Implementing section 511(a) and assessing the requests in A4A's petition require the exercise of discretion by the Department. Therefore, those topics require notice and comment procedures under the Administrative Procedure Act. As a result, BTS plans to address these issues through future rulemaking, rather than in this final rule.

I. Regulatory Notices

A. Executive Order 12866 (Regulatory Planning and Review) and the Department's Regulatory Procedures

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under

[1] 14 CFR 234.4(a)(17)–(21), (i).

[2] *Id.* at (a)(16), (h).

[3] *Available* at *https://www.bts.gov/sites/bts.dot.gov/files/2025-11/Technical%20Directive%20No%2040%20On-Time%202026.pdf.*

[4] *Id.*

[5] Public Law 118–63, 138 Stat. 1025 (2024).

[6] 5 U.S.C. 553(b)(B).

[7] *Id.*

section 3(f) of Executive Order (E.O.) 12866. Accordingly, OMB has not reviewed it. In addition, this rule is not significant under the Department's Regulatory Policies and Procedures (49 CFR part 5 and DOT Order 2100.6B). This rule implements the statutory requirement that delays and cancellations caused by 10 delineated events are excluded from the Air Carrier category in 14 CFR 234.4 and does not involve the exercise of discretion by the Department. The economic impact of this rulemaking is discussed in this section.

This economic analysis describes the expected benefits, costs, and other potential economic impacts of this final rule. The baseline for this analysis is the current regulation at 14 CFR 234.4. This final rule creates a new reporting category in 14 CFR 234.4 for carriers to report the 10 delineated causes of delay and cancellation that section 511(b) of the 2024 FAA Act excludes from the Air Carrier category in 14 CFR 234.4. This final rule does not change the applicability and scope of the existing reporting requirements in 14 CFR 234 regarding the air carriers that are required to report data or the flights for which data is submitted by the reporting air carriers.

Benefits

This rule benefits the public by ensuring the information airlines report to the Department, and that the Department in turn provides to the public, is accurate because the information is consistent with Federal law and the legislative determination of what circumstances are not within airline control. Consumers of air transportation will be better informed with more appropriate data regarding the causes of delays and cancellations consistent with Federal law, and, therefore, will be able to make improved comparisons when selecting among air carriers. These improvements to information cannot be reliably quantified.

Costs

The Department has determined this final rule will result in an overall total cost savings. In conducting this economic analysis, DOT considered airline compliance with the changes within this final rule as a cost. In analyzing the cost of airline compliance, DOT considered two cost scenarios. The first considers that airlines already track cause of delay and cancellation in detail, and, therefore, airline compliance costs because of this final rule will be de minimis. With this final rule, airlines would not be submitting any new reports to the Department, but rather reporting a limited subset of causes of cancellation and delay in a different category than those same delays and cancellations are currently reported. Airlines use internal codes to classify delay and cancellation causes. Although the DOT will only use six categories of cause of delay and five categories of causes of cancellation, airline's internal systems generally utilize many more codes that provide more specificity than the categories used to report to DOT.[8] In addition, it is the Department's understanding that each of the airlines covered by this rule have in-house data and information technology resources, and the commercial sensitivity of airline data in general favors in-house work. Therefore, any one-time upfront incremental modifications associated with adding the new 511(b) delay and cancellation category to airline data systems for purposes of reporting to DOT could be performed as part of the usual ongoing business practices of the air carriers in maintaining and improving their data systems. As a result, incremental cost to air carriers to comply with the changes of this final rule would be de minimis.

In an effort to complete a thorough analysis of this final rule, the Department also analyzed airline compliance costs based on a scenario in which this final rule would impose modest one-time upfront incremental costs on reporting air carriers should airlines perform material modifications to data processing systems to incorporate the new causal category for delays and cancellations. The ongoing recurring labor costs and other costs (equipment, etc.) associated with the existing reporting requirements under 14 CFR 234.4 are unchanged under this final rule. The reporting air carriers will still perform the same activities such as assigning delays and cancellations to the various categories and submitting data to BTS, only now with some delays and cancellations assigned to the new causal category rather than the Air Carrier category.

For calendar year 2026, 13 carriers report data to the Department under 14 CFR 234.[9] This final rule does not change the applicability and scope of the existing reporting requirements in 14 CFR 234 regarding the air carriers that are required to report data, and therefore the number of air carriers that will need to perform modifications to their data processing systems under this scenario to incorporate the new causal category for delays and cancellations will be limited to these 13 carriers. For each of these air carriers, under this scenario, the Department estimates that modifying the applicable data processing systems to incorporate the new causal category for delays and cancellations will require a total of 100 labor hours to complete, test, and implement fully. The costs associated with these labor hours are comprised of both the base wage rate plus fringe benefits, which taken in combination better represents the economic costs to the air carriers than the base wage rate alone. Fringe benefits include paid leave, bonuses and overtime pay, health and other types of insurance, retirement plans, and legally required benefits (Social Security, Medicare, unemployment insurance, and workers compensation insurance).

To quantify and monetize the total labor costs to each air carrier, wage rate and benefits data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS) are utilized. Wage rates are derived from the Occupational Employment and Wage Statistics (OEWS) data series published by BLS. The estimated 100 labor hours are allocated among two applicable occupational categories represented in the OEWS data, SOC 15–1251 (Computer Programmers) and SOC 15–1211 (Computer Systems Analysts), with 75 percent of the total hours (75 hours) allocated to the 15–1251 Computer Programmers occupational category, and the remaining 25 percent of the total hours (25 hours) allocated to the 15–1211 Computer Systems Analysts occupational category. The most recent OEWS data available, for May 2024, report that the 75th percentile hourly wage rate for the 15–1251 Computer Programmers occupational category is $62.00, and for the 15–1211 Computer Systems Analysts occupational category is $63.64.[10] The 75th percentile hourly

[8] The International Air Transport Association (IATA), the trade association for the world's airlines, provides standardized delay codes. *See* IATA Airport Handling Manual, *https://www.iata.org/en/publications/manuals/airport-handling-manual/.*

[9] U.S. Department of Transportation, Bureau of Transportation Statistics, Office of Airline Information, *Technical Directive #40–On-Time Performance,* p. 2, *available at https://www.bts.gov/sites/bts.dot.gov/files/2025-11/Technical%20Directive%20No%2040%20On-Time%202026.pdf.* Since the period used to determine reporting carriers began, on October 29, 2025, the FAA issued a single operating certificate to Alaska Airlines and Hawaiian Airlines. As such, the FAA recognizes Alaska/Hawaiian as a single certificated carrier. Hawaiian branded flights are now operated by, and therefore their information reported to the Department by, Alaska Airlines.

[10] U.S. Department of Labor, BLS, *Occupational Employment and Wage Statistics,* May 2024, *available at https://www.bls.gov/oes/tables.htm.*

wage rate is used for this analysis because it is expected that relatively more experienced and senior staff in these labor categories will be assigned to perform the necessary data system modifications, and that these more experienced staff will have an hourly wage rate greater than the median hourly wage rate.

BLS does not publish data on fringe benefits for specific occupations, but it does for broader industry and occupational groups in its Employer Costs for Employee Compensation (ECEC) release.[11] For this analysis, an average hourly wage of $42.95 and average hourly benefits of $16.64 for private industry workers in ''professional and related occupations'' in the ''trade, transportation, and utilities industry'' is used to estimate that fringe benefits are equal to 39 percent of wages ($16.64 ÷ $42.95).

Based on these base wage rates and fringe benefits estimates, the combined hourly cost for the 15–1251 Computer Programmers occupational category is $86.02 per hour, and for the 15–1211 Computer Systems Analysts occupational category is $88.29. Applied to the labor hour estimates per carrier of 75 hours for the 15–1251 Computer Programmers occupational category and 25 hours for the 15–1211 Computer Systems Analysts occupational category, the resulting cost per carrier is $6,452 for the 15–1251 Computer Programmers occupational category and $2,207 for the 15–1211 Computer Systems Analysts occupational category, for a total of $8,659 per carrier. The resulting one-time upfront incremental cost for all 13 reporting air carriers combined under this scenario is therefore estimated to be $112,567.

Under both scenarios of de minimis and quantified airline costs, BTS will incur modest one-time upfront incremental costs to perform modifications to its data collection and data processing systems to incorporate the new causal category for delays and cancellations. For BTS, it is estimated that modifying the applicable data collection and processing systems to incorporate the new causal category for delays and cancellations will require a total of 240 labor hours to complete, test, and implement fully. An estimated fully loaded hourly labor rate of $200 per hour is used for the hourly labor rate applicable to BTS. This hourly rate is based on recent average labor rates for applicable occupational categories such as senior data analysts and senior data warehouse specialists available under contract to BTS. The resulting one-time upfront incremental cost to BTS is estimated to be $48,000.

Under both scenarios, this final rule is also expected to result in a similar relatively modest one-time upfront incremental cost that will be incurred by the Federal Aviation Administration (FAA). FAA uses the on-time performance data collected by BTS under 14 CFR 234.4 to analyze air traffic delays. FAA will need to perform modifications to its data processing systems to incorporate the new causal category for delays and cancellations, such that FAA can continue to receive the BTS on-time performance data effectively for its use in analyzing air traffic delays. For FAA, it is estimated that modifying the applicable data processing systems to incorporate the new causal category for delays and cancellations will require a total of 80 labor hours to complete, test, and implement fully. An estimated fully loaded hourly labor rate of $200 per hour is also used for the hourly labor rate applicable to FAA. The resulting one-time upfront incremental cost to FAA is estimated to be $16,000.

Under both scenarios, this final rule is also expected to result in cost savings for carriers that will substantially exceed any costs imposed because this final rule will reduce the negative reputational impacts and harm that air carriers currently experience because of the attribution of certain delay and cancellation causes to air carriers that this rulemaking addresses as not within their control. In the absence of this final rule, overreporting of both the number and proportion of delays and cancellations attributed to air carriers would continue, with that information then made available to consumers and the public via BTS's website and the Department's monthly ATCR table displaying cause of delay which in turn reaches various industry and general news outlets and social media. The attribution of delays and cancellations that are outside the control of air carriers to the air carrier causal category impacts the relative competitiveness of air carriers by influencing consumer decision making when selecting an air carrier for a trip. In addition, consumers may consider this information in weighing their transportation options, including options to use modes of transportation other than commercial airlines. This final rule addresses and corrects overreporting of air carrier delays and cancellations, which in turn will reduce the negative reputational impacts and harm that carriers currently experience. Though the magnitude of the reduction in negative reputational impacts and harm cannot be quantified, the largest U.S. industry representative group submits that the reporting that makes it into the hands of the public through the Department's ATCR is significant.[12] Given the large number of flights operated and passengers transported by the 13 reporting air carriers that are within the scope of this final rule, the Department believes that the cost savings to air carriers resulting from the reduction in the negative reputational impacts and harm that air carriers currently experience will substantially exceed the scenario with relatively modest one-time upfront incremental costs to the reporting air carriers, BTS, and FAA to perform modifications to data processing systems to incorporate the new causal category for delays and cancellations. Therefore, overall, this final rule is expected to have total costs less than zero.

Transfers

In addition to the benefits and cost savings of the final rule, it is expected that the total value of amenities and compensation currently provided by air carriers to consumers will be reduced under this final rule because of the 10 delineated causes of delay and cancellation that will now be excluded from the Air Carrier category in 14 CFR 234.4. All the reporting air carriers that sell tickets currently commit to providing amenities at no cost to consumers for lengthy controllable delays and controllable cancellations in their customer service plans.[13] In addition, some of these carriers commit to providing non-cash compensation for lengthy controllable cancellations and controllable delays. With the 10 delineated causes of delay and cancellation under this final rule now excluded from the Air Carrier category in 14 CFR 234.4, the number of delays and cancellations for which air carriers provide amenities and compensation to consumers is expected to be reduced. The magnitude of the total reduction in amenities and compensation cannot be reliably estimated by the Department

[11] U.S. Department of Labor, BLS, *Table 4: Employer Costs for Employee Compensation for Private Industry Workers by Occupational and Industry Group,* June 2025, *available at https://www.bls.gov/web/ecec/ecec-news-release-tables.xlsx.*

[12] Airlines for America, et al., *Petition for Rulemaking to Revise On-time Performance Reporting Regulations Under 14 CFR part 234,* October 22, 2024, Docket No: DOT–OST–2024–0123, *available at https://www.regulations.gov/document/DOT-OST-2024-0123-0001.*

[13] U.S. Department of Transportation, Office of Aviation Consumer Protection. *Airline Cancellation and Delay Dashboard, available at https://www.transportation.gov/airconsumer/airline-cancellation-delay-dashboard.*

mainly because the Department does not have visibility into the frequency of the 10 delineated causes excluded from the Air Carrier category. To the extent that the total value of amenities and compensation that air carriers provide to consumers is reduced under this final rule, the value of that reduction is best represented as a transfer of value from consumers back to air carriers, rather than a cost to consumers or a benefit to air carriers. Benefit and cost estimates reflect real resource use, and in general it is more appropriate to consider payments from one group to another that do not affect the total resources available to society as transfers rather than as costs or benefits.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is considered an E.O. 14192 deregulatory action. Details on the estimated cost savings of this rule can be found in the rule's economic analysis.

C. Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in E.O. 13132 (Federalism). This final rule does not impose any requirement that: (1) has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government, (2) imposes substantial direct compliance costs on State and local governments, or (3) preempts State law. The Airline Deregulation Act already preempts States from regulating in this area, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

D. Executive Order 13175

This rule has been analyzed in accordance with the principles and criteria contained in E.O. 13175 (Consultation and Coordination with Indian Tribal Governments). Because the requirements of this final rule do not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of E.O. 13175 do not apply.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601, *et seq.*) requires Federal agencies to review and assess the impact on small entities of any regulation required by 5 U.S.C. 553 or any other law to be published as a proposed rule for public comment prior to issuance of a final rule. Because no notice of proposed rulemaking is required for this rule under the Administrative Procedure Act (5 U.S.C. 553) or any other law the analytical provisions of the RFA do not apply.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) (PRA), no person is required to respond to a collection of information unless it displays a valid OMB control number.

This final rule imposes revised requirements that would require revisions to the information collection under OMB Control No. 2138–0041 and approval by OMB. The Department will seek approval from OMB for the changes to the collection of information established in this final rule.

G. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) at 2 U.S.C. 1532 requires that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. As described elsewhere in the preamble, this final rule would have no such effect on State, local, and tribal governments or on the private sector. Therefore, the Department has determined that no assessment is required pursuant to UMRA.

H. National Environmental Policy Act

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) [14] and has determined that it is categorically excluded pursuant to DOT Order 5610.1D, Procedures for Considering Environmental Impacts.[15] DOT Order 5610.1D categorically excludes ''[a]ctions relating to consumer protection, including regulations.'' The purpose of this rulemaking is to update reporting on the causes of flight cancellations and delays, consistent with the requirements of the 2024 FAA Act. Section 506 of the 2024 FAA Act, codified at 49 U.S.C. 42307, requires the Department to establish and maintain a publicly available online delay and cancellation dashboard ''that displays information regarding the services and compensation provided by each large air carrier to mitigate any passenger inconvenience caused by a delay or cancellation due to circumstances in the control of such carrier.'' That section further requires the Department to ''explain the circumstances under which a delay or cancellation is not due to circumstances in the control of the large air carrier . . . consistent with [14 CFR] 234.4.'' Accordingly, this rulemaking, which defines which causes of delay are and are not due to circumstances within the control of an air carrier falls under the categorical NEPA exception for regulations relating to consumer protection. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

List of Subjects in 14 CFR Part 234

Air carriers, Air rates and fares, Consumer protection, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, DOT amends 14 CFR part 234 as follows:

PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

■ 1. The authority citation for part 234 is revised to read as follows:

Authority: 49 U.S.C. 329, 41708, and 41709.

Sec. 234.4 also issued under sec. 511, Pub. L. 118–63, 138 Stat 1025 (49 U.S.C. 6302 note).

■ 2. Amend § 234.4 by:

■ a. Redesignating paragraphs (a)(22) through (29) as paragraphs (a)(23) through (30);

■ b. Adding new paragraph (a)(22);

■ c. Revising paragraphs (b) and (c);

■ d. Revising paragraphs (h) introductory text and (h)(1) and adding paragraph (h)(5); and

■ e. Revising paragraphs (i) introductory text and (i)(1), and adding paragraph (i)(6).

The addition and revisions read as follows:

§ 234.4 Airline Service Quality Performance Reports

(a) * * *

(22) Minutes of delay attributed to the category for section 511(b) of the FAA Reauthorization Act of 2024, if any.

* * * * *

(b) Repeat fields in paragraphs (a)(26) through (30) for each subsequent diverted airport landing.

(c) When reporting the information specified in paragraph (a) of this section for diverted flights, a reporting carrier shall use the original scheduled flight number and the origin and destination

[14] 42 U.S.C. 4321, *et seq.*

[15] *Available at https://www.transportation.gov/sites/dot.gov/files/2025-07/DOT_Order_5610.1D_OST-P-250627-001_508_Compliant.pdf.*

airport codes except for the item in paragraph (a)(26).

* * * * *

(h) Reporting carriers should use the following codes to identify causes for cancelled flights:

Code
A–Air Carrier
B–Extreme Weather
C–National Aviation System (NAS)
D–Security
E–Section 511(b)

(1) Air Carrier cancellations are due to circumstances that were within the control of the air carrier (*e.g.,* lack of flight crew, maintenance, etc.). Cancellations due to events listed in paragraph (h)(5) of this section must not be reported as Air Carrier.

* * * * *

(5) Section 511(b) of the FAA Reauthorization Act of 2024 cancellations are due to:

(i) Aircraft cleaning necessitated by the death of a passenger;

(ii) Aircraft damage caused by extreme weather, foreign object debris, or sabotage;

(iii) A baggage or cargo loading delay caused by an outage of a bag system not controlled by a carrier or its contractor;

(iv) Cybersecurity attacks (provided that the air carrier is in compliance with applicable cybersecurity regulations);

(v) A shutdown or system failure of government systems that directly affects the ability of an air carrier to safely conduct flights and is unexpected;

(vi) Overheated brakes due to a safety incident resulting in the use of emergency procedures;

(vii) Unscheduled maintenance, including in response to an airworthiness directive, manifesting outside a scheduled maintenance program that cannot be deferred or must be addressed before flight;

(viii) An emergency that required medical attention through no fault of the carrier,

(ix) The removal of an unruly passenger; or

(x) An airport closure due to the presence of volcanic ash, wind, or wind shear.

(i) Reporting carriers should use the following causes to identify the reasons for delayed flights:

CAUSE
Air Carrier
Extreme weather
NAS
Security
Late arriving aircraft
Section 511(b)

(1) Air carrier delays are due to circumstances within the control of the air carrier. Delays due to events listed in paragraph (i)(6) of this section must not be reported as Air Carrier.

* * * * *

(6) Section 511(b) of the FAA Reauthorization Act of 2024 delays are due to:

(i) Aircraft cleaning necessitated by the death of a passenger;

(ii) Aircraft damage caused by extreme weather, foreign object debris, or sabotage;

(iii) A baggage or cargo loading delay caused by an outage of a bag system not controlled by a carrier or its contractor;

(iv) Cybersecurity attacks (provided that the air carrier is in compliance with applicable cybersecurity regulations);

(v) A shutdown or system failure of government systems that directly affects the ability of an air carrier to conduct flights safely and is unexpected;

(vi) Overheated brakes due to a safety incident resulting in the use of emergency procedures;

(vii) Unscheduled maintenance, including in response to an airworthiness directive, manifesting outside a scheduled maintenance program that cannot be deferred or must be addressed before flight;

(viii) An emergency that required medical attention through no fault of the carrier,

(ix) The removal of an unruly passenger; or

(x) An airport closure due to the presence of volcanic ash, wind, or wind shear.

* * * * *

Signed in Washington, DC

Sean P. Duffy,

Secretary of Transportation.

[FR Doc. 2026–18040 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–9X–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Chapter I

RIN 3038–AF31

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 279

[Release No. IA–6992; File No. S7–22–22]

RIN 3235–AN13

Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers; Further Extension of Compliance Date

AGENCY: Commodity Futures Trading Commission and Securities and Exchange Commission.

ACTION: Joint final rule; further extension of compliance date.

SUMMARY: The Commodity Futures Trading Commission (the ''CFTC'') and the Securities and Exchange Commission (the ''SEC'') (collectively, ''we'' or the ''Commissions'') are further extending the compliance date for the amendments to Form PF that were adopted on February 8, 2024, from October 1, 2026, to July 1, 2027. Form PF is the confidential reporting form for certain SEC-registered investment advisers to private funds, including those that also are registered with the CFTC as a commodity pool operator (a ''CPO'') or a commodity trading adviser (a ''CTA'').

DATES:

Effective date: The effective date for this release is September 3, 2026.

Compliance date: As of September 19, 2025, the compliance date for the amendments to Form PF codified March 12, 2024, at 89 FR 17984, delayed February 5, 2025 at 90 FR 9007, further delayed June 16, 2025 at 90 FR 25140, and further delayed October 1, 2026 at 90 FR 45131, is further delayed until July 1, 2027.

FOR FURTHER INFORMATION CONTACT:

SEC: Alexis Palascak, Janet Jun, and Daniel Levine, Senior Counsels; Samuel Thomas, Branch Chief; Adele Kittredge Murray, Private Funds Attorney Fellow; or Robert Holowka, Assistant Director, Investment Adviser Regulation Office, at (202) 551–6787, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

CFTC: Michael Ehrstein, Special Counsel, at (202) 418–6700, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Commissions are extending the compliance date of the 2024 Form PF Amendments under the Investment Advisers Act of 1940 (the ''Advisers Act'').[1]

Agency	Reference	CFR citation
CFTC & SEC	Form PF[2].	17 CFR 279.9

I. Discussion

On February 8, 2024, the Commissions adopted amendments to Form PF 17 CFR 279.9 under the Advisers Act (the ''2024 Form PF Amendments'').[3] Form PF is the form that certain SEC-registered investment advisers, including those that also are registered with the CFTC as a CPO or a CTA, use to report confidential information about the private funds[4] that they advise.

The Commissions initially established a single effective and compliance date for the 2024 Form PF Amendments of March 12, 2025, which was one year from its date of publication in the **Federal Register** (the ''Initial Compliance Date''). On January 29, 2025, the Commissions extended the compliance date of the 2024 Form PF Amendments to June 12, 2025, to address certain challenges associated with the timing of reporting cycles for Form PF.[5] Subsequently, the Commissions became aware of remaining significant challenges associated with coming into compliance with the 2024 Form PF Amendments by June 12, 2025, and further extended the compliance date to October 1, 2025.[6] The Commissions extended the compliance date again to October 1, 2026, (the ''Current Compliance Date'') to allow for more time to complete a substantive review of Form PF and determine whether to take any further appropriate actions.[7] Accordingly, filers have been allowed to file the version of Form PF in effect prior to the 2024 Form PF Amendments (the ''Current Form PF'') until the Current Compliance Date.

Following the Current Compliance Date extension, the Commissions proposed additional amendments to Form PF to reduce private fund reporting burdens while ensuring the continued collection of necessary and appropriate information.[8] The proposed additional amendments, if adopted, would significantly raise the filing threshold, eliminate certain reporting obligations, streamline other requirements, and make corrections and other revisions. The Commissions are currently considering comments on the 2026 Proposed Form PF Amendments, which were requested to be submitted on or before June 23, 2026. Given the timing of the Current Compliance Date and the end of the comment period for the 2026 Proposed Form PF Amendments, as well as the significant impact that these proposed amendments could have with respect to the 2024 Form PF Amendments if adopted as proposed, we are further extending the compliance date for the 2024 Form PF Amendments to July 1, 2027. Extending the compliance date for the 2024 Form PF Amendments by an additional 9 months is needed to allow Form PF filers to avoid certain potentially significant costs associated with aspects of the 2024 Form PF Amendments that the Commissions have proposed to amend and/or eliminate, while the Commissions consider comments on the Proposed 2026 Form PF Amendments and whether to take further action. In addition, the compliance date extension is intended to provide Form PF filers with sufficient time to comply with the 2024 Form PF Amendments in the event the Commissions do not adopt the proposed amendments in whole or in part.

II. Economic Analysis

The SEC is mindful of the economic effects, including the costs and benefits, of the compliance date extension. Section 202(c) of the Advisers Act provides that when the SEC is engaging in rulemaking under the Advisers Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, the SEC shall also consider whether the action will promote efficiency, competition, and capital formation, in addition to the protection of investors.

The baseline against which the costs, benefits, and the effects on efficiency, competition, and capital formation of the compliance date extension are measured consists of the current state of the market, Form PF filers' current practices, and the current regulatory framework, including recently adopted rules. The changes to Form PF in the 2024 Form PF Amendments will impact all categories of private fund advisers. These include, but are not limited to, advisers to hedge funds, private equity funds, real estate funds, securitized asset funds, liquidity funds, and venture capital funds.[9]

As discussed above, the Commissions has extended the compliance date for the 2024 Form PF Amendments on several occasions, most recently to allow Form PF filers to continue to file the Current Form PF until the Current Compliance Date of October 1, 2026.

[1] 15 U.S.C. 80b. Unless otherwise noted, when we refer to the Advisers Act, or any section of the Advisers Act, we are referring to 15 U.S.C. 80b, in which the Advisers Act is codified, and when we refer to rules under the Advisers Act, or any section of these rules, we are referring to title 17, part 275 of the Code of Federal Regulations [17 CFR 275], in which these rules are published.

[2] Congress enacted Sections 404 and 406 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act''), which require that private fund advisers file reports and specify certain types of information that should be subject to reporting and/or recordkeeping requirements. Public Law 111–203, 124 Stat. 1376 (2010). With respect to such reports, the Dodd-Frank Act authorizes the SEC to require that private fund advisers file such information ''as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.'' The result of this enactment is Form PF, which is a joint form between the SEC and CFTC only with respect to sections 1 and 2 of the Form.

[3] *Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers,* Release No. IA–6546 (Feb. 8, 2024) [89 FR 17984 (Mar. 12, 2024)] (''2024 Adopting Release''). Any reference to the ''Commissions'' or ''we,'' as it relates to the collection and use of Form PF data, are meant to refer to the agencies in their separate or collective capacities (as the context requires or permits), and such data from filings made pursuant to 17 CFR 275.204(b)–1, by and through Private Fund Reporting Depository, a subsystem of the Investment Adviser Registration Depository, and reports, analysis, and memoranda produced pursuant thereto.

[4] *See* 17 CFR 275.204(b)–1. Advisers Act section 202(a)(29) defines the term ''private fund'' as an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (the ''Investment Company Act''), but for section 3(c)(1) or section 3(c)(7) of that act. Section 3(c)(1) of the Investment Company Act provides an exclusion from the definition of ''investment company'' for any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons (or, in the case of a qualifying venture capital fund, 250 persons) and which is not making and does not presently propose to make a public offering of its securities. Section 3(c)(7) of the Investment Company Act provides an exclusion from the definition of ''investment company'' for any issuer, the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers (as defined in section 2(a)(51) of the Investment Company Act), and which is not making and does not at that time propose to make a public offering of such securities.

[5] *Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers; Extension of Compliance Date,* Release No. IA–6838 (Jan. 29, 2025) [90 FR 9007 (Feb. 5, 2025)] (''Initial Compliance Date Extension Release'').

[6] *Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers; Further Extension of Compliance Date,* Release No. IA–6883 (June 11, 2025) [90 FR 25140 (June 16, 2025)].

[7] *Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers; Further Extension of Compliance Date,* Release No. IA–6919 (Sept. 17, 2025) [90 FR 45131 (Sept. 19, 2025)].

[8] *See Form PF; Reporting Requirements for All Filers,* Release No. IA–6959 (Apr. 20, 2026) [91 FR 22232 (Apr. 24, 2026)] (''2026 Proposed Form PF Amendments'').

[9] *See* 2024 Adopting Release.

This final rule will extend the compliance date for the 2024 Form PF Amendments to July 1, 2027, to provide time for the Commissions to consider comments on the 2026 Proposed Form PF Amendments and take any further action. The additional extension will affect all advisers required to file the 2024 Form PF Amendments.[10] The primary benefit of the delayed compliance date is that it will allow advisers to avoid the costs associated with any of the 2024 Form PF Amendments that could be eliminated or modified if the Commissions adopt the 2026 Proposed Form PF Amendments in whole or in part. This benefit will be reduced to the extent that advisers have already incurred any portion of the initial costs associated with such amendments.[11] If the Commissions ultimately determine not to adopt the 2026 Proposed Form PF Amendments, the delayed compliance date will save the affected advisers the incremental costs of complying with the 2024 Form PF Amendments during the nine-month extension, and will delay any initial costs associated with those amendments that advisers have not yet incurred.[12]

Extending the compliance date to July 1, 2027, will delay the realization of any economic benefits from the new information in the 2024 Form PF Amendments that otherwise would have been available to the Commissions and the Financial Stability Oversight Council (the ''FSOC'').[13] For example, if significant market events occur during the extension period, the benefits associated with the new information in the 2024 Form PF Amendments that the Commissions and the FSOC would have otherwise been able to use for oversight purposes during the extension period will be forgone.

The extension of the compliance date also will further delay the accrual of any effects on market efficiency, competition, and capital formation described in the 2024 Adopting Release. As an alternative, we could have provided a shorter or longer compliance date extension (*e.g.,* 6-month or 1-year extension). However, a shorter extension may not have provided enough time for the Commissions to consider comments on the 2026 Proposed Form PF Amendments and take any further action. Conversely, a longer extension would delay the accrual of any benefits from the augmented information in the 2024 Form PF Amendments longer than necessary if the Commissions ultimately determine not to adopt the 2026 Proposed Form PF Amendments.

III. Procedural and Other Matters

The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency ''for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.'' [14]

The Commissions, for good cause, find that notice and solicitation of public comment to further extend the compliance date for the 2024 Form PF Amendments are impracticable, unnecessary, or contrary to the public interest.[15] This extension does not impose any new substantive regulatory requirements on any person and merely reflects the further extension of the compliance date for the 2024 Form PF Amendments. For the reasons discussed above, an extension of the compliance date to July 1, 2027, is needed to allow Form PF filers to avoid certain potentially significant costs associated with aspects of the 2024 Form PF Amendments that the Commission has proposed to amend and/or eliminate, while the Commissions consider comments on the Proposed 2026 Form PF Amendments and whether to take further action.

For similar reasons, although the publication of a rule is generally required at least 30 days before its effective date, the requirements of 5 U.S.C. 553(d)(3) and 808(2) are satisfied (notwithstanding the requirement of 5 U.S.C. 801) [16] and therefore the good cause exception applies to this action.[17]

For purposes of Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act),[18] the Office of Management and Budget (''OMB'') has determined the final rule is not a ''major rule.'' OMB has determined that this action is not a significant regulatory action as defined in Executive Order 12866, and therefore it was not subject to Executive Order 12866 review. This action is an Executive Order 14192 deregulatory action.

Note: Form PF will not appear in the Code of Federal Regulations.

By the Commissions.

Dated: August 31, 2026.

Christopher Kirkpatrick,

Secretary, Commodity Futures Trading Commission.

Vanessa A. Countryman,

Secretary, Securities and Exchange Commission.

Note: The following Commodity Futures Trading Commission (CFTC) appendix will not appear in the Code of Federal Regulations.

[10] *See* 2024 Adopting Release for baseline statistics on Form PF filers.

[11] While many advisers may have already incurred a large fraction of the initial costs associated with developing the new reporting systems in order to meet previously extended compliance dates, some advisers may still incur a remaining fraction of this cost as they finalize the development and testing of these systems before July 1, 2027.

[12] *See* 2024 Adopting Release for PRA compliance costs associated with the 2024 Form PF Amendments.

[13] Specifically, the 2024 Form PF Amendments were designed to facilitate two primary goals the SEC sought to achieve with reporting on Form PF as articulated in the 2024 Adopting Release, namely: (1) facilitating FSOC's understanding and monitoring of potential systemic risk relating to activities in the private fund industry and assisting FSOC in determining whether and how to deploy its regulatory tools with respect to nonbank financial companies; and (2) enhancing the SEC's abilities to evaluate and develop regulatory policies and improving the efficiency and effectiveness of the SEC's efforts to protect investors and maintain fair, orderly, and efficient markets. The 2024 Form PF Amendments were designed to (1) provide solutions to potential reporting errors and issues of data quality when analyzing Form PF filings across advisers and when analyzing multiple different regulatory filings; (2) help Form PF more completely and accurately capture information relevant to ongoing trends in the private fund industry in terms of ownership, size, investment strategies, and exposures; and (3) take certain steps to streamline certain reporting and reduce certain reporting burdens without compromising investor protection efforts and systemic risk analysis. *See* Initial Compliance Date Extension Release. *See also* 2024 Adopting Release, at section IV.C.1.

[14] 5 U.S.C. 553(b)(B).

[15] *See* 5 U.S.C. 553(b)(B) (stating that an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are ''impracticable, unnecessary, or contrary to the public interest'').

[16] *See* 5 U.S.C. 553(d)(3) (the publication of a substantive rule may be less than 30 days before its effective date for good cause found and published with the rule); 808(2) (if a Federal agency finds that notice and public comment are impracticable, unnecessary or contrary to the public interest, a rule shall take effect at such time as the Federal agency promulgating the rule determines). This rule also does not require analysis under the Regulatory Flexibility Act. *See* 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment). Finally, this rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 (''PRA''). 44 U.S.C. 3501 *et seq.* Accordingly, the PRA is not applicable.

[17] *See* 5 U.S.C. 553(d)(3).

[18] 5 U.S.C. chapter 8.

CFTC Appendix to Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers; Further Extension of Compliance Date—CFTC Voting Summary

On this matter, Chairman Selig voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2026–18104 Filed 9–2–26; 8:45 am]

BILLING CODE 8011–01–P; 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–1147]

RIN 1625–AA08

Special Local Regulation; Allegheny River Mile Markers 0–3.5 and Ohio River Mile Marker 0–3, Pittsburgh, PA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) on the waters of the Allegheny River from mile marker 0 to mile marker 3.5 and the Ohio River from mile marker 0 to mile marker 3 in Pittsburgh, PA. This action is necessary to provide for the safety of life on these navigable waters from potential hazards during the Pitt Paddle planned on September 6, 2026. This proposed rulemaking would prohibit persons and vessels from being in the six-and-a-half-mile regulated area unless authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective from 7 a.m. until noon on September 6, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–1147.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Petty Officer Brett Lanzel, MSU Pittsburgh, U.S. Coast Guard; telephone 206–815–6624, email *Brett.J.Lanzel@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
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

On August 3, 2026, an organization notified the Coast Guard that from 8 a.m. to noon on September 6, 2026, they will sponsor the Pitt Paddle race with approximately 50 participants expected. The event will be held between Mile Markers 0 and 3.5 on the Allegheny River and Mile Markers 0 and 3 on the Ohio River in Pittsburgh, PA.

The Captain of the Port Pittsburgh (COTP) is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the Paddle Race include the possibility of participants paddling through the navigable channel and encountering larger recreational and commercial vessels. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

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 and contrary to the public interest. The Coast Guard was notified of this event on August 3, 2026, but we must establish this SLR by September 4, 2026, to protect personnel, vessels, and the marine environment. Therefore, we have do not have enough time to solicit and respond to comments.

For the same reasons, 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 temporary SLR from 7 a.m. until noon on September 6, 2026. The special local regulation will cover all navigable waters within six and a half miles of the paddle race, from Alleghany River mile marker 0 to mile marker 3.5, and from Ohio River mile marker 0 to mile marker 3. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The regulatory flexibility 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 special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T899–1147 to read as follows:

§ 100.T899–1147 Special Local Regulation; Allegheny River Mile Markers 0–3.5 and Ohio River Mile Marker 0–3, Pittsburgh, PA.

(a) *Location.* This special local regulation applies to the following regulated area: All navigable waters on the Allegheny River between mile marker 0 and mile marker 3.5, and the Ohio River between mile marker 0 and mile marker 3.

(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 Pittsburgh (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their 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 (412) 670–4288. Those in the regulated area 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 7 a.m. to noon on September 6, 2026.

Michael W. Metz,

Commander, U.S. Coast Guard, Captain of the Port, MSU Pittsburgh.

[FR Doc. 2026–18062 Filed 9–2–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1150]

RIN 1625–AA00

Safety Zone; Outer Harbor, Buffalo, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the Outer Harbor, Buffalo, NY. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with an over water fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes, or their designated representative.

DATES: This rule is effective on September 5, 2026, from 9:15 p.m. through 10:15 p.m. local time.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–1150.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Ori Martinez, Sector Eastern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 716–931–4680, or email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that fireworks will be launched from a point on land over the Outer Harbor, in Buffalo, NY. The Captain of the Port (COTP) Eastern Great Lakes has determined that potential hazards associated with fireworks are a safety concern for anyone within a 560-foot radius of the fireworks launch site. 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 on August 8, 2026, but we must establish this safety zone by September 5, 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 9:15 p.m. to 10:15 p.m. on September 5, 2026. The safety zone will cover all navigable waters of the Outer Harbor in Buffalo, NY, within a 560-foot radius of the launch position at 42°52′07.70″N, 78°53′01.72″ W. 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; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T09–1150 to read as follows:

§ 165.T09–1150 Safety Zone; Outer Harbor, Buffalo, NY.

(a) *Location*. The following area is a safety zone: All waters of the Outer Harbor in Buffalo, NY, from surface to bottom, within a 560-foot radius of 42°52′07.70″ N, 78°53′01.72″ W. 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 Eastern Great Lakes (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 (888) 230–4703. 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 9:15 p.m. to 10:15 p.m. on September 5, 2026.

Matthew J. Walter,

Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.

[FR Doc. 2026–18044 Filed 9–2–26; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket Nos. 19–195 and 11–10; GN Docket No. 25–133; FCC 26–33]

Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program; Delete, Delete, Delete; Corrections

AGENCY: Federal Communications Commission.

ACTION: Technical amendment.

SUMMARY: On June 24, 2026, the Federal Communications Commission (FCC) published a final rule which became effective on July 24, 2026. That document inadvertently failed to revise a certain defined term in FCC regulations. This document corrects the final rule.

DATES: Effective on September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Jamile Kadre, Broadband Data Task Force, at *jamile.kadre@fcc.gov* or (202) 418–2245.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Erratum, correcting FCC 26–33, published June 24, 2026 (91 FR 37831). The Erratum sets out a technical amendment revising the definition of ''Broadband connection'' in § 1.7001(a)(1).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Internet, Reporting and recordkeeping requirements, Telecommunications.

Accordingly, 47 CFR part 1 is corrected by making the following technical amendments:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

■ 2. Amend § 1.7001 by revising paragraph (a)(1) to read as follows:

§ 1.7001 Scope and content of filed reports.

(a) * * *

(1) *Broadband connection.* Connections of a ''broadband internet access service,'' as defined in 47 CFR 8.1(b).

* * * * *

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2026–18033 Filed 9–2–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 260831–0002]

RIN 0648–BO06

Fisheries Off West Coast States; West Coast Salmon Fisheries; 2026 Specifications and Management Measures; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: NMFS established fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for the season beginning May 16, 2026, until the effective date of the 2027 management measures, which we expect to be May 16, 2027 (the 2026 ocean salmon fishing season), under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The final rule, published in the **Federal Register** on May 19, 2026, included an error in the management measures for recreational ocean salmon fisheries in the subarea from Pigeon Point to the U.S./Mexico border (Monterey). This action corrects an error by adding the text that was accidentally omitted from the May 19, 2026 rule and clarifies the applicability of bag limits and early 2027 management measures in the area from Point Arena to Pigeon Point (San Francisco).

DATES: Effective September 2, 2026.

FOR FURTHER INFORMATION CONTACT: Shannon Penna at 562–980–4239.

SUPPLEMENTARY INFORMATION: The final rule published May 19, 2026 (91 FR 29092) describes annual management measures for managing the harvest of salmon in federal waters off the west coast of the United States. This correcting amendment corrects an error in the May 19, 2026 rule by adding the language ''all salmon except coho salmon, two salmon per day'' to specify the bag limit for the recreational ocean salmon fisheries in the area from Pigeon Point, California to the United States/Mexico border (Monterey management area). In addition, it clarifies the applicability of bag limits and early 2027 management measures in the area from Point Arena to Pigeon Point (San Francisco).

Need for Correction

The 2026 salmon management measures (91 FR 29092, May 19, 2026), section 2, part A, describe the recreational ocean salmon fisheries in the area from Point Arena, California to the United States/Mexico border. There is a transcription error in the area from Pigeon Point to the United States/Mexico border that accidentally omitted text in that management area for a recreational management measure for the 2026 season. The omitted text specifies the bag limits in that area. The correcting amendment would insert the bag limits, *i.e.,* ''all salmon except coho salmon, two salmon per day''. Additionally, the correcting amendment would insert the bag limits for the area between Point Arena and Pigeon Point that follows the specific measures for the 38°02′ N to Pigeon Point Subarea, in order to clarify that the limits apply to the entire area, not just the subarea from 38°02′ N to Pigeon Point. Finally, it would clarify that the early 2027 management measures described in this section apply to the area, not just the subarea. These changes would ensure the text is accurate and prevent confusion.

Correction

In FR Doc. 2026–09973 appearing on page 29103, in the **Federal Register** of Tuesday, May 19, 2026, the following corrections are made:

On page 29103, in the third column, the description of the recreational ocean salmon fishery in the area from Point Arena, California to the United State/Mexico border is corrected to read as follows:

Point Arena to Pigeon Point (San Francisco)

June 27–July 22;

August 1–31.

Inseason action may be taken to close open days when total harvest is approaching an area-specific harvest guideline of 34,900 Chinook salmon.

38°02′ N to Pigeon Point Subarea

September 1–October 31.

Inseason action may be taken to close open days when total harvest is approaching an area-specific harvest guideline of 20,000 Chinook salmon applicable to the September and October open dates.

All salmon except coho salmon, two salmon per day, in the Point Arena to Pigeon Point (San Francisco) area.

In 2027, for the area between Point Arena and Pigeon Point (San Francisco), the season opens on April 3 for all salmon except coho salmon, two salmon per day. The same gear restrictions as in 2026 (identified below).

Pigeon Point to U.S./Mexico Border (Monterey)

April 11, 2026–May 15, 2026.

May 16–August 31.

Inseason action may be taken to close open days when total harvest is approaching an area-specific harvest guideline of 21,800 Chinook salmon.

All salmon except coho salmon, two salmon per day per person.

September 1–30.

Inseason action may be taken to close open days when total harvest is approaching a statewide harvest guideline of 20,000 Chinook salmon applicable to the September and October open dates.

All salmon except coho salmon, two salmon per day.

In 2027, the season opens on April 3 for all salmon except coho salmon, two salmon per day. The same gear restrictions as in 2026 (identified below).

Classification

NMFS is issuing this rule pursuant to 305(d) of the MSA. The reason for using this regulatory authority is: In a previous action under section 304(b), the regulations at 50 CFR 660.408 authorize NMFS to take this action under section 305(d). The NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the Pacific Coast Salmon Fishery Management Plan (FMP) and regulations implementing the FMP, and other applicable law.

The NMFS AA finds good cause under 5 U.S.C. 553(b)(B) to waive the requirement for prior notice and opportunity for additional public comment for this action as notice and comment would be unnecessary and contrary to the public interest. Notice and comment are unnecessary and contrary to the public interest because this action simply corrects an error in the final rule and avoids public

confusion. This correction does not affect the results of analyses conducted to support management decisions in the salmon fishery nor change the total catch of salmon. In addition, it is important that the errors be corrected as quickly as possible. The correction affects fisheries that began on June 27, 2026, and corrects errors that may lead to confusion for the public and potentially impact the prosecution of fisheries. Moreover, significant public participation took place in the process of developing the management measures through a process of developing the management measures through a process that involved state and Tribal governments and the Pacific Fishery Management Council (Council). No aspect of this action is controversial and no change in operating practices in the fishery is required. For the same reasons, pursuant to 5 U.S.C. 553(d), the NMFS AA finds good cause to waive the 30-day delay in effective date.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is not an Executive Order 14192 regulatory action.

This final rule was developed after meaningful consultation with the Tribal representative on the Council, who agreed with the provisions that apply to tribal vessels. Representatives of several Tribes also participated in the related Council meetings and provided testimony on the management measures.

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

Authority: 16 U.S.C. 773–773k; 1801 *et seq.*

Dated: August 31, 2026.

Samuel D. Rauch III,

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

[FR Doc. 2026–18029 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 170
Thursday, September 3, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8795; Project Identifier MCAI–2025–01636–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by reports of one engine fire switch self-releasing, causing an uncommanded in-flight shut down to one engine. This proposed AD would require, for certain airplanes, replacement of certain fire panels, and for certain other airplanes, a general visual inspection of certain fire panels, and applicable on-condition actions. This proposed AD would also limit the installation of affected parts under certain conditions.

DATES: The FAA must receive comments on this proposed AD by October 19, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8795; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–8795.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8795; Project Identifier MCAI–2025–01636–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *Frank.Carreras@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0274R1, dated July 7, 2026 (EASA AD 2025–0274R1) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes; A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, 252NX, –253NX, –271NX, –272NX, –253NY, and –271NY airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that there have been reports of one engine fire switch self-releasing which has caused an uncommanded in-flight shut down to one engine. This

condition, if not detected and corrected, could result in an in-flight engine shut down and consequently reduce airplane controllability.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8795.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0274R1 specifies procedures, for certain airplanes, to replace certain fire panels, and for certain other airplanes, to do a general visual inspection of certain fire panels for damage (scratch or dent on the front face, bent metal sheet and front face with damaged (*e.g.,* worn) corners or broken front face, red guard is not aligned with the fire switch), and applicable on-condition actions (*i.e.* sending affected fire panels to the vendor for repair and replacing affected fire panels). EASA AD 2025–0274R1 also specifies reporting all inspection results to the manufacturer.

EASA AD 2025–0274R1 also specifies accomplishment of Airbus Aircraft Maintenance Manual (AMM) task 26–12–12–210–802–A ''General Visual Inspection (GVI) of the ENG/APU FIRE Panel on an airplane'', is an acceptable method of compliance for the fire panel general visual inspection for that affected part.

EASA AD 2025–0274R1 also limits the installation of affected parts under certain conditions.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0274R1 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0274R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0274R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0274R1 does not mean that operators need to comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0274R1. Material required by EASA AD 2025–0274R1 for compliance will be available at *regulations.gov*under Docket No. FAA–2026–8795 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,996 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement (125 airplanes)	3 work-hours × $85 per hour = $255.	$13,097	$13,352	$1,669,290.
Inspection (1,871 airplanes)	Up to 7 work-hours × $85 per hour = $595.	0	Up to $595	Up to $1,113,245.
Reporting (1,871 airplanes)	1 work-hour × $85 per hour = $85.	0	$85	$159,035.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
Up to 7 work-hours × $85 per hour = $595	$0	Up to $595.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION REPLACEMENT

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $255	$13,097	$13,352

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–8795; Project Identifier MCAI–2025–01636–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 19, 2026.

(b) Affected ADs

None.

(c) Applicability

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

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

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

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

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, –272NX, –253NY, and –271NY airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire Protection.

(e) Unsafe Condition

This AD was prompted by reports of one engine fire switch self-releasing, causing an uncommanded in-flight shut down to one engine. The FAA is issuing this AD to address self-releasing engine fire switches. The unsafe condition, if not addressed, could result in an in-flight engine shut down and consequently reduce airplane controllability.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0274R1, dated July 7, 2026 (EASA AD 2025–0274R1).

(h) Exceptions to EASA AD 2025–0274R1

(1) Where EASA AD 2025–0274R1 defines a serviceable part as ''Fire panels, eligible for installation in accordance with Airbus instructions'', for this AD replace that text with ''Fire panels, eligible for installation''.

(2) Where EASA AD 2025–0274R1 specifies ''06 November 2025 [the effective date of EASA AD 2025–0234],'' this AD requires using the effective date of this AD.

(3) Where EASA AD 2025–0274R1 refers to its effective date, this AD requires using the effective date of this AD.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0274R1.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0274R1, dated July 7, 2026.

(ii) [Reserved]

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

(4) For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* website *airbus.com.*

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

(6) 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 31, 2026.

Brian Knaup,

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

[FR Doc. 2026–18072 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1263

[Docket No. CPSC–2023–0004]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Products Containing Button Cell or Coin Batteries

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Products, incorporates by reference UL 4200A, Standard for Safety for Products Incorporating Button Batteries or Coin Cell Batteries. UL notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of button cell or coin batteries and consumer products containing such products.

DATES: Comments must be received by September 17, 2026.

ADDRESSES: You can submit comments, identified by Docket No. CPSC–2023–0004, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by email to *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2023–0004, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Daniel Taxier, Project Manager, Division of Mechanical and Combustion Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2211; email: *dtaxier@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Reese's Law was enacted to protect children six years old and younger against hazards associated with the ingestion of button cell or coin batteries during reasonably foreseeable use or misuse conditions. 15 U.S.C. 2056e(a)(1). Section 5 of Reese's Law broadly defines a ''button cell or coin battery'' as ''(A) a single cell battery with a diameter greater than the height of the battery; or (B) any other battery, regardless of the technology used to produce an electrical charge, that is determined by the Commission to pose an ingestion hazard.'' Notes to 15 U.S.C. 2056e.

Section 2(a)(2) of Reese's Law mandates that the Commission establish, by rulemaking, warning label requirements for consumer products containing button cell or coin batteries, and for packaging of button cell or coin batteries. The warning labels required by section 2(a)(2) of Reese's Law must: (1) clearly identify the hazard of ingestion; and (2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children, to seek immediate medical attention if a battery is ingested, and to follow any other consensus medical advice. 15 U.S.C. 2056e(b).

Under this authority, the Commission issued a mandatory safety rule that incorporates by reference ANSI/UL 4200A, Standard for Safety for Products Incorporating Button Batteries or Coin Cell Batteries, approved on August 30, 2023 (UL 4200A–2023), with additional requirements, codified at 16 CFR part 1263 (88 FR 65274 (September 21, 2023) and 88 FR 65296 (September 21, 2023)). This mandatory standard includes performance requirements and test procedures, as well as requirements for warning labels and instructions, to address the ingestion hazard associated with button cell or coin batteries and consumer products containing such products.

Section 2(f) of Reese's Law specifies the process for when a voluntary standards organization revises a standard that the Commission previously had incorporated by reference under section 2(e). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard in whole or in part. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice of

revision that the revised voluntary standard, in whole or in part, does not improve the safety of the consumer product covered by the standard and that the Commission is retaining all or part of the existing consumer product safety standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056e(f)(2).

On August XX, 2026, UL notified the Commission that it had approved and published a revised version of the voluntary standard, UL 4200A–2026. CPSC is assessing the revised voluntary standard to determine, consistent with section 2(f) of Reese's Law, its effect on the safety of button cell or coin batteries and consumer products containing such products subject to 16 CFR part 1263. The Commission invites public comment to inform CPSC staff's assessment and subsequent Commission consideration of the revisions in UL 4200A–2026.

UL 4200A–2026 is copyrighted. UL 4200A–2026 is available for review in several ways. A read-only copy of the revised standard UL 4200A–2026, is available to view at no cost, on UL's website at *https://www.ulstandards.com/IBR/logon.aspx.* Additionally, interested parties can purchase a copy of the UL standard from UL, 151 Eastern Avenue, Bensenville, IL 60106, Telephone: 1–888–853–3503 or online at: *http://ulstandards.ul.com/.* Finally, interested parties can schedule an appointment to inspect a copy of the standard at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: 301–504–7479; email: *cpsc-os@cpsc.gov.*

Comments must be received by September 17, 2026. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 2(f) of Reese's Law, CPSC will not consider comments received after this date.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–18103 Filed 9–2–26; 8:45 am]

BILLING CODE 6355–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 26–234; RM–12026; DA 26–900; FR ID 364902]

Television Broadcasting Services Colusa, California

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Table of TV Allotments (Table) of the Federal Communications Commission's (Commission) rules in response to a petition for rulemaking filed by One Ministries, Inc. (Petitioner), the licensee of NCE television station KEDS(TV) (KEDS or Station), Colusa, California (Colusa). The Petitioner requests the substitution of UHF channel *14 in place of its current VHF channel *2 at Colusa in the Table with the technical parameters specified in the Petition. In support of its channel substitution request, the Petitioner asserts that allowing the Station to move to a UHF channel would serve the public interest by improving signal reception for viewers. The Petitioner observes that the Commission has recognized that VHF channels have certain characteristics that have posed challenges for their use in providing digital television service, including propagation characteristics allowing undesired signals and noise to be receivable at relatively farther distances. Additionally, the Petitioner notes that the Commission has observed large variability in the performance of indoor antennas available to consumers, with most antennas receiving fairly well at UHF and the substantial majority not so well to very poor at high-VHF. An engineering statement provided by the Petitioner confirms that the proposed channel *14 contour would provide full principal community coverage to Colusa.

DATES: Comments must be filed on or before October 5, 2026 and reply comments on or before October 19, 2026.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: James Oyster, Law Offices of James L. Oyster, 108 Oyster Lane, Castleton, VA 22716.

FOR FURTHER INFORMATION CONTACT: Emily Harrison at *Emily.Harrison@fcc.gov,* (202) 418–1665 or Mark Colombo at *Mark.Colombo@fcc.gov,* (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 26–234; RM–12026; DA 26–900, adopted August 27, 2026, and released August 27, 2026. The full text of this document is available online at *https://www.fcc.gov/edocs.*

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this notice of proposed rulemaking is available at *https://www.fcc.gov/proposed-rulemakings.*

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622, in the table in paragraph (j), under California, revise the entry for ''Colusa'' to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
California	
* * * * *	
Colusa	* 14
* * * * *	

* * * * *

[FR Doc. 2026–18015 Filed 9–2–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260817–0010]

RIN 0648–BO24

Pacific Halibut Fisheries; Catch Sharing Plan; Modify Pacific Halibut Individual Fishing Quota (IFQ) Vessel Use Caps in IFQ Regulatory Areas 4A, 4B, 4C, 4D, and 4E

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to modify the Pacific halibut (halibut) Individual Fishing Quota (IFQ) Program to revise vessel harvest limitations for IFQ halibut harvested in IFQ regulatory Areas (Areas) 4A, 4B, 4C, 4D, and 4E by establishing a vessel harvest limit of five percent of the total annual commercial catch limit across Areas 4A, 4B, 4C, 4D, and 4E. This action would also exclude IFQ halibut harvest derived from quota held by a Community Quota Entity (CQE) in Area 4B from accruing under the proposed five percent vessel harvest limit across Areas 4A, 4B, 4C, 4D, and 4E. This action would provide additional flexibility for halibut IFQ Program fishery participants in Areas 4A, 4B, 4C, 4D, and 4E, where fishery conditions continue to be challenging. This action would promote the goals and objectives of the IFQ Program, the Northern Pacific Halibut Act of 1982 (Halibut Act), and other applicable laws.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2026-1025.* You may submit comments on this document, identified by NOAA–NMFS–2026–1025, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2026–1025 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the draft Regulatory Impact Review for a Proposed Regulatory Amendment to Adjust Vessel Cap Limitations for IFQ Halibut Harvested in IPHC Regulatory Area 4 (referred to as the Analysis) and the draft Categorical Exclusion prepared for this action are available at *https://www.regulations.gov* or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

FOR FURTHER INFORMATION CONTACT: Lis Henderson, 907–586–7228, *lis.henderson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for Action

The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service (NMFS) manage fishing for halibut through regulations established under the authority of the Halibut Act. The IPHC promulgates regulations governing the halibut fishery under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention). The IPHC's regulations are subject to approval by the Secretary of State with the concurrence of the Secretary of Commerce (Secretary). NMFS publishes the IPHC's regulations as annual management measures pursuant to 50 CFR 300.62. The IPHC's 2026 annual management measures were published in the **Federal Register** on March 25, 2026 (91 FR 14464).

The Halibut Act provides the Secretary with general responsibility for carrying out the Convention and the Halibut Act, including the authority to adopt regulations necessary to carry out the purposes and objectives of the Convention (16 U.S.C. 773c(a) and (b)). The Halibut Act also provides the North Pacific Fishery Management Council (Council) with authority to develop recommendations for regulations, including limited access regulations, that are in addition to, and not in conflict with, IPHC regulations (16 U.S.C. 773c(c)). Regulations the Council recommends may be implemented by NMFS only after approval by the Secretary.

The Council has exercised its authority to develop recommendations for halibut management programs for the subsistence, sport, and commercial halibut fisheries off Alaska. The Secretary has exercised its authority to implement the commercial halibut IFQ fishery management program, also known as ''the IFQ Program'' (58 FR 59375, November 9, 1993). The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679.

Background

This proposed rule would modify the vessel harvest limitations for IFQ halibut harvested in Areas 4A, 4B, 4C, 4D, and 4E (collectively referred to in this preamble as ''Area 4''). This action is intended to provide additional flexibility to vessels harvesting IFQ halibut in Area 4 and to encourage harvest of CQE-derived IFQ halibut in Area 4B. This section provides brief descriptions of: (1) the IFQ Program; (2) IFQ halibut vessel use caps; and (3) catch utilization in Area 4. A more detailed description of the background information and need for this proposed rule is provided in the Analysis prepared for this action (see **ADDRESSES**).

IFQ Program

Commercial halibut and sablefish fisheries in Alaska are subject to regulation under the IFQ Program and the Western Alaska Community Development Quota (CDQ) Program (50 CFR part 679). A key objective of the IFQ Program is to support the social and economic character of the fisheries and the coastal fishing communities where many of these fisheries are based. Because this rule is specific to the IFQ halibut fishery, reference to the IFQ Program in this preamble is specific to halibut unless otherwise noted.

The IFQ halibut fishery is managed in specific Areas, which are defined as follows: Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into five Areas: 4A (eastern Aleutian Islands); 4B (central and western Aleutian Islands); and 4C, 4D, and 4E (Bering Sea)). These Areas are described in figure 15 to 50 CFR part 679.

The IFQ halibut fishery is limited to persons holding quota share (QS), which is the limited access permit NMFS uses to calculate a person's IFQ each year. Halibut QS is designated for a specific geographic area of harvest, for a specific vessel operation type (catcher vessel (CV) or catcher/processor), and for a specific range of vessel sizes that may be used to harvest the halibut (vessel category). Out of the four vessel categories of halibut QS, category A shares authorize catching and processing halibut onboard vessels of any length (*e.g.,* catcher/processor or freezer longline vessels), whereas category B, category C, and category D shares authorize IFQ halibut to be caught on CVs that meet specific length designations (50 CFR 679.40(a)(5)). There are also vessel harvest limits, commonly known as ''vessel use caps,'' on how much IFQ halibut a vessel may harvest each year in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. Throughout this preamble, the term ''vessel use cap'' refers to regulations applicable to the IFQ halibut fishery (§ 679.42(h)(1)).

NMFS issues IFQ permits to each qualified QS holder annually. An IFQ permit authorizes a permit holder to harvest a specified amount of a particular IFQ species in an area and specified vessel category, consistent with the QS they hold. IFQ is expressed in pounds (lb) and is based on the amount of QS held by the permit holder in relation to the total QS pool for each area with an assigned catch limit.

The IFQ Program also establishes: (1) limits on the maximum amount of QS that a person could use (*i.e.,* the amount of QS that could be used to receive annual IFQ) (§ 679.42(f)); (2) limits on the number of small amounts of indivisible QS units, known as QS blocks, that a person can hold (§ 679.42(g)); (3) limits on the ability of IFQ assigned to one CV vessel category (vessel category B, C, or D) to be fished on a different (larger) vessel category with some limited exceptions (§ 679.42(a)(2)); and (4) limits on the maximum amount of IFQ halibut that may be harvested by a vessel during an IFQ fishing year (§ 679.42(h)). Only qualified individuals and initial recipients of QS are eligible to hold CV QS, and they are required to be on the vessel when the IFQ is being fished, with a few limited exceptions (§ 679.41(i)). All of these limitations were established to retain the owner-operator nature of the CV halibut IFQ fisheries, limit consolidation of QS, and ensure the annual IFQ is not harvested on a small number of larger vessels.

An eligible CQE is authorized to hold halibut QS in Area 4B on behalf of the community of Adak, Alaska (79 FR 8870, February 14, 2014). A CQE is a NMFS-approved non-profit organization that represents small, remote, coastal communities that meet specific criteria to purchase and hold QS on behalf of an eligible community. The CQE holds QS and leases the IFQ derived from the underlying QS to eligible community residents. NMFS also allocates halibut to the CDQ Program in Areas 4B, 4C, 4D, and 4E (§ 679.31(a)(2)), but those allocations are not subject to a vessel use cap and are not affected by this rulemaking.

Halibut IFQ Vessel Use Caps

The IFQ Program uses vessel use caps to limit the maximum amount of halibut that can be harvested on any one vessel. Vessel use caps are used to limit halibut IFQ consolidation on vessels and to preserve opportunities for smaller operations that would not otherwise participate in the fishery if additional consolidation occurs.

Vessel limits, or vessel use caps, are intended to help ensure that a minimum number of vessels are engaged in the halibut IFQ fishery and to address concerns about the socio-economic impacts of consolidation under the IFQ Program. For additional detail on vessel use caps, see the preamble to the proposed rule for the IFQ Program (57 FR 57130, December 3, 1992).

Several vessel use caps apply to vessels harvesting IFQ halibut during any fishing year (§ 679.42(h)). In Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, no vessel can be used to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut of those areas (this is also referred to as the ''Alaska coastwide'' vessel use cap in this preamble and proposed regulations and is currently specified at § 679.42(h)(1)). There is a temporary exception that exempts vessels harvesting IFQ halibut in Areas 4A, 4B, 4C, and 4D from this Alaska coastwide vessel use cap through 2027 (§ 679.42(h)(1)(iii)). Notably, halibut harvested in Area 4E is currently entirely allocated under the CDQ Program, and CDQ is not subject to IFQ Program vessel use caps specified at § 679.42(h). Additionally, no vessel fishing in Area 2C may be used to harvest more than one percent of the annual commercial catch limit for halibut in Area 2C (§ 679.42(h)(1)(i)). Finally, no vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 metric tons (mt)) of IFQ halibut derived from QS held by a CQE as specified at § 679.42(h)(1)(ii).

The specific weight limits of the Alaska coastwide (§ 679.42(h)(1)) and Area 2C (§ 679.42(h)(1)) IFQ halibut vessel use caps in any given year depend on the applicable annual commercial catch limits for IFQ halibut.

Regulations at 50 CFR 300.61 define ''annual commercial catch limit'' three different ways, depending on the IFQ regulatory Area: (1) for Areas 2C and 3A, Area-specific annual commercial catch limits are calculated as the Area-specific annual commercial allocation minus an Area-specific estimate of commercial halibut wastage; (2) for Areas 3B and 4A, Area-specific annual commercial catch limits are the total allowable removals by persons fishing IFQ halibut; and (3) for Areas 4B, 4C, 4D, and 4E, Area-specific annual commercial catch limits are the annual total allowable halibut removals by persons fishing IFQ and CDQ. These Area-specific annual commercial catch limits for IFQ halibut (as specified in the regulations at § 300.61) are derived from management measures which NMFS publishes annually as specified at § 300.62 (NMFS publishes these Area-specific annual commercial catch limits for public viewing at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports*). The 2026 annual management measures were published in the **Federal Register** on March 25, 2026 (91 FR 14464). Calculated as proportions of the applicable annual commercial catch limits, the 2026 Alaska coastwide and Area 2C IFQ halibut vessel use caps are 69,540 lb (31.5 mt) and 28,100 lb (12.7 mt), respectively.

Since 2020, the Council has recommended, and NMFS has implemented, multiple separate, temporary actions related to IFQ halibut vessel use caps which have, in effect, removed these caps in Areas 4B, 4C, and 4D for IFQ fishing years 2020–2027 and in Area 4A for 2021–2027 (85 FR 41197, July 9, 2020; 86 FR 28294, May 26, 2021; 87 FR 34215, June 6, 2022; 88 FR 48137, July 26, 2023). Area 4E was not included in these actions because all Area 4E halibut IFQ is allocated under the CDQ Program, which is exempt from vessel use caps specified at § 679.42(h). The Council recommended and NMFS implemented each of these temporary actions to provide interim flexibility to IFQ halibut fishery participants in Area 4 while analyzing the longer-term adjustments proposed in this action. Without additional action to modify Area 4 vessel use caps, the temporary removal of vessel use caps will expire, and the Alaska coastwide vessel use cap as specified at § 679.42(h)(1) would apply to all Area 4 halibut IFQ fishing activity beginning in the 2028 fishing season. When describing the impacts of this proposed rule, NMFS focuses on the impacts of the action after the 2027 fishing season (when prior actions removing the cap expire and the Alaska coastwide vessel use cap would again apply to vessels fishing in Area 4).

Need for Action

Across all Areas, IFQ halibut annual commercial catch limits have decreased dramatically since the early years of the IFQ Program. As commercial catch limits have declined, particularly since the early 2000s, vessel use caps (calculated as a percentage of combined annual commercial catch limits across applicable Areas) have declined as well.

Sections 3.2 and 3.3 of the Analysis (see **ADDRESSES**) demonstrate how reduced vessel use caps, as a function of lower commercial catch limits, inhibit the ability of vessels to operate efficiently, particularly in Area 4. The length of vessels harvesting IFQ halibut in Area 4 has increased in recent years, possibly necessitated by the need to travel longer distances between fishing grounds and a reduced number of active processing facilities. Due to the need for larger vessels to harvest greater amounts of fish in order to operate efficiently, vessels harvesting IFQ halibut in Area 4 also tend to operate closer to vessel use caps than in other Areas. IFQ halibut fishery participants have also reported increased incidents of whale depredation, further reducing operating efficiency. These factors affecting operating efficiency have led to reduced catch utilization (*i.e.,* percent of area commercial catch limits harvested) since 2015, particularly in Area 4.

Observed vessel-level harvest amounts under the recent removal of Area 4 vessel use caps suggest that raising vessel use caps may enable individual vessels to harvest greater amounts of IFQ halibut, potentially leading to greater catch utilization across Area 4. Larger vessel use caps in Area 4 would also allow crew members to consolidate their fishing effort across fewer vessels, potentially reducing time and financial burdens associated with cross-vessel coordination for crew members harvesting IFQ halibut on multiple vessels.

Proposed Action and Effects

This proposed rule would modify the halibut IFQ vessel use caps to: (1) establish a vessel use cap in Area 4 of five percent of the combined Area 4 commercial catch limits that would be separate from and could exceed the Alaska coastwide vessel use cap; (2) exempt IFQ halibut harvested in Area 4B, and derived from CQE-held QS, from counting toward the new five percent vessel use cap in Area 4; (3) clarify how IFQ halibut catch in Area 4 counts toward the existing Alaska coastwide vessel use cap; and (4) remove the temporary provision that removed vessel use caps in Area 4 in the years 2023 through 2027. The Council recommended, and NMFS proposes, this action to provide additional flexibility for IFQ Program participants in Area 4, where fishery conditions continue to be challenging, and to provide further incentive for vessels to harvest CQE-derived IFQ halibut in Area 4B, which has been underexploited in recent years (Section 1 of the Analysis; see **ADDRESSES**).

Under this proposed rule, the three existing vessel use caps would continue to apply: (1) the Alaska coastwide cap; (2) the Area 2C cap; and (3) the CQE cap. Proposed regulations at § 679.42(h)(1) are reorganized and labels are added to add a heading for each vessel limitation. These vessel limits are also described above under the *Halibut IFQ Vessel Use Caps* section of this preamble. As specified in current regulations, vessels would continue to be limited by the Alaska coastwide, Area 2C, and CQE vessel use caps as follows: (1) no vessel would be permitted to harvest more than one-half percent of the combined IFQ halibut catch limits across Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E (proposed § 679.42(h)(1)(i)); (2) no vessel operating in Area 2C would be permitted to harvest more than one percent of the IFQ halibut catch limit in Area 2C (proposed § 679.42(h)(1)(ii)); and (3) no vessel would be permitted to harvest more than 50,000 lb (22.7 mt) of CQE-derived IFQ halibut (proposed § 679.42(h)(1)(iv)). In addition to reorganization of the three existing and continuing vessel cap requirements, the proposed regulations would remove the provision that temporarily removed vessel use caps in Area 4 from 2023–2027, effectively replacing that provision with the halibut IFQ vessel limits proposed in this action.

NMFS proposes regulations at § 679.42(h)(1)(iii) to implement a five percent vessel use limit for IFQ halibut harvested in Areas 4A, 4B, 4C, 4D, and 4E. This Area 4 vessel use limit could exceed the Alaska coastwide vessel use limit. Under the proposed regulations, when this Area 4 vessel use limit exceeds the Alaska coastwide vessel use limit, harvest of IFQ halibut in Area 4 in an amount equal to the difference between the Area 4 limit and the Alaska coastwide limit would not accrue towards the Alaska coastwide limit. The Council recommended, and NMFS proposes, this revision to allow greater flexibility to vessels that are otherwise constrained by the one-half percent vessel use cap that would be applicable without this action to increase the vessel use cap in Area 4.

Section 3.3.2 of the Analysis (see **ADDRESSES**) demonstrates that the proposed five percent vessel use cap in Area 4 would generally be a larger amount of IFQ halibut than the coastwide vessel use cap. Based on the 2026 annual management measures (91 FR 14464, March 25, 2026), had this Area 4 vessel use cap been in place in 2026, it would have been 132,900 lb (60.3 mt), which is 63,360 lb (28.7 mt) greater than the 2026 coastwide vessel use cap of 69,540 lb (31.5 mt).

In recommending this action to increase the Area 4 vessel use cap, the Council also recommended, and NMFS proposes, new regulations at § 679.42(h)(1)(v) to specify how each of these vessel limits is applied and to adjust the amount of Area 4 landings that count toward the existing Alaska coastwide vessel use cap so that the addition of a greater Area 4 cap does not impact the order in which fishery participants harvest IFQ halibut across Areas. A vessel may operate in Areas 2C, 3A, 3B, and Area 4 in any order. If a vessel harvests IFQ halibut in Area 4 before harvesting IFQ halibut in Areas outside Area 4, the amount of Area 4 landings that count toward the Alaska coastwide vessel use cap will be adjusted. During years in which the Area 4 vessel use cap amount is greater than the Alaska coastwide vessel use

cap amount, an amount up to the difference between the Area 4 and Alaska coastwide cap amounts will be subtracted from Area 4 landings before counting towards the Alaska coastwide vessel use cap.

Under this action, IFQ halibut landings in Area 4, up to an amount equal to the difference between the proposed five percent Area 4 limit and the existing Alaska coastwide limit (63,360 lb (28.7 mt) using the 2026 example), would not accrue towards the Alaska coastwide vessel limit. By excluding an amount of IFQ halibut catch up to the difference between the Area 4 cap (larger), and the Alaska coastwide cap (smaller), the order in which a vessel harvests halibut IFQ across Areas would not matter. For example, a vessel operating under the 2026 catch limits harvests 100,000 lb (45.4 mt)) in Area 4 and deducts the difference between the Area 4 and Alaska coastwide vessel limits (63,360 lb (28.7 mt)) before the remaining Area 4 landings apply to the Alaska coastwide vessel limit. This would allow that vessel to harvest an additional 32,900 lb (14.9 mt) across Areas 2C, 3A, and 3B under the 2026 Alaska coastwide vessel limit (69,540 lb (31.5 mt)).

The proposed regulations at § 679.42(h)(1)(iii) would exclude IFQ halibut derived from CQE-held QS in Area 4B from counting towards the proposed five percent Area 4 vessel use cap. The Council recommended this exclusion to provide further incentive for vessels to fish CQE-derived IFQ halibut in Area 4B. Additionally, proposed regulations at § 679.42(h)(1)(v)(A) clarify that, while CQE-derived IFQ halibut harvested in Area 4B would not count toward the proposed Area 4 vessel limit, all CQE-derived IFQ halibut would continue to count toward the Alaska coastwide vessel limit.

Proposed regulations at § 679.42(h)(1) also include revisions to update language referring to ''annual commercial catch limits'' (currently referred to as ''total catch limits'' under § 679.42(h)(1)). The meaning of ''annual commercial catch limit'' for each IFQ regulatory Area is currently specified in regulations at § 300.61. The revised language in this proposed rule clarifies the existing process for calculating the vessel limits and does not change the calculation of vessel limits.

The Council recommended, and NMFS proposes, this action to provide additional flexibility and stability to IFQ Program participants and vessel operators harvesting IFQ halibut in Area 4. This proposed rule would increase efficiency and utilization of quota and fishery revenues in Area 4 by providing additional harvest opportunities on vessels that have previously been constrained by vessel harvest limitations. This action would also help to maintain entry level opportunities for vessels and continue to support sustained participation by fishery dependent communities in the IFQ Program. Furthermore, a five percent Area 4 vessel use cap may afford vessel owners and crew members the opportunity to plan long-term operations to take advantage of the flexibility provided by this action, potentially increasing the number of fishery participants harvesting IFQ halibut in Area 4.

While this action would allow vessels that are otherwise constrained by the one-half percent Alaska coastwide vessel use cap to harvest some additional quota in Area 4, other aspects of the IFQ Program remain unchanged and would continue to limit consolidation in the IFQ halibut fishery. These include the limits on the number of QS blocks that restrict how QS can be consolidated, limits on IFQ use, and limited transfer provisions, that help to retain the owner-operator nature of the catcher vessel fisheries and limit consolidation of QS (§ 679.42(f)).

This proposed action is not in conflict with any existing regulations adopted by the IPHC and is consistent with requirements under the Halibut Act. This action would not modify any other aspects of the IFQ Program. It is within the authority of the Secretary to establish additional regulations governing the catch of halibut under the provisions of the Halibut Act. Specific to the Halibut Act, this action does not discriminate against residents of different states and would allow flexibility in harvesting IFQ halibut for vessels in Area 4 regardless of home state.

Classification

Regulations governing the U.S. fisheries for halibut are developed by the IPHC, the Pacific Fishery Management Council, the Council, and the Secretary. Section 5 of the Halibut Act allows the regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the allocation and catch of halibut in the United States portion of Convention waters provided those regulations do not conflict with IPHC regulations (16 U.S.C. 773c). This proposed action does not conflict with IPHC regulations and is consistent with the Council's authority to develop regulations governing the catch of halibut by fishery participants in Convention waters off Alaska.

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

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

Regulatory Impact Review

A Regulatory Impact Review (RIR) was prepared to assess all costs and benefits of available regulatory alternatives. The RIR contains a description of the purpose and need for the proposed action, the statutory authority for the proposed action, and descriptions of the alternatives, including the status quo. A copy of the RIR, which is referred to as the Analysis in the preamble of this proposed rule, is available from NMFS (see **ADDRESSES**). The Council recommended this proposed rule based on those measures that would maximize net benefits to the nation. Specific aspects of the economic analysis are discussed below in the *Regulatory Flexibility Act (RFA)* section.

Regulatory Flexibility Act (RFA)

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows. A description of the proposed rule, why it is being considered, and the objectives of, and legal basis for, this proposed rule are contained at the beginning of this proposed rule in the preamble and in the **SUMMARY** section. The Halibut Act (16 U.S.C. 773–773k) provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified.

The RIR prepared for this action contains a description of the purpose and need for the proposed action, the statutory authority for the proposed action, and a description of the alternatives, including a description of the status quo. This action would directly regulate the owners and operators of vessels that harvest IFQ halibut in IFQ regulatory Areas 4A, 4B, 4C, 4D, or 4E. Across IFQ Areas, IFQ halibut catch limits have decreased dramatically since the early years of the IFQ program. As annual commercial catch limits have declined since the early 2000s, vessel use caps (calculated

as a percentage of annual commercial catch limits) have declined as well. Due to lower annual commercial catch limits, vessel activity has significantly reduced in recent years. Furthermore, catch utilization (*i.e.,* the percent of area-specific annual commercial catch limits harvested) declined, particularly in Area 4.

NMFS has taken multiple, separate, temporary actions related to IFQ halibut vessel use caps since 2020 which have, in effect, removed these caps in Areas 4B, 4C, and 4D for IFQ fishing years 2020–2027 and in 4A for 2021–2027 (85 FR 41197, July 9, 2020; 86 FR 28294, May 26, 2021; 87 FR 34215, June 6, 2022; 88 FR 48137, July 26, 2023). In the absence of this action, after the 2027 fishing season, all vessels harvesting Area 4 IFQ halibut would be subject to the vessel use cap of one-half percent of the combined annual commercial catch limits across IFQ Areas 2C, 3A, 4A, 4B, 4C, 4D, and 4E.

In considering which entities are ''directly regulated,'' the operative phrase in the proposed action under consideration is: ''create new vessel limitations specific to IFQ regulatory Area 4.'' Under the proposed regulations, the universe of entities that might be directly regulated by this action is limited to the vessels that have traditionally harvested halibut IFQ in Area 4A, 4B, 4C, or 4D. However, this action only directly regulates vessels to the extent that they choose to take advantage of the increased vessel use cap limitation.

The thresholds applied to determine if an entity or group of entities are ''small'' under the RFA depend on the industry classification for the entity or entities. Under the RFA, businesses classified as primarily engaged in commercial fishing (NAICS 114111) are considered small entities if they have combined annual gross receipts not in excess of $11 million for all affiliated operations worldwide, regardless of the type of fishing operation (80 FR 81194, December 29, 2015). If a vessel has a known affiliation with other vessels (*e.g.,* through a business ownership or through a cooperative) it is measured against the small entity threshold based on the total gross revenues of all affiliated vessels.

There is a lag for revenue data due to the publishing and review schedule. Therefore, 2024 represents the most up-to-date set of gross revenue data by vessel. 2024 revenue data exist for 87 vessels that actively participated in the halibut IFQ fishery in Areas 4A, 4B, 4C, and 4D from 2020–2024. Of the 87 vessels, 85 were considered small entities in 2024. The increased flexibility afforded by this proposed action would affect individual vessels to the extent that each vessel operator chooses to use the flexibility; observed vessel-level harvests under the temporary vessel use cap exemptions in Area 4 do not indicate disproportionate usage of the flexibility by larger vessels. Though this action does not directly affect CDQ groups, some vessels that are affected by this action may be fully or partially owned by CDQ groups. Six CDQ groups are considered to be small entities under the RFA.

The proposed regulations would provide additional flexibility to IFQ participants to ensure allocations of halibut IFQ can be harvested by the limited number of vessels operating in these Areas. The added flexibility under this proposed rule would not rise to a level that would constitute significant economic impacts on IFQ participants because this proposed rule does not increase catch limits in Area 4. This proposed rule only provides additional operational flexibility which may improve the efficiency of harvesting available halibut IFQ and therefore has the potential to increase utilization and harvest of halibut IFQ in Area 4. The proposed action would not modify the primary economic benefit of this fishery that results from the allocation of halibut QS and resulting harvest of halibut IFQ. Overall, area-specific halibut catch limits are not affected by this action and would continue to be limited by existing catch limits. Observed vessel-level harvest amounts under the recent removals of Area 4 vessel use caps suggests that permanently raising Area 4 caps would enable individual vessels to harvest greater proportion of the available IFQ halibut in Area 4. In turn, crew members could potentially consolidate their own fishing efforts to harvest their full halibut IFQ across fewer vessels, thereby reducing time and financial burdens associated with cross-vessel coordination. In the long-term (after the 2027 fishing season), the regulations proposed by this action would add increased, yet limited, flexibility for vessels to consolidate IFQ halibut harvest across vessels operating in Area 4, thereby allowing for increased catch utilization and vessel efficiency. Furthermore, other aspects of the IFQ Program remain unchanged by this action and would continue to limit consolidation in the fishery.

This action would also exclude Area 4B CQE-derived IFQ halibut from counting towards the five percent Area 4 vessel use cap, thereby providing additional flexibility to vessels operating in Area 4 that may also want to harvest CQE-derived IFQ halibut in Area 4B. This flexibility may in turn increase the pool of vessels available to harvest IFQ halibut in Area 4B, which has been underexploited in recent years.

The increased Area 4 vessel use caps proposed by this action may be particularly beneficial to vessels that have been constrained by declining annual catch limits in recent years. Individual vessels may choose to take advantage of increased vessel-level harvest flexibility, potentially helping to offset operational costs (*i.e.,* fuel) and thereby increase net revenue. However, this action will not affect the primary economic benefit of this fishery to participants, the amount of halibut they can harvest. Due to the anticipated minor economic benefits this action may have on small, directly regulated entities, this action is not expected to have a significant economic impact on a substantial number of the small entities directly regulated by this proposed action. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: August 28, 2026.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 2. Amend § 679.42 by revising paragraph (h)(1) to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(h) * * *

(1) *Halibut.* During any fishing year, vessels harvesting IFQ halibut in IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E are subject to vessel limitations as follows:

(i) *Alaska Coastwide Vessel Limit.* For purposes of paragraph (h)(1) of this section, ''Alaska coastwide'' collectively refers to IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. No vessel may be used to harvest more IFQ halibut than one-half percent of the Alaska

coastwide annual commercial catch limit.

(ii) *Area 2C Vessel Limit.* No vessel may be used to harvest more IFQ halibut than 1 percent of the IFQ regulatory area 2C annual commercial catch limit.

(iii) *Area 4 Vessel Limit.* For purposes of paragraph (h)(1) of this section, ''area 4'' collectively refers to IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E. No vessel may be used to harvest more IFQ halibut than 5 percent of the area 4 annual commercial catch limit. IFQ halibut derived from CQE-held QS in IFQ regulatory area 4B does not count toward this area 4 vessel limit.

(iv) *CQE Vessel Limit.* No vessel may be used to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE, and no vessel used to harvest IFQ halibut derived from QS held by a CQE may be used to harvest more IFQ halibut than the vessel limits specified in paragraphs (h)(1)(i) through (iii) of this section.

(v) *Calculations.* Vessel limitations (specified in paragraphs (h)(1)(i) through (iv) of this section) are applied at the time of landing and are calculated for each vessel as follows:

(A) *Alaska Coastwide Vessel Limit.* A vessel's Alaska coastwide vessel limit is calculated as the sum of all properly debited landings of IFQ halibut in IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E (including IFQ halibut derived from CQE-held QS). However, in any fishing year in which the area 4 vessel limit is greater than the Alaska coastwide vessel limit, the amount of a vessel's harvest of IFQ halibut in area 4 equal to the difference between the area 4 vessel limit and the Alaska coastwide vessel limit will not count towards the Alaska coastwide vessel limit.

(B) *Area 2C Vessel Limit.* A vessel's IFQ regulatory area 2C vessel limit is calculated as the sum of all properly debited landings of IFQ halibut harvested in IFQ regulatory area 2C.

(C) *Area 4 Vessel Limit.* A vessel's IFQ regulatory area 4 vessel limit is calculated as the sum of all properly debited landings of IFQ halibut harvested in area 4, with the exception of IFQ halibut derived from CQE-held QS in IFQ regulatory area 4B.

(D) *CQE Vessel Limit.* A vessel's CQE vessel limit is calculated as the sum of all properly debited landings of IFQ halibut derived from CQE-held QS.

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[FR Doc. 2026–18031 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 91, No. 170

Thursday, September 3, 2026

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–26–1849]

Christmas Tree Promotion, Research, and Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notification of referendum.

SUMMARY: This notice directs that a referendum be conducted among eligible producers and importers of Christmas trees to determine whether they favor continuance of the Agricultural Marketing Service's (AMS) regulations regarding the national Christmas tree research and promotion program.

DATES: This referendum will be conducted by express mail and electronic ballot from October 1, 2026, through October 16, 2026. Ballots delivered to AMS via express mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on October 16, 2026. Eligible persons will receive a ballot via express mail and may cast it either through express mail or electronic ballot. To be eligible to vote, domestic producers and importers must have produced or imported 500 or more Christmas trees from September 1, 2025, through March 15, 2026, and must be subject to assessment under the Christmas Tree Promotion, Research, and Information Order (Order).

ADDRESSES: Copies of the Order may be obtained from: Referendum Agent, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; via telephone: (202) 720–8085; or by contacting George Webster via electronic mail: *George.Webster@usda.gov.*

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

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425) (the Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Christmas Tree Promotion, Research, and Information Order (the Order) (7 CFR part 1214) is favored by a majority of eligible domestic producers and importers covered under the program.

The representative period for establishing voter eligibility is September 1, 2025, through March 15, 2026. Producers who domestically produced 500 or more Christmas trees and importers who imported 500 or more Christmas trees into the United States during the representative period are eligible to vote. Persons who received an exemption from assessments pursuant to § 1214.53 for the entire representative period are ineligible to vote. The referendum will be conducted by express mail and electronic ballot from October 1, 2026, through October 16, 2026. Further details will be provided in the ballot instructions.

Section 518 of the Act (7 U.S.C. 7417) authorizes continuance referenda. Under § 1214.81(b) of the Order, USDA must conduct a referendum every seven years, at the request of the Board established in the Order, when 10 percent or more of the number of persons eligible to vote in a referendum, or at any time as determined by the Secretary. The program's last continuance referendum was conducted from May 22 through June 2, 2026, to comply with the Order. In that vote, 49.83% of voters supported its continuation. However, the voting period included fewer business days than the standard timeframe, and AMS received numerous late ballots which, under a standard voting window, may have been counted and potentially changed the outcome. Given these circumstances, pursuant to section 518(d) of the Act, AMS will conduct an additional referendum to determine the industry's support for continuation or termination.

USDA would continue the Order if it is favored by a majority of eligible domestic producers and importers voting in the referendum. If not favored, USDA would comply with the suspension and termination procedures at § 1214.82 and conduct appropriate rulemaking in accordance with the Order.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0268. Approximately 1,200 persons will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

George Webster, Marketing Specialist, and Alexandra Caryl, Branch Chief, Mid-Atlantic Region Branch, Market Development Division, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at §§ 1214.100 through 1214.108 of the Order, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will mail ballots and voting instructions, including how to vote electronically, to all known, eligible domestic producers and importers prior to the first day of the voting period. Any eligible domestic producer or importer who does not receive a ballot should contact a referendum agent no later than three days before the end of the voting period. Ballots delivered to AMS via express mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on October 16, 2026, to be included in the vote tabulation.

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

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–18059 Filed 9–2–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Privacy Act of 1974; Matching Program

AGENCY: United States Department of Agriculture (USDA).

ACTION: Notice of a new matching program.

SUMMARY: USDA provides notice of a consolidated Department-wide matching program involving five USDA systems of records and the Department of the Treasury Do Not Pay (DNP) Working System. The program supports identifying, preventing, and recouping improper payments through pre-payment and pre-award eligibility verification. Treasury, in consultation with OMB, has issued a waiver of the matching agreement requirement.

DATES: This notice will be open for a 30-day notice and comment period following its publication in the **Federal Register**, during which time written comments may be submitted.

Submit comments on or before October 5, 2026. The matching program will not become effective until the applicable public notice period has expired, and it will remain in effect through September 10, 2029.

ADDRESSES: You may submit comments on this notice, identified by Docket Number SBA–2025–0069 by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments for Docket Number SBA–2025–0069.
- *Mail/Hand Delivery/Courier:* Submit written comments to Chief Privacy Officer Director, Privacy Division, Cybersecurity & Privacy Operations Center (CPOC) 1400 Independence Ave. SW, Washington, DC 20250

FOR FURTHER INFORMATION CONTACT: Chief Privacy Officer, Director, Privacy Division, 1400 Independence Ave. SW, Washington, DC 20250 or via email, *SM.OCIO.CIO.UsdaPrivacy@usda.gov,* telephone (202) 853–4378.

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. 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 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 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 meeting all criteria in OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay.

USDA has determined that the DNP matching programs described in this notice is eligible for the waiver, which is effective from September 10, 2025, through September 10, 2029. For purposes of this notice, matching activities conducted between the USDA programs listed in the appendix and the DNP Working System constitute a single agency-wide matching program implementing DNP for USDA.[1]

Participating Agencies

USDA and the U.S. Department of the Treasury, Bureau of the Fiscal Service.

Authority for Conducting the Matching Program

The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*); 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 statutory authorities for collection and maintenance of information by each USDA program are identified in the applicable systems of records notices listed in the appendix.

Purpose(s)

The purposes of this matching program are to identify and prevent improper payments and to conduct related recoupment and recovery activities by verifying pre-payment or pre-award eligibility through the DNP Working System. USDA will disclose the minimum data elements necessary for an authorized comparison. When the DNP Working System identifies a potentially matching record, it will notify USDA and identify the DNP source database containing the potentially matching record. USDA will independently verify the information and determine whether follow-up or other action is appropriate under applicable law and program procedures. A potential match is an indicator requiring verification and is not, standing alone, a determination of ineligibility or a basis for adverse action.

Categories of Individuals

Records may relate to individual applicants for, or recipients of, USDA-administered Federal funds, including sole proprietors, who are beneficiaries; borrowers; grantees; vendors; contractors; producers; landowners; persons doing business with the Food and Nutrition Administration, and other individuals whose payment or award eligibility is reviewed through the DNP Working System. Records concerning an organization or other non-individual entity are included only to the extent the records identify or pertain to an individual.

Categories of Records

Records involved in the computerized comparison include identifying and payment- or award-related data submitted by USDA and records maintained in databases included in the DNP Working System. USDA submitted data may include name; Social Security number; Federal or State Taxpayer Identification Number, including Employer Identification Number or Individual Taxpayer Identification Number, as applicable; Unique Entity Identifier; date of birth; home, mailing, or business address; business identifier; payment or payee identifier; award identifier; and other identifying information necessary to conduct the authorized comparison.

DNP responses may include a potential-match or no-match indicator, identification of the DNP source database containing the potentially matching record, and information authorized and necessary for USDA to verify the potential match. The underlying DNP source records are maintained in Treasury/Fiscal Service .017 Do Not Pay Payment Verification Records.

USDA follow-up records may include identity-verification results, supporting documentation, correspondence and notices, contest or correction information, eligibility or payment determinations, and records

[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 Do Not Pay matching program for multiple Federal benefits programs and associated systems of records within USDA.

documenting prevention, recoupment, recovery, referral, or other disposition.

System(s) of Records

Records in the DNP Working System are maintained in Department of the Treasury, Bureau of the Fiscal Service .017 Do Not Pay Payment Verification Records (85 FR 11776, February 27, 2020). That system includes databases designated for inclusion in the DNP Working System under the Payment Integrity Information Act of 2019 and other databases designated by the Director of OMB, or the Director's designee, in consultation with executive agencies. USDA records involved in the matching program are maintained in the systems of records listed in the appendix.

Appendix

The following USDA programs and activities are included in this matching program as supported by the applicable systems of records.

System of records	**Federal Register** citation	Programs
USDA/RD–1—Current or Prospective Producers or Landowners, Applicants, Borrowers, Grantees, Tenants, and Other Participants in RD Programs.	89 FR 72820 (Sept. 6, 2024); 91 FR 18812 (April 13, 2026).	Technical Assistance to Cooperatives; Rural Business-Cooperative Service (RBCS) Grant Programs and Cooperative Agreement Programs; Rural Business and Cooperative Services (RBCS) Biobased Market Development and Access Grant Program (BDAP); Direct Housing Natural Disaster Loans and Grants; Rural Business Investment Program; Rural Business-Cooperative Service (RBCS) Grant Programs and Cooperative Agreement Programs; Rural Business-Cooperative Service (RBCS) Guaranteed Loan Programs; Rural Business-Cooperative Service (RBCS) Payment Assistance; Rural Business-Cooperative Service (RBCS) Relending Programs; Rural Development Cooperative Agreement Program; Rural Housing Service (RHS) Community Facilities Community Program Grants; Rural Housing Service (RHS) Farm Labor Housing Loans (Section 514) and Grants (Section 516); Rural Housing Service (RHS) Housing Loans and Grants—Other; Rural Housing Service (RHS) Multi-Family Housing Preservation and Revitalization Demo Program; Rural Housing Service (RHS) Multi-Family Housing Rental Assistance Program; Rural Housing Service (RHS) Multi-Family Housing Rural Rental Housing Direct Loans (Section 515); Rural Housing Service (RHS) Multi-Family Housing Rural Rental Housing Direct Loans (Section 515) (HIM Disasters); Rural Housing Service (RHS) Single Family Housing Direct Loans; Rural Housing Service (RHS) Single Family Housing Guaranteed Loans; Rural Utilities Service (RUS) Congressional Earmarked Funds; Rural Utilities Service (RUS) Grants—Other—Electric; Rural Utilities Service (RUS) Powering Affordable Clean Energy (PACE) Program; Rural Utilities Service (RUS) Rural Telecommunications—Distance Learning and Telemedicine; Rural Utilities Service (RUS) Rural Telecommunications—ReConnect Program; Rural Utilities Service (RUS) Water and Waste Disposal Loans and Grants Section 306C; Rural Utilities Service (RUS) Water and Waste Disposal Systems for Rural Communities Grants; Self Help Housing Land Development Loans; Technical Assistance to Cooperatives.
USDA/FNS–10—Persons Doing Business with the Food and Nutrition Service.	56 FR 40963 (Aug. 20, 1991); 91 FR 18812 (April 13, 2026).	Child and Adult Care Food Program; CNMI Nutrition Assistance; Commodity Supplemental Food Program; Emergency Food Assistance Program (Food Commodities); Food Distribution Program on Indian Reservations; Fresh Fruit and Vegetable Program; National School Lunch Program; Nutrition Assistance for Puerto Rico; School Breakfast Program; Senior Farmers Market Nutrition Program; Supplemental Nutrition Assistance Program; Special Milk Program for Children; Summer Electronic Benefit Transfer Program for Children; Summer Food Service Program for Children; WIC Farmers' Market Nutrition Program (FMNP); WIC Grants to States (WGS).
USDA/FSA–14—Applicant/Borrower.	84 FR 10882 (Mar. 22, 2019); 91 FR 18812 (April 13, 2026).	Farm Service Agency (FSA) Boll Weevil Eradication Loan Program; Farm Service Agency (FSA) Emergency Loans; Farm Service Agency (FSA) Farm Loan Borrower Relief Program; Farm Service Agency (FSA) Farm Operating Loans and Loan Guarantees; Farm Service Agency (FSA) Farm Ownership Loans and Loan Guarantees; Farm Service Agency (FSA) Farm Service Agency Taxpayer Outreach Education and Technical Assistance (American Rescue Plan Assistance); Farm Service Agency (FSA) Indian Tribes and Tribal Corporation Loans; Farm Storage Facility Loans; Heirs' Property Relending Program; Commodity Loans and Loan Deficiency Payments.
USDA/FSA–2—Farm Records File (Automated).	72 FR 70559 (Dec. 12, 2007); 91 FR 18812 (April 13, 2026).	Commodity Loans and Loan Deficiency Payments; Agriculture Risk/Price Loss Coverage Program; Biomass Crop Assistance Program; Commodity Credit Corporation (CCC) Cotton Transition Assistance Program; Commodity Credit Corporation (CCC) Livestock Forage Disaster Program; Commodity Credit Corporation (CCC) Oriental Fruit Fly Program; Conservation Loans; Conservation Reserve Program; Coronavirus Food Assistance Program 1; Coronavirus Food Assistance Program 2; Dairy Margin Coverage; Dairy Margin Coverage Program; Direct and Counter-Cyclical Payments Program; Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program; Emergency Conservation Program; Emergency Grain Storage Facility Program; Emergency Livestock Relief Program; Emergency Livestock Relief Program 2022; Emergency Relief Program; Emergency Relief Program 2022; Emergency Livestock Relief Program 2023 and 2024; Emergency Relief Program 2023 and 2024 Flood and Wildfire; Farm Service Agency (FSA) Discrimination Financial Assistance Program; Farm Service Agency (FSA) Commodity Container Assistance Program; Farm Service Agency (FSA) DSA COVID Relief Program; Farm Service Agency (FSA) Emergency Commodity Assistance Program; Farm Service Agency (FSA) Emergency Forest Restoration Program; Farm Service Agency (FSA) Food Safety Certification for Specialty Crops Program; Farm Service Agency (FSA) Grassland Reserve Program (previously a NRCS program); Farm Service Agency (FSA) Milk Loss Program; Farm Service Agency (FSA) Organic and Transitional Education and Certification Program; Farm Service Agency (FSA) Organic Certification Cost Share Programs; Farm Service Agency (FSA) Organic Dairy Marketing Assistance Program; Farm Service Agency (FSA) Pandemic Assistance Revenue Program; Farm Service Agency (FSA) Seafood Trade Relief Program (STRP); Farmer Bridge Assistance (FBA) Program; Livestock Forage Disaster Program; Hazardous Waste Management; Livestock Indemnity Program-2014 Farm Bill; Market Facilitation Program; Marketing Assistance for Specialty Crops; Milk Income Loss 2; Noninsured Crop Disaster Assistance Program; On-Farm Stored Commodity Loss Program (OFSCLP); Pandemic Assistance for Timber Harvesters and Haulers (PATHH) Program; Pandemic Livestock Indemnity Program; Price Loss Coverage; Quality Loss Adjustment Program; Reimbursement Transportation Cost Payment Program; Rice Production Program; Quality Loss Adjustment Program; Spot Market Hog Pandemic Program (SMHPP); Supplement Disaster Relief Program; Tobacco Transition Program; Tree Assistance Program; Wildfires and Hurricanes Indemnity Program; Wildfires and Hurricanes Indemnity Program Plus.

System of records	Federal Register citation	Programs
USDA/OCFO–10—Financial Systems.	73 FR 21629 (Apr. 22, 2008); 91 FR 18812 (April 13, 2026).	Agricultural Marketing Service (AMS)—Acer Access Development Program; Agricultural Marketing Service (AMS)—Bison Production and Marketing Grant Program; Agricultural Marketing Service (AMS)—Commodity Credit Corporation (CCC) Funding to Alleviate Emergency Supply Chain Disruption in the Commodity Supplemental Food Program (CSFP); Agricultural Marketing Service (AMS)—Commodity Credit Corporation (CCC) Funding to Alleviate Emergency Supply Chain Disruption in the Food Distribution Program on Indian Reservation; Agricultural Marketing Service (AMS)—Dairy Business Innovation Initiatives; Agricultural Marketing Service (AMS)—Farmers Market and Local Food Promotion Program; Agricultural Marketing Service (AMS)—Federal-State Marketing Improvement Program; Agricultural Marketing Service (AMS)—Local Food for Schools Cooperative Agreement Program; Agricultural Marketing Service (AMS)—Local Food Purchase Agreements with States, Tribes, and Local Governments; Agricultural Marketing Service (AMS)—Local Meat Capacity Grants; Agricultural Marketing Service (AMS)—Meat and Poultry Inspection Readiness Grants—Supplemental Funding; Agricultural Marketing Service (AMS)—Micro-Grants for Food Security Program; Agricultural Marketing Service (AMS)—Organic Market Development Grant (OMDG) Program; Agricultural Marketing Service (AMS)—Pandemic Relief Activities: Farm and Food Worker Relief Grant Program; Agricultural Marketing Service (AMS)—Pandemic Relief Activities: Meat and Poultry Processing Capacity—Technical Assistance Grants; Agricultural Marketing Service (AMS)—Regional Food Business Centers; Agricultural Marketing Service (AMS)—Regional Food System Partnerships; Agricultural Marketing Service (AMS)—Resilient Food System Infrastructure Program; Agricultural Marketing Service (AMS)—Sheep Production and Marketing Grant Program; Agricultural Marketing Service (AMS)—Specialty Crop Block Grant Program—Farm Bill; Alaska National Interest Lands Conservation Act (ANILCA) Agreements; Bipartisan Infrastructure Act Nursery Vegetation; Bipartisan Infrastructure Law Removal and Production of Flammable Vegetation to Produce Biochar and Innovative Wood Products; Bipartisan Infrastructure Law State, Private & Tribal Agreements; Collaborative Forest Restoration; Community Forest and Open Space Conservation Program (CFP); Community Project Funds—Congressionally Directed Spending; Community Wood Energy and Wood Innovation Program; Cooperative Fire Protection Agreement; Cooperative Forest Road Agreements; Cooperative Forestry Assistance; Emergency Relief Program Outreach Education and Technical Assistance; Farm Service Agency (FSA) 220 Block Grant; Farm Service Agency (FSA) Conservation Reserve Program Transition Incentive Program: Outreach, Technical Assistance, and Research Agreements; Farm Service Agency (FSA) Farm Labor Stabilization and Protection Pilot Grant Program; Farm Service Agency (FSA) Increasing Land, Capital, and Market Access Program; Farm Service Agency (FSA) Outreach Education and Technical Assistance; Farm Service Agency (FSA) Outreach Education and Technical Assistance for Disaster Assistance Programs; Farm Service Agency (FSA) Testing, Mitigation, and Relief for Agricultural Contamination by Per- and Polyfluoroalkyl Substances; Farm Service Agency (FSA) Texas 1944 Water Treaty Grant; Farm Service Agency (FSA) Urban Agriculture and Urban County Committee Outreach, Technical Assistance, and Education; Feral Swine Eradication and Control Pilot Program; Forest Legacy Program; Forest Health Protection; Forest Service 638 Authority for Tribes; Forest Stewardship Program; Good Neighbor Authority; Great American Outdoors Act Deferred Maintenance Program; Grey Towers Cooperative Authorities; Inflation Reduction Act—Forest Legacy Program; Inflation Reduction Act—National Forest System; Inflation Reduction Act Hazardous Fuels Transportation Assistance; Inflation Reduction Act Landscape Scale Restoration; Inflation Reduction Act Urban & Community Forestry Program; Infrastructure and Investment Jobs Act Financial Assistance to Facilities that Purchase and Process Byproducts for Ecosystem Restoration; Infrastructure Investment and Job Act Joint Fire Science Program (Research & Development); Infrastructure Investment and Jobs Act Capital Maintenance and Improvement; Infrastructure Investment and Jobs Act Collaborative Forest Landscape Restoration Program; Infrastructure Investment and Jobs Act Community Wildfire Defense Grants; Infrastructure Investment and Jobs Act Firewood Bank Program; Infrastructure Investment and Jobs Act Prescribed Fire/Fire Recovery; Infrastructure Investment and Jobs Act Restoration/Revegetation; Infrastructure Investment and Jobs Act Temporary Bridge Program; International Forestry Programs; Lake Tahoe Erosion Control Grant Program; Law Enforcement Agreements; National Fish and Wildlife Foundation; National Forest Foundation; Natural Resources Conservation Service (NRCS) Composting and Food Waste Reduction Cooperative Agreement Program; Natural Resources Conservation Service (NRCS) Office of Urban Agriculture and Innovative Production; Natural Resources Conservation Service (NRCS) People's Garden Initiative Cooperative Agreements Program; Opal Creek Wilderness Economic Grant Program; Partnership Agreements; Partnerships for Climate-Smart Commodities; Research & Education Activities; Research Joint Venture and Cost Reimbursable Agreements; Schools and Roads—Grants to States; Southwest Forest Health and Wildfire Prevention; State & Private Forestry Cooperative Fire Assistance; State & Private Forestry Hazardous Fuel Reduction Program; Stewardship Agreements; State Mediation Grants; Sugar Processor Block Grants; Supplemental Disaster Block Grants with State; Technical Assistance for Specialty Crops Program; Urban Agriculture and Innovative Production Grants Program (UAIP); Urban and Community Forestry Program; Voluntary Public Access and Habitat Incentive Program; Water Bank Program; Water-Saving Commodities Grant; Watershed Restoration and Enhancement Agreement Authority; Wetland Mitigation Banking Program; Wildfire Crisis Strategy Landscapes; Wood Education and Resource Center (WERC); Wood Utilization Assistance.

Levi S. Harrell,

Department Clearance Officer, United States Department of Agriculture.

[FR Doc. 2026–18034 Filed 9–2–26; 8:45 am]

BILLING CODE 3410–KR–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–0435]

Notice of Request for Revision to and Extension of Approval of an Information Collection: Environmental Monitoring

AGENCY: Animal and Plant Health Inspection Service, USDA.

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

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with environmental monitoring.

DATES: We will consider all comments that we receive on or before November 2, 2026.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2026–0435 in the Search field. Select the Documents tab, then select

the Comment button in the list of documents.

• *Postal Mail/Commercial Delivery:* Please send your comment to Docket No. APHIS–2026–0435, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

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

FOR FURTHER INFORMATION CONTACT: For information on environmental monitoring, contact our environmental monitoring team: Ms. Robin Mullins, Biological Scientist-Staff Officer, Permitting and Compliance Coordination Branch, PPQ, APHIS; *robin.mullins@usda.gov;* (301) 550–3654, or Mr. Kai Caraher, Biological Scientist-Staff Officer, Permitting and Compliance Coordination Branch, PPQ, APHIS; *kai.caraher@usda.gov;* (301) 851–2345. For information on the information collection reporting process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528; or email: *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Environmental Monitoring.

OMB Control Number: 0579–0117.

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

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) provides leadership in ensuring the health and care of animals and plants, improves agricultural productivity and competitiveness, and contributes to the national economy and the public health.

APHIS is committed to accomplishing its mission in a manner that promotes and protects the integrity of the environment. This includes APHIS' compliance with all applicable environmental statutes and regulations including the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) and the USDA regulations implementing NEPA (7 CFR part 1b).

APHIS engages in environmental monitoring for certain activities that we conduct to control or eradicate agricultural pests and diseases. We monitor those activities that have the greatest potential for harm to the human environment to ensure that the mitigation measures developed to avoid that harm are enforced and effective. In many cases, monitoring is required where APHIS programs are conducted close to habitats of endangered and threatened species. This monitoring is developed in coordination with the U.S. Department of the Interior's Fish and Wildlife Service, in compliance with the Endangered Species Act (50 U.S.C. 17.11 and 17.12).

APHIS field personnel and State cooperators jointly use an APHIS-provided environmental monitoring form to collect information concerning the effects of pesticide use in these sensitive areas. The goal of environmental monitoring is to track the potential impact that APHIS activities may have on the environment and to use this knowledge in making any necessary adjustments in future program actions.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years. APHIS has amended this information collection by increasing the Estimated Annual Number of Responses and the estimated Annual Burden on Respondents.

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

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.23 hours per response.

Respondents: Growers, pesticide appliers, and State department of agriculture personnel.

Estimated annual number of respondents: 11.

Estimated annual number of responses per respondent: 3.

Estimated annual number of responses: 31.

Estimated total annual burden on respondents: 7.0 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, 24th day of August 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–18022 Filed 9–2–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–1223]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Irradiation Treatment; Location of Facilities in the Southern United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

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

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the location of irradiation treatment facilities in the United States.

DATES: We will consider all comments that we receive on or before November 2, 2026.

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

• *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–1223 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–1223, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov*

or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the location of irradiation treatment facilities in the United States, contact Mr. Todd Dutton, Assistant Director, Plant Health Programs, PPQ, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20705; (301) 851–2348. For more detailed information on the information collection, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Irradiation Treatment; Location of Facilities in the Southern United States.

OMB Control Number: 0579–0383.

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

Abstract: The regulations contained in 7 CFR part 305 (referred to below as the regulations) set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or through the United States. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers these regulations.

Section 305.9 provides generic criteria for new irradiation treatment facilities in the United States to be located anywhere in the United States, subject to approval. APHIS allows the irradiation treatment of certain imported fruit from various countries upon arrival in the United States. The regulations facilitate the importation of commodities requiring irradiation treatment while continuing to provide protection against the introduction of pests of concern into the United States.

The information collection activities associated with the location of irradiation facilities include request for initial certification and inspection of facility, certification and recertification, denial and withdrawal of certification, compliance agreements, irradiation facilities treating imported articles, irradiation treatment framework equivalency workplan, irradiation facilities notification, recordkeeping, facility contingency plan, letter of concurrence or non-agreement, treatment arrangements, pest management plan, and facility layout map. In addition, each facility must provide APHIS with an updated map identifying places where horticultural or other crops are grown within 4 square miles of the facility.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years. APHIS has amended this information collection by decreasing the estimated annual number of respondents and responses. In addition, APHIS has decreased the total burden hours due to APHIS moving PPQ Form 519 activity to the new Common Form Information Collection.

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

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 3.20 hours per response.

Respondents: Irradiation facilities in the United States, State governments, importers, and foreign government and national plant protection organization officials.

Estimated annual number of respondents: 19.

Estimated annual number of responses per respondent: 16.

Estimated annual number of responses: 305.

Estimated total annual burden on respondents: 976 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, 24th day of August 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–18021 Filed 9–2–26; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Rhode Island Advisory Committee to the Commission will hold a public meeting via Zoom. The purpose is for the committee to discuss topic ideas, including a discussion on scope and balance for the most preferred topics, and possibly select a topic as part of the Concept Stage. The Committee will need to select a topic before beginning the Proposal Stage.

DATES: Thursday, September 10, 2026; 3:30 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_O_tRpnlFQBqnCfPWtR_HTw.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 165 396 5854 #.

Agenda: https://usccr.box.com/s/kreey9srm7ofl9catdbnn2oj7ntx6lf8 (note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or 1–434–515–0204.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over

wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Evelyn Bohor, *ebohor@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: *https://usccr.box.com/s/kreey9srm7ofl9catdbnn2oj7ntx6lf8* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Dated: September 1, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–18065 Filed 9–2–26; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–433–815]

Certain Oil Country Tubular Goods From Austria: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain oil country tubular goods (OCTG) from Austria. The period of investigation is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Ian Riggs, 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) 482–3810.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On April 28, 2026, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.[1] On June 4, 2026, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now August 31, 2026.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The product covered by this investigation is OCTG from Austria. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the companion less-than-fair-value (LTFV) investigations and this CVD investigation on or before the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final determination for this CVD investigation.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the companion LTFV investigation of OCTG from Austria based on a request made by the U.S. OCTG Manufacturers Association, United States Steel Corporation, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (collectively, the petitioners).[7] Consequently, the final CVD determination will be issued on the same date as the final antidumping duty determination, which is currently scheduled to be issued no later than January 12, 2027, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually

[1] *See Certain Oil Country Tubular Goods from Austria: Initiation of Countervailing Duty Investigation,* 91 FR 22790 (April 28, 2026) (*Initiation Notice*).

[2] *See Certain Oil Country Tubular Goods from Austria: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 91 FR 33701 (June 4, 2026).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Certain Oil Country Tubular Goods from Austria,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *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.

[7] *See* Petitioner's Letter, ''Petitioners' Request to Align,'' dated August 14, 2026.

examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. Commerce calculated an individual estimated countervailable subsidy rate for voestalpine Tubulars GmbH & Co KG (voestalpine Tubulars), the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average rate calculated for voestalpine Tubulars is the rate preliminarily assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Net countervailable subsidy rate (percent ad valorem)
voestalpine Tubulars GmbH & Co KG[8]	10.17
All Others	10.17

Suspension of Liquidation

In accordance with section 703(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.107(e), Commerce will instruct CBP to require a cash deposit equal to the estimated company-specific countervailable subsidy rate or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Non-scope related case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[10]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[11] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of OCTG from Austria are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

[8] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with voestalpine Tubulars: voestalpine AG, voestalpine Metal Engineering GmbH, and voestalpine Stahl Donawitz GmbH.

[9] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[10] *See* 19 351.309(c)(2) and (d)(2).

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See APO and Service Final Rule.*

Dated: August 31, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any heat treatment, cutting, upsetting, threading, coupling, or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the OCTG.

Excluded from the scope of the investigation are: casing, tubing, or coupling stock containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.1010, 7304.29.1020, 7304.29.1030, 7304.29.1040, 7304.29.1050, 7304.29.1060, 7304.29.1080, 7304.29.2010, 7304.29.2020, 7304.29.2030, 7304.29.2040, 7304.29.2050, 7304.29.2060, 7304.29.2080, 7304.29.3110, 7304.29.3120, 7304.29.3130, 7304.29.3140, 7304.29.3150, 7304.29.3160, 7304.29.3180, 7304.29.4110, 7304.29.4120, 7304.29.4130, 7304.29.4140, 7304.29.4150, 7304.29.4160, 7304.29.4180, 7304.29.5015, 7304.29.5030, 7304.29.5045, 7304.29.5060, 7304.29.5075, 7304.29.6115, 7304.29.6130, 7304.29.6145, 7304.29.6160, 7304.29.6175, 7305.20.2000, 7305.20.4000, 7305.20.6000, 7305.20.8000, 7306.29.1030, 7306.29.1090, 7306.29.2000, 7306.29.3100, 7306.29.4100, 7306.29.6010, 7306.29.6050, 7306.29.8110, and 7306.29.8150.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076, 7304.39.0080, 7304.59.6000, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, 7304.59.8070, 7304.59.8080, 7305.31.4000, 7305.31.6090, 7306.30.5055, 7306.30.5090, 7306.50.5050, and 7306.50.5070.

The HTSUS subheadings and specifications above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Injury Test
IV. Diversification of Austria's Economy
V. Subsidies Valuation
VI. Benchmarks and Interest Rates
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2026–18082 Filed 9–2–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–815]

Finished Carbon Steel Flanges From Spain: Preliminary 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) preliminarily determines that the producer/exporter subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Mason Harkleroad, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0905.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on finished carbon steel flanges (flanges) from Spain, with respect to one respondent, ULMA Forja, S.Coop (ULMA).[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in this administrative proceeding by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 25, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On April 28, 2026, we extended the preliminary results of this review by 113 days, in accordance with section of 751(a)(3) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2).[4] Accordingly, the deadline for the preliminary results is now August 31, 2026.

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise covered by the *Order* is flanges from Spain. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Commerce has calculated export prices and constructed export prices in accordance with section 772(a) and (b)of the Act. Normal value is calculated in

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 35268 (July 25, 2025) (*Initiation Notice*); *see also Finished Carbon Steel Flanges from Spain: Antidumping Duty Order,* 82 FR 27229 (June 14, 2017) (*Order*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 25, 2025.

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 28, 2026.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2024–2025'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period June 1, 2024, through May 31, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
ULMA Forja, S.Coop	1.22

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

On November 24, 2025, Weldbend Corporation (the petitioner) requested that Commerce conduct verification of ULMA's questionnaire responses.[6] As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in making its final results.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[7] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[8] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[9] Further, we request that interested parties limit their 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 issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[11]

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed via ACCESS.[12] An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If ULMA's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[14] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If ULMA's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[15]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by ULMA for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[16]

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**.[17] 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).

[6] *See* Petitioner's Letter, ''Request for Verification,'' dated November 24, 2025.

[7] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[10] *See APO* and *Service Final Rule.*

[11] *See* 19 CFR 351.310(d).

[12] *See* 19 CFR 351.303.

[13] *See APO and Service Final Rule,* 88 FR at 67069.

[14] *See* 19 CFR 351.212(b)(1).

[15] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[16] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 884 (January 15, 2021).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 18.81 percent, the all-others rate established in the LTFV investigation.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice serves as a preliminary 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 this 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.

[18] *See Order,* 82 FR at 27230.

Notification to Interested Parties

These preliminary results of this review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18083 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–872]

Non-Oriented Electrical Steel From Japan: Rescission 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) is rescinding the administrative review of the antidumping duty (AD) order on non-oriented electrical steel (NOES) from Japan covering the period of review (POR) December 1, 2024, through November 30, 2025.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Nathaniel Ellis, 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) 482–3174.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2025, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*[1] on NOES from Japan.[2] On December 31, 2025, Commerce received a timely request from Cleveland-Cliffs Inc. (Cliffs) to conduct an administrative review of the *Order* with respect to Nippon Steel Corporation (NSC).[3]

On February 20, 2026, Commerce initiated this review with respect to NSC.[4] On March 19, 2026, the sole company under review, NSC, reported that it did not export or sell NOES from Japan to, nor was its NOES entered into, the United States during the POR.[5] On June 24, 2026, Commerce notified interested parties that it intended to rescind this review because record evidence demonstrates that there are no suspended entries during the POR of subject merchandise produced and/or exported by NSC.[6] Commerce provided interested parties an opportunity to comment on its intention to rescind this review.[7] No parties commented.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an administrative review of an AD order where it concludes that there were no suspended entries of subject merchandise during the POR.[8] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.[10] Accordingly, in the absence of any suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in

[1] *See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders,* 79 FR 71741 (December 3, 2014) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 90 FR 56719 (December 8, 2025).

[3] *See* Cleveland-Cliff's Letter, ''Administrative Review of Non-Oriented Electrical Steel From Japan: Request For Administrative Review,'' dated December 31, 2025 (Petitioner Review Request).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 91 FR 8186 (February 20, 2026).

[5] *See* NSC's Letter, ''NSC's Notice of No Sales,'' dated March 19, 2026.

[6] *See* Memorandum, ''Notice of Intent to Rescind Review,'' dated June 24, 2026; *see also* Memorandum, ''Automated Commercial Environment Entry Query,'' dated April 15, 2026.

[7] *Id.*

[8] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[9] *See* 19 CFR 351.212(b)(1).

[10] *See* 19 CFR 351.213(d)(3).

its entirety, in accordance with 19 CFR 351.213(d)(3).

Cash Deposit Requirements

Because Commerce has rescinded this administrative review, the cash deposit rates have not changed. Accordingly, the current cash deposit requirements shall remain in effect until further notice.

Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in the United States, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification Regarding the Administrative Protective Order (APO)

This notice 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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of the APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: August 31, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–18089 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates From Spain: Preliminary Results Rescission, in Part 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) preliminarily determines that Electroquímica de Hernani, S.A. (Hernani) and Ercros, S.A. (Ercros) did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. In addition, we are rescinding the review with respect to Industrias Químicas Tamar, S.L. (Industrias Químicas Tamar). Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Sahar Sandoval or Gorden Struck, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1107 or (202) 482–8151, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty (AD) order on chlorinated isocyanurates from Spain.[1] On September 2, 2025, Commerce notified interested parties that it intended to rescind this administrative review with respect to Industrias Químicas Tamar.[2] On September 16, 2025, Commerce selected Hernani and Ercros as the mandatory respondents in this review.[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] On May 7, 2026, we extended the preliminary results of this review to no later than August 31, 2026.[6]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* are chlorinated isocyanurates from Spain. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order where it concludes that there were no suspended entries of subject merchandise during the POR.[8] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 141 (July 25, 2025); *see also Chlorinated Isocyanurates from Spain: Antidumping Duty Order,* 70 FR 36562 (June 24, 2005) (*Order*).

[2] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated September 2, 2025.

[3] *See* Memorandum, ''Respondent Selection,'' dated September 16, 2025.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results,'' dated May 7, 2026.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from Spain; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[9] *See* 19 CFR 351.212(b)(1).

at the AD assessment rate calculated for the POR.[10] Commerce notified all interested parties of its intent to rescind the instant review regarding Industrias Químicas Tamar because there were no reviewable, suspended entries of subject merchandise from this company during the POR and invited interested parties to comment.[11] No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from this company during the POR, we are rescinding this administrative review for Industrias Químicas Tamar, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period June 1, 2024, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Electroquímica de Hernani, S.A	0.00
Ercros, S.A	0.00

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in making its final results.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[14] 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 issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[16]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Hernani's and/or Ecros' weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[17] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Hernani's and/or Ecros' weighted-average dumping margins are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[18]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Hernani or Ecros for which they did not know that the merchandise was destined for the

[10] *See, e.g., Shanghai Sunbeauty Trading Co.* v. *United States,* 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that ''{w}hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended''; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[11] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated September 2, 2025.

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Procedures.*

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.212(b)(1).

[18] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[19]

For the company listed above for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding Hernani and Ercros 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 statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 24.83 percent, the all-others rate established in the LTFV investigation.[20] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. 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.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18096 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

[19] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[20] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–828]

Brass Rod From South Africa: Preliminary Results of Antidumping Duty Administrative Review; 2023–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the sole producer/exporter subject to this review, Non-Ferrous Metal Works (SA) (PTY) Ltd. (NFMW), made sales of subject merchandise at less than normal value (NV) during the period of review (POR) December 1, 2023, through May 31, 2025. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, 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) 482–0665.

SUPPLEMENTARY INFORMATION:

Background

On June 13, 2024, Commerce published the antidumping duty order on brass rod from Brazil in the **Federal Register**.[1] On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on brass rod from South Africa with respect to NFMW.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] On April 9, 2026, Commerce extended the deadline to

[1] *See Brass Rod from the Republic of Korea: Amended Final Antidumping Duty Determination; Brass Rod from Brazil, India, Mexico, the Republic of Korea, and South Africa: Antidumping Duty Orders; Brass Rod from the Republic of Korea: Countervailing Duty Order,* 89 FR 50263 (June 13, 2024) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Revies*, 90 FR 35268, 35275 (July 25, 2025); *see also Brass Rod from the Republic of Korea: Amended Final Antidumping Duty Determination; Brass Rod from Brazil, India, Mexico, the Republic of Korea, and South Africa: Antidumping Duty Orders; Brass Rod from the Republic of Korea: Countervailing Duty Order*, 89 FR 50263 (June 13, 2024) (*Order*).

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

issue these preliminary results until August 31, 2026.[5]

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[6] A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is brass rod from South Africa. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period December 1, 2023, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Non-Ferrous Metal Works (SA) (PTY) Ltd.	19.82

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[9] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[10] 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 issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[12]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), upon completion of this administrative review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.

If NFMW's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[13] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If NFMW's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by NFMW for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the investigation of sales at less than fair value (LTFV) if there is no rate for

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 9, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review of Brass Rod from South Africa; 2023–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.309.

[8] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[11] *See APO and Service Procedures.*

[12] *See* 19 CFR 351.310(d).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

the intermediate company(ies) involved in the transaction.[15]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[16]

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 deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.67 percent, the all-others rate established in the LTFV investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of the Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. 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.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18085 Filed 9–2–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–877]

Stainless Steel Flanges From India: Final Results of Antidumping Duty Administrative Review; 2023–2024; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published notice in the **Federal Register** of August 20, 2026, in which Commerce announced the final results of the 2023–2024 administrative review of the antidumping duty (AD) order on stainless steel flanges from India. This notice corrects a company name that is part of the BFN/Viraj collective entity.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, 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) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 2026, Commerce published in the **Federal Register** the final results of the 2023–2024 AD administrative review of stainless steel flanges from India.[1] We did not correctly list the company name ''Viraj Profiles Private Limited,'' which we found to be the successor in interest to ''Viraj Profiles Limited,'' [2] and part of the BFN/Viraj collective entity.[3]

Correction

In the **Federal Register** of August 20, 2026, in FR Doc 2026–17032, on page 53843, in the dumping margin rate table, correct the company name of the BFN/Viraj collective entity to: BFN Forgings Private Limited; Flanschen werk Bebitz GmbH; Viraj Alloys, Ltd.; Viraj Forgings, Ltd.; Viraj Impoexpo, Ltd.; and Viraj Profiles Private Limited.

In addition, in the **Federal Register** of August 20, 2026, in FR Doc 2026–17032, on page 53843, in the second column, following the ''Changes Since the Preliminary Results'' section and before the ''Review-Specific Rate for Companies Not Selected for Individual Review'' section, correct the text by including the below section and paragraph as follows:

Final Results of Successor-in-Interest Analysis

In the *Preliminary Results,* Commerce determined that Viraj Profiles Private Limited is the successor-in-interest to Viraj Profiles Limited. No party commented on this issue. Therefore, we continue to find that Viraj Profiles Private Limited is the successor-in-interest to Viraj Profiles Limited.

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[15] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[16] *See* section 751(a)(2)(C) of the Act.

[17] *See Order.*

[1] *See Stainless Steel Flanges from India: Final Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 53843 (August 20, 2026).

[2] *See Stainless Steel Flanges From India: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 7433 (February 18, 2026) (*Preliminary Results*).

[3] BFN/Viraj is a collective entity consisting of BFN Forgings Private Limited; Flanschen werk Bebitz GmbH; Viraj Alloys, Ltd.; Viraj Forgings, Ltd.; Viraj Impoexpo, Ltd.; and Viraj Profiles Private Limited. *See, e.g., Stainless Steel Flanges from India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstance Determination,* 83 FR 40745 (August 16, 2018), where Commerce collapsed these entities.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a) of the Tariff Act of 1930, as amended, and 19 CFR 351.213.

Dated: August 31, 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. 2026–18084 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–873]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Preliminary 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) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Colin Thrasher, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3004.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on certain cold-drawn mechanical tubing (cold-drawn mechanical tubing) from India.[1] This review covers two producers/exporters of subject merchandise.[2] On August 29, 2025, Commerce identified Goodluck India Limited; Good Luck Industries; Goodluck Industries; Good Luck Steel Tubes Limited (collectively, Goodluck) and Tube Products of India, Ltd., a unit of Tube Investments of India Limited (TII) as the mandatory respondents in this review.[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] On April 8, 2026, we extended the preliminary results of this review to no later than August 28, 2026.[6]

For a complete description of the events that followed the initiation of the review, *see* the Preliminary Decision Memorandum.[7] A list of the topics discussed in the Preliminary Decision Memorandum is attached in the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The product covered by the scope of this *Order* is cold-drawn mechanical tubing from India. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusion, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins exist for the period June 1, 2024, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Goodluck India Limited; Good Luck Industries; Goodluck Industries; Good Luck Steel Tubes Limited	2.73
Tube Products of India, Ltd., a unit of Tube Investments of India Limited	4.54

Disclosure

Commerce intends to disclose the calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 35268 (July 25, 2025) (*Initiation Notice*); *see also Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland,* 83 FR 26962 (June 11, 2018) (*Investigation Final Determination*); and *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Notice of Second Amended Final Determination; Notice of Amended Order; Notice of Resumption of First and Reinitiation of Second Antidumping Duty Administrative Reviews; Notice of Opportunity for Withdrawal;* and *Notice of Assessment in Third Antidumping Duty Administrative Review,* 86 FR 74069 (December 29, 2021) (*Second Amended Final Determination and Order*) (collectively, *Order*).

[2] *See Initiation Notice,* as corrected by *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043, 41045 (August 22, 2025).

[3] *See* Memorandum, ''Respondent Identification,'' dated August 29, 2025.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 8, 2026.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Federal Register, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[8] Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[10] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[11] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[12] 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 issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[14] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[15]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Goodluck and TII's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[16] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Goodluck and TII's weighted-average dumping margin are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[17]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Goodluck or TII for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[18]

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 deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.87 percent, the all-others rate established in the LTFV investigation.[19] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of

[8] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See* 19 CFR 351.309.

[10] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[13] *See APO and Service Procedures.*

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310(d).

[16] *See* 19 CFR 351.212(b)(1).

[17] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[18] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[19] *See Investigation Final Determination,* 83 FR at 26965, unchanged in *Second Amended Final Determination and Order.*

antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 28, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18086 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–912]

Certain Non-Refillable Steel Cylinders From India: Preliminary Results of Antidumping Duty Administrative Review; 2023–25

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), December 1, 2023, through May 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros or Samuel Evans, 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) 482–7425 or (202) 482–2420, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on certain non-refillable steel cylinders (cylinders) from India.[1] On September 5, 2025, Commerce identified Bhiwadi Cylinders Private Limited (Bhiwadi) and Sapphire (India) Private Limited) (collectively, Bhiwadi/Sapphire) and Mauria Udyog Limited (Mauria) as the mandatory respondents in this review.[2]

Due to a lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] On May 4, 2026, Commerce extended the deadline for the preliminary results by 95 days.[5] Additionally, on July 24, 2026, and August 13, 2026, Commerce extended the deadline for these preliminary results by 15 days and four days, respectively.[6] Accordingly, the deadline for the preliminary results of this review is August 31, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is cylinders from India. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period December 1, 2023, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Bhiwadi Cylinders Private Limited/Sapphire (India) Private Limited	0.00
Mauria Udyog Limited	3.97

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 35268 (July 25, 2026); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 41043 (August 22, 2025); and *Certain Non-Refillable Steel Cylinders from India: Antidumping and Countervailing Duty Orders,* 89 FR 50257 (June 13, 2024) (*Order*).

[2] *See* Memorandum, ''Respondent Identification,'' dated September 5, 2025.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2023–25 Antidumping Duty Administrative Review,'' dated May 4, 2026.

[6] *See* Memoranda, ''Extension of Deadline for Preliminary Results of 2023–2025 Antidumping Duty Administrative Review,'' dated July 24, 2026; and ''Extension of Deadline for Preliminary Results of 2023–2025 Antidumping Duty Administrative Review,'' dated August 13, 2026.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Non-Refillable Steel Cylinders from India; 2023–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[10] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[11] 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 issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[13]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Bhiwadi/Sapphire's and Mauria's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[14] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Bhiwadi/Sapphire's and Mauria's weighted-average dumping margins are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[15]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Bhiwadi/Sapphire and Mauria for which they did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[16]

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 deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.13 percent, the all-others rate established in the LTFV investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review

[8] *See* 19 CFR 351.309.

[9] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See APO and Service Procedures,* 88 FR at 67079–80.

[13] *See* 19 CFR 351.310(d).

[14] *See* 19 CFR 351.212(b)(1).

[15] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[16] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Order,* 89 FR at 50258.

period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement & Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18090 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Continuation of Antidumping 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 the revocation of the antidumping duty (AD) order on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

DATES: Applicable August 18, 2026.

FOR FURTHER INFORMATION CONTACT: Mason Harkleroad, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0905.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2004, Commerce published in the **Federal Register** the AD order on hand trucks from China.[1] On February 2, 2026, the ITC instituted,[2] and Commerce initiated,[3] the fourth sunset reviews of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the *Order* be revoked.[4]

On August 18, 2026, the ITC published its determinations, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The merchandise subject to the antidumping duty *Order* consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof.

A complete or fully assembled hand truck is a hand-propelled barrow consisting of a vertically disposed frame having a handle or more than one handle at or near the upper section of the vertical frame; at least two wheels at or near the lower section of the vertical frame; and a horizontal projecting edge or edges, or toe plate, perpendicular or angled to the vertical frame, at or near the lower section of the vertical frame. The projecting edge or edges, or toe plate, slides under a load for purposes of lifting and/or moving the load.

That the vertical frame can be converted from a vertical setting to a horizontal setting, then operated in that horizontal setting as a platform, is not a basis for exclusion of the hand truck from the scope of {the *Order*}. That the vertical frame, handling area, wheels, projecting edges or other parts of the hand truck can be collapsed or folded is not a basis for exclusion of the hand truck from the scope of {the *Order*}. That other wheels may be connected to the vertical frame, handling area, projecting edges, or other parts of the hand truck, in addition to the two or more wheels located at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of {the *Order*}. Finally, that the hand truck may exhibit physical characteristics in addition to the vertical frame, the handling area, the projecting edges or toe plate, and the two wheels at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of {the *Order*}.

Examples of names commonly used to reference hand trucks are hand truck, convertible hand truck, appliance hand truck, cylinder hand truck, bag truck, dolly, or hand trolley. They are typically imported under heading 8716.80.5010 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.5090. Specific parts of a hand truck, namely the vertical frame, the handling area and the projecting edges or toe plate, or any combination thereof, are typically imported under heading 8716.90.5060 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, Commerce's written description of the scope is dispositive.

Excluded from the scope are small two-wheel or four-wheel utility carts specifically designed for carrying loads like personal bags or luggage in which the frame is made from telescoping tubular material measuring less than 5/8 inch in diameter; hand trucks that use motorized operations either to move the hand truck from one location to the next or to assist in the lifting of items placed on the hand truck; vertical carriers designed specifically to transport golf bags; and wheels and tires used in the manufacture of hand trucks.

Excluded from the scope is a multifunction cart that combines, among others, the capabilities of a wheelbarrow and dolly. The product comprises a steel frame that can be converted from vertical to horizontal functionality, two wheels toward the lower end of the frame and two removable handles near the top. In

[1] *See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof from the People's Republic of China,* 69 FR 70122 (December 2, 2004) (*Order*).

[2] *See Institution of Five-Year Reviews,* 91 FR 4613 (February 2, 2026).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 4499 (February 2, 2026).

[4] *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order,* 91 FR 34217 (June 5, 2026), and accompanying Issues and Decision Memorandum (IDM).

[5] *See Hand Trucks and Certain Parts Thereof from China,* 91 FR 53425 (August 18, 2026).

addition to a foldable projection edge in its extended position, it includes a permanently attached steel tub or barrow. This product is currently available under proprietary trade names such as the ''Aerocart.''

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping 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 *Order.* U.S. Customs and Border Protection will continue to collect AD 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 *Order* will be August 18, 2026.[6] 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 *Order* not later than 30 days prior to the 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

This five-year (sunset) review 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 28, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–18011 Filed 9–2–26; 8:45 am]

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[6] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874, A–557–816, A–523–808, A–583–854, A–552–818]

Certain Steel Nails From the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain steel nails (nails) from the Republic of Korea (Korea), Malaysia, the Sultanate of Oman (Oman), Taiwan, and the Socialist Republic of Vietnam (Vietnam) would be likely to lead to the continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Caroline Davis, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1362.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2026, Commerce published the notice of initiation of the second sunset reviews of the *Orders* [1] on nails from Korea, Malaysia, Oman, Taiwan, and Vietnam, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On May 15, 2026, Commerce received notices of intent to participate from Mid Continent Steel & Wire, Inc. (Mid Continent) within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i).[3] Mid Continent claimed interested party status under section 771(9)(C) of the Act as a producer of nails in the United States. On June 1, 2026, Commerce received adequate substantive responses to the notice of initiation from Mid Continent within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no substantive responses from respondent interested parties with respect to any of the orders covered by these sunset reviews. On May 22, 2026, Commerce notified the U.S. International Trade Commission that it received the Notice of Intent to Participate from domestic interested parties.[5] As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *Orders* on nails from Korea, Malaysia, Oman, Taiwan, and Vietnam.

Scope of the Orders

The merchandise covered by the *Orders* is certain steel nails. For the full description of the scope of the *Order, see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the *Orders* were revoked, is provided in the Issues and Decision Memorandum. 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). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/frnotices.*

[1] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 23395 (May 1, 2026).

[3] *See* Mid Continent's Letter, ''Notice of Intent to Participate in Sunset Reviews,'' dated May 15, 2026.

[4] *See* Mid Continent's Letters, ''Certain Steel Nails from the Republic of Korea—Substantive Response to Notice of Initiation,'' dated June 1, 2026; ''Certain Steel Nails from the Republic of Malaysia—Substantive Response to Notice of Initiation,'' dated June 1, 2026; ''Certain Steel Nails from the Sultanate of Oman—Substantive Response to Notice of Initiation,'' dated June 1, 2026; ''Certain Steel Nails from the Taiwan—Substantive Response to Notice of Initiation,'' dated June 1, 2026; and Mid Continent's Letter, ''Certain Steel Nails from the Socialist Republic of Vietnam—Substantive Response to Notice of Initiation,'' dated June 1, 2026.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on May 1, 2026,'' dated May 22, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Second Sunset Reviews of the Antidumping Duty Orders on Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* on nails from Korea, Malaysia, Oman, Taiwan, and Vietnam would be likely to lead to the continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail is up to 11.80 percent for Korea, up to 39.35 percent for Malaysia, up to 9.10 percent for Oman, up to 2.24 percent for Taiwan, and up to 323.99 percent for Vietnam.

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 and this notice 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).

Dated: August 31, 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 Orders
IV. History of the Orders
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Dumping Margins Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2026–18088 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy Walled Rectangular Pipes and Tubes from Mexico: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Forza Steel S.A. de C.V. (Forza) and Productos Laminados de Monterrey, S.A. de C.V. (Prolamsa) made sales of subject merchandise at less than normal value during the period of review (POR), September 1, 2023, through August 31, 2024.

DATES: Applicable September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Katie Smith or Tyler Gartner, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0557 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 2026, Commerce published in the **Federal Register** the preliminary results of the 2023–2024 administrative review [1] of the antidumping duty order on heavy walled rectangular welded carbon steel pipes and tubes from Mexico,[2] covering two mandatory respondents, Forza and Prolamsa, and five non-examined companies. From April 13, 2026, to April 17, 2026, Commerce verified Prolamsa's questionnaire responses at Prolamsa's facility in Monterrey, Mexico, and from June 12, 2026, to June 14, 2026, Commerce verified the questionnaire responses of Prolamsa's U.S. affiliate, Prolamsa, Inc., in Houston, Texas.[3] On May 14, 2026, we extended the deadline for the final results until August 28, 2026.[4] We invited parties to comment on the *Preliminary Results* and verification report.

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[5] 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 accessed directly at *https://access.trade.gov/frnotices.*

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the *Order* is heavy walled rectangular welded carbon steel pipes and tubes from Mexico. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in Appendix I.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, Commerce made certain revisions to the preliminary weighted-average dumping margin calculation programs for Forza and Prolamsa.[6] As a result of the revisions, the weighted-average dumping margin changed for Prolamsa and the companies not selected for individual examination. Although revisions were made for Forza, the final weighted-average dumping margin did not change. For a discussion of these changes, *see* the Issues and Decision Memorandum.

[1] *See Heavy Walled Rectangular Pipes and Tubes from Mexico: Preliminary Results and Rescission, in Part, of the Antidumping Duty Administrative Review; 2023–2024,* 91 FR 11504 (March 10, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865 (September 13, 2016) (*Order*).

[3] *See* Memorandum, ''Verification of the Sales Response of Productos Laminados de Monterrey S.A. de C.V. (Prolamsa) in the Antidumping Duty Administrative Review of Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico,'' dated July 9, 2026.

[4] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated May 14, 2026.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See* Issues and Decision Memorandum.

Rates for Non-Examined Companies

The Act and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review.

Section 735(c)(5)(A) of the Act provides that Commerce will base the all-others rate on the weighted average of the estimated weighted-average dumping margins calculated for the individually examined respondents, excluding rates that are zero, de minimis, or based entirely on facts available. Where the estimated weighted-average dumping margin for each of the individually examined companies is zero, de minimis, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated.''

In this review, we calculated weighted-average dumping margins for Forza and Prolamsa that are not zero, *de minimis,* or based entirely on facts otherwise available. In accordance with section 735(c)(5)(A) of the Act, we are assigning to the companies under review that were not selected for individual examination a weighted-average dumping margin equal to the weighted average of the estimated weighted-average dumping margins calculated for Forza and Prolamsa, weighted by the mandatory respondents' publicly ranged total sales values.[7] The companies not selected for individual examination are listed in Appendix II.

Final Results of Review

As a result of this review, we determine that the following estimated weighted-average dumping margin exist for the period September 1, 2023, through August 31, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Forza Steel S.A. de C.V	31.23
Productos Laminados de Monterrey, S.A. de C.V	7.45
Review-Specific Rate for Non-Examined Companies[8]	16.84

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice 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)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced/exported by Forza or Prolamsa in these final results of review for which the reviewed companies did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, 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 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a). 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

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies subject to this review will be equal to the weighted-average dumping margin established in the final results of this review; (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 will continue to be the company-specific rate published in the completed segment for the most recently completed period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in 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 4.91 percent, the all-others rate established in the LTFV investigation for this proceeding.[9] These cash deposit requirements, when

[7] *See* Memorandum, ''Final Results Margin Calculation for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice.

[8] *See* Appendix II.

[9] *See Order*, 82 FR at 24098.

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 this review period. 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.

Notification Regarding Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 28, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of Issues
Comment 1: Whether To Adjust the Denominator Used to Calculate General and Administrative and Interest Expense Ratios to Account for Scrap Offsets
Comment 2: Whether To Revise Prolamsa's Cost Database to Reflect Certain Updates from Prolamsa's Supplemental Questionnaire Responses
Comment 3: Whether To Grant Forza a Constructed Export Price Offset
VI. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Buffalo Tube S.A. de C.V.
2. Fortacero S.A. de C.V.
3. Maquilacero S.A. de C.V.
4. Perfiles y Herrajes LM S.A. de C.V.
5. Regiomontana de Perfiles y Tubos S.A. de C.V.

[FR Doc. 2026–18087 Filed 9–2–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF624]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Oregon Department of Transportation's Yaquina Bay Dolphin Replacement Project in Newport, Oregon

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from the Oregon Department of Transportation (ODOT) for the renewal of their currently active incidental harassment authorization (IHA) to take marine mammals incidental to construction activities for the Yaquina Bay Dolphin Replacement Project in Newport, Oregon. ODOT's activities will not be completed prior to the IHA's expiration. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than September 18, 2026.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, NMFS, and should be submitted via email to *ITP.Hotchkin@noaa.gov.* Electronic copies of the original application, renewal request, and supporting documents (including NMFS' **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Cara Hotchkin, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of

similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and the NMFS's implementing regulations at 50 CFR 216.103.

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and
- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.* Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On September 2, 2025, NMFS issued an IHA to ODOT to take marine mammals incidental to the Yaquina Bay Dolphin Replacement Project in Newport, Oregon. The final IHA published in the **Federal Register** on September 5, 2025 (90 FR 42935). ODOT requested this IHA be effective from November 1, 2025 through October 31, 2026. On July 21, 2026, NMFS received an application for the renewal of that initial IHA, which was determined to be adequate and complete on August 12, 2026.

As described in the application for renewal IHA, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

The purpose of the project is to remove and subsequently install new piles currently being used as part of the pier protection system. This proposed project will include the removal of 11 dolphins, consisting of 33 piles via vibratory pile driving and then the installation of 36 new 16-in (40.64-cm) steel piles, which would make up 12 new dolphins. Piles will all be ''battered,'' meaning the piles will be driven at an angle, rather than vertically to provide for additional lateral resistance to the overall structure. These replacement piles will be installed somewhat offset from the existing dolphins to avoid driving piles in previously disturbed sediment, as geotechnical engineers have confirmed that replacing the dolphins in the same location as the existing piles would require significantly deeper embedment to reach fixity. Pile removal and driving will be accomplished utilizing equipment mounted on a barge using supporting spuds. Piles will only require vibratory pile driving and will not need to be ''proofed'' with an impact hammer to further reach stable installation depth. Instead, ODOT and its contractor(s) will undertake auger installation to break through any harder substrate, with vibratory pile driving allowing for the achievement of stable depth.

Takes of marine mammals by Level B harassment only are expected to occur as a result of noise produced by the pile driving installation and removal activities. The initial IHA authorized take incidental to in-water construction activities associated with the dolphins for the protection of the pier using vibratory hammers. However, given the unexpected discovery of harder substrate found under the initial piling locations, ODOT was unable to penetrate to the appropriate stable depth, therefore, not able to install piles for the proposed project. ODOT currently proposes to pre-drill holes followed by vibratory installation of piles to suitable depth.

Detailed Description of the Activity

A detailed description of the demolition and construction activities for which take is proposed here may be found in the **Federal Register** notices of the proposed (90 FR 34441, July 22, 2025) and final (90 FR 42935, September 5, 2025) IHAs for the initial authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices, with the exception of auger drilling. Given this, we do not reiterate description of these aspects of the specified activity that are unchanged here but instead refer the reader to the original **Federal Register** notices for the proposed (90 FR 34441, July 22, 2025) and final (90 FR 42935, September 5, 2025) actions.

In addition to the methods analyzed under the original IHA, auger drilling may be used to pre-drill holes in which piles will be placed and driven to depth with a vibratory hammer. However, auger drilling is not expected to produce sound that is likely to result in incidental take of marine mammals due to the relatively low source levels, position of the sound source in the sediment layers and associated higher transmission loss, and the industrial nature of the project location. Drilling is therefore not addressed further in this notice.

The initial IHA authorized take incidental to the in-water vibratory pile driving removal and installation activities. The project is anticipated to require approximately 46 days of in-water work, as shown in table 1. The in-water work window is November through February (79 days). The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial IHA.

TABLE 1—PILE PARAMETERS FOR REMOVAL AND INSTALLATION VIA VIBRATORY HAMMER

Pile size and type	Activity duration (minutes per pile)		Maximum piles per day		Total number of piles		Estimated number of days of work
	Remove	Install	Remove	Install	Remove	Install	
Old piles: 16-inch steel pile (battered)	45	.....	3	.....	33	.....	22
New piles: 16-inch steel piles (battered)	.....	45	.....	3	.....	36	24

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the proposed **Federal Register** for the initial authorization (90 FR 34441, July 22, 2025). NMFS has reviewed the monitoring data from the initial IHA, recent Stock Assessment Reports, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the proposed **Federal Register** for the initial authorization (90 FR 34441, July 22, 2025).

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notices of the proposed **Federal Register** for the initial authorization (90 FR 34441, July 22, 2025). NMFS has reviewed the monitoring data from the initial IHA, recent Stock Assessment Reports, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods used to estimate take for the specified activity are found in the notices of the proposed (90 FR 34441, July 22, 2025) and final (90 FR 42935, September 5, 2025) actions. Specifically, the action area and marine mammal density/occurrence data applicable to this authorization remain unchanged from the initial **Federal Register** notices. Similarly, source levels, type of activity (*i.e.,* vibratory pile driving), methods of take, take of species/stock, and types of take remain unchanged from the initial **Federal Register** notices. The estimated number of takes proposed for authorization is a subset of those authorized in the initial IHA. Estimated take by Level B harassment for the proposed renewal was calculated using the same methodology as in the initial proposed (90 FR 34441, July 22, 2025) and final IHAs (90 FR 42935, September 5, 2025), as shown in table 2.

As required for an IHA renewal, ODOT submitted preliminary monitoring data gathered during the 2025–2026 work period. In-water work was conducted for 4 hours on a single day in January. During that time, PSOs documented 24 sightings of 46 individual California sea lions and 7 sightings of 7 individual harbor seals. Of these, 37 California sea lions and 3 harbor seals were sighted during vibratory pile driving.

TABLE 2—PROPOSED TAKE BY STOCK, HARASSMENT TYPE, AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species[a]	Stock	Estimated stock abundance	Estimated group size per day	Days of noise exposure	Initial authorized take		Proposed renewal	
					Authorized take[c]	Authorized stock percentage	Proposed take[c]	Proposed stock percentage
Harbor Porpoise	Northern California/Southern Oregon.	15,303	2	46	92	0.6	92	0.6
Steller Sea Lion	Eastern DPS	36,308	2	46	92	0.25	92	0.25
California Sea Lion	United States	257,606	500	46	23,000	8.93	22,963	8.91
Harbor Seal	Oregon/Washington Coast	22,549	60	46	2,760	12.24	2,757	12.22
Northern Elephant Seal	California Breeding	194,907	[b]0.5	46	23	0.01	23	0.01

[a] No take was requested or authorized initially for gray whales, humpback whales, or killer whales as the applicant intends to shut down if any are observed near the project area. Therefore, no take has been proposed for authorization under this renewal and these species are not shown here.
[b] One individual assumed present on half of the days.
[c] All takes estimated by Level B Harassment only. No take by Level A harassment is expected and none is proposed for authorization.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial proposed IHA (90 FR 34441, July 22, 2025), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures are proposed for this renewal:

- ODOT must employ NMFS-approved PSOs and establish monitoring locations to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions, as described in ODOT's Marine Mammal Monitoring Plan (see NMFS' website: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-oregon-department-transportations-yaquina-bay-dolphin*);
- Monitoring must take place from 30 minutes prior to initiation of vibratory pile driving activity (*i.e.,* pre-start clearance monitoring) through 30 minutes post completion of pile driving activity;
- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the PSO(s) to determine that the shutdown zones are clear of marine mammals;
- If a marine mammal is observed entering or within the shutdown zones pile driving activity must be delayed or halted;
- If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the required shutdown zones or 15 minutes have passed without redetection of the animal;
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone;
- ODOT must shut down vibratory pile installation and removal activities if a marine mammal comes within 28 meters (m) (92 feet (ft)) during pile driving or extraction;
- ODOT must shut down other construction operations if a marine mammal comes within 10 m (32.8 ft) of construction activity to avoid direct physical interaction with marine mammals;
- ODOT must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report; and
- All injured or dead marine mammals must be reported to the Office of Protected Resources (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.Hotchkin@noaa.gov*) and to the NOAA West Coast Regional Stranding Coordinator (1–866–767–6114; more information found on NMFS' website: *https://www.fisheries.noaa.gov/westcoast/marine-mammal-protection/west-coast-marine-mammal-stranding-network*).

Comments and Responses

As noted previously, NMFS published a **Federal Register** notice announcing the proposed IHA (90 FR 34441, July 22, 2025) and solicited public comments on both our proposal to issue the initial IHA for ODOT's Yaquina Bay Dolphin Replacement Project in Newport, Oregon and on the potential for a renewal IHA, should certain requirements be met. No public comments were received following the notice announcing the proposed issuance of the initial IHA (90 FR 34441, July 22, 2025).

Preliminary Determinations

This proposed action is identical to that of the initial authorization in terms of effects (90 FR 34441, July 22, 2025; 90 FR 42935, September 5, 2025). The same marine mammals are affected, and the potential effects and estimated take are a subset of those authorized in the initial IHA. Mitigation and monitoring remain the same as the initial authorization. The extensive analysis, as well as the associated findings included in the prior documents remain applicable.

Given this, NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) ODOT's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of

designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this proposed action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to ODOT for conducting construction activities for the Yaquina Bay Dolphin Replacement Project in Newport, Oregon from November 1, 2026, through October 31, 2027, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. The initial IHA can be found at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-oregon-department-transportations-yaquina-bay-dolphin.* We request comment on our analyses contained herein and within the original actions (90 FR 34441, July 22, 2025; 90 FR 42935, September 5, 2025), the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: August 31, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18024 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Evaluations of Coastal Zone Management Act Programs—State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 2, 2026.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0661 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Michael Migliori, Evaluation and Compliance Program Manager, NOAA, 1305 East West Hwy., Bldg. SSMC4, Silver Spring, MD 20910–3278, (443) 332–8936, or *Michael.Migliori@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request seeks a revision and extension of a currently approved information collection. To enhance efficiency, reduce the reporting burden on respondents, and improve the usefulness of information collected for NOAA, some questions will be eliminated or consolidated and others will be rewritten to improve the usefulness of information collected.

The Coastal Zone Management Act of 1972, as amended (CZMA; *16 U.S.C. 1451 et seq.*), requires the periodic evaluation of state coastal management programs and National Estuarine Research Reserves developed in accordance with the CZMA and approved by the Secretary of Commerce. This request facilitates information collection for these evaluations. NOAA's Office for Coastal Management conducts these periodic evaluations of the 34 coastal management programs and 30 research reserves and produces written findings for each evaluation. While the office has access to documents submitted in cooperative agreement applications, performance reports, and certain documentation required by the CZMA and its implementing regulations, additional information is needed from each coastal management program and research reserve, as well as program and reserve partners and stakeholders, to assess compliance with statutory and regulatory requirements. Different information collection subsets are necessary for (1) coastal management programs, (2) the coastal programs' partners and stakeholders, (3) research reserves, and (4) the research reserves' partners and stakeholders.

This submission would modify a few questions to clarify the information requested from coastal program and reserve managers. Some questions may be consolidated to streamline data collection, while others may be eliminated due to relevancy.

Over the next three years, the Office for Coastal Management anticipates staff capacity to conduct evaluations will remain stable, with an average of 12 CZMA programs evaluated annually.

II. Method of Collection

Coastal program and reserve managers will receive information requests and questionnaires via email, and their responses will be submitted via email. Partners and stakeholders of coastal programs and reserves will receive a link to a web-based survey tool to provide their responses.

III. Data

OMB Control Number: 0648–0661.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; state, local, or tribal governments; federal government.

Estimated Number of Respondents: 221.

Estimated Time per Response: 60 hours per CZMA program manager's evaluation; 15 minutes per partner or stakeholder response.

Estimated Total Annual Burden Hours: 771

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Mandatory for CZMA programs; voluntary for program partners and stakeholders.

Legal Authority: Sections 312 and 315(f) of the Coastal Zone Management Act, as amended (*16 U.S.C. 1458, 1461(f)*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18095 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Nautical Discrepancy and Data Reporting System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 9, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Nautical Discrepancy and Data Reporting System.

OMB Control Number: 0648–0007.

Form Number(s): None.

Type of Request: Regular submission. Revision and extension of a currently approved information collection.

Number of Respondents: 1,135.

Average Hours per Response: 10 minutes: Project Status Report Forms; ASSIST Discrepancy Reports: 30 minutes.

Total Annual Burden Hours: 641.

Needs and Uses: This request is for a revision to and extension of the currently approved Nautical Discrepancy and Data Reporting System (System). The System consists of both the Aimed Stakeholder Interaction and Survey Tool (ASSIST) and the Project Status Report Forms, which include the *Permit/Public Notice Status Report,* the *Artificial Reef/Mariculture Status Report,* and the *Submerged Pipeline Status Report* forms.

NOAA's Office of Coast Survey (Coast Survey) is the nation's nautical chart maker, maintaining and updating over a thousand charts covering the 3.5 million square nautical miles of coastal waters in the U.S. Exclusive Economic Zone and the Great Lakes. The marine transportation system relies on charting accuracy and precision to keep navigation safe and coastal communities protected from environmental disasters at sea.

Coast Survey also writes and publishes the *United States Coast Pilot*® (Coast Pilot), a series of ten nautical books that supplement nautical charts with essential marine information that cannot be shown graphically on the charts and is not readily available elsewhere. Coast Pilot information includes, but is not limited to, channel descriptions, anchorages, bridge and cable clearances, tides and tidal currents, prominent features, pilotage, towage, weather, ice conditions, wharf descriptions, dangers, routes, traffic separation schemes, small craft facilities, and Federal Regulations applicable to navigation.

The marine environment and shorelines are constantly changing. Coast Survey makes every effort to update information portrayed in nautical charts and described in the Coast Pilot. The purpose of the System is to offer a formal, standardized instrument to information sources that facilitates corrections and updates and also monitors and documents the changes Coast Survey makes to nautical charts and the Coast Pilot.

Information sources include, but are not limited to, pilot associations, shipping companies, towboat operators, state marine authorities, city marine authorities, local port authorities, marine operators, hydrographic research vessels, naval vessels, Coast Guard cutters, merchant vessels, fishing vessels, pleasure boats, U.S. Power Squadron Units, U.S. Coast Guard Auxiliary Units, and the U.S. Army Corps of Engineers (USACE).

As stated above, the System consists of both ASSIST and the three Project Status Report Forms. Coast Survey uses ASSIST (*https://www.nauticalcharts.noaa.gov/customer-service/assist/*) to receive discrepancy reports and construction notifications in the form of USACE-issued Public Notices, Permit Applications, and Permits, which could include a proposal or authorization to dredge and/or construct, remove, or abandon structures. Coast Survey vets these Public Notices, Permit Applications, and Permits for the potential of a charting action, and then registers them into a database.

Coast Survey uses the three Project Status Report Forms (*i.e.,* the *Permit/Public Notice Status Report,* the *Artificial Reef/Mariculture Status Report,* and the *Submerged Pipeline Status Report* forms) to determine the status of USACE-permitted projects and obtain as-built and/or survey data associated with the completion of these projects. The Project Status Report Forms give USACE permittees a standardized way to notify Coast Survey of the status of their projects so that the as-built and survey data can be used by Coast Survey for nautical charts and the Coast Pilot. Permittees are asked to notify Coast Survey of the completion of their projects. Permittees may find blank Project Status Report Forms on the Coast Survey website, or permittees may request an email version of the forms from Coast Survey. Coast Survey periodically mails customized versions of the Project Status Report Forms to permittees, requesting information on the completion status of their permitted projects. The Project Status Report Forms are also periodically mailed to permittees as a way of gathering information regarding ongoing permitted projects. A permittee's use of these forms enables Coast Survey to capture complete, registration-ready source packages that require less

frequent correspondence with the permittee prior to source registration. In other words, use of the forms is instrumental in accelerating the availability of important, and possibly critical, nautical data to Coast Survey's cartographic production branches for charting action.

Coast Survey has made several updates to one of the Project Status Report Forms: The *Permit/Public Notice Status Report* form. These changes ensure that third-party data meets Coast Survey's quality standards required for authoritative charting. Key enhancements to the *Permit/Public Notice Status Report* form include expanded data collection for hydrographic surveys, such as construction start and end dates and specific units or datums for both Vertical and Horizontal Coordinate Reference Systems. To align with modern open-data policies, a new Data License section has been added to the *Permit/Public Notice Status Report* form, offering CC0–1.0 or CC–BY–4.0 equivalency and directing users to the Coast Survey data licensing website for further details. Structurally, the *Permit/Public Notice Status Report* form now features a dedicated second page for ''Special Instructions,'' providing more granular technical guidance than previous versions. Additionally, the contact section of the *Permit/Public Notice Status Report* form now requires a Company/Organization Name. This change facilitates better customer service and serves as a vital link for resolving nautical discrepancies with information sources. The Citizen Science Chart Update Project is complete and that collection is being removed from this OMB Control Number.

Affected Public: Business or other for-profit; state, local, and tribal government; universities; individuals or households; not for-profit institutions, professional and other mariners, etc.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: None.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website: *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0007.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18093 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–G1–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Western Alaska Community Development Quota (CDQ) Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 16, 2026 (91 FR 12584) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Western Alaska Community Development Quota (CDQ) Program.

OMB Control Number: 0648–0269.

Form Number(s): None.

Type of Request: Regular submission (extension of current information collection).

Number of Respondents: 6.

Average Hours per Response: CDQ Vessel Registration System, 10 minutes; Groundfish/Halibut CDQ and PSQ Transfer Request, 30 minutes; Application for Approval of Use of Non-CDQ Harvest Regulations, 5 hours; Appeals, 4 hours.

Total Annual Burden Hours: 36 hours.

Needs and Uses: The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection that contains four components necessary for NMFS to manage the Western Alaska Community Development Quota Program (CDQ Program).

NMFS and the North Pacific Fishery Management Council manage the groundfish fisheries in the exclusive economic zone off Alaska under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson-Stevens Act). The groundfish fisheries in the Bering Sea and Aleutian Islands are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

The CDQ Program is an economic development program authorized under the Magnuson Stevens Act to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska, and to achieve sustainable and diversified local economies in western Alaska.

This information collection is used by NMFS to manage the small vessel CDQ fisheries, transfer quota among the CDQ groups, and authorize the use of alternative harvest regulations under certain circumstances.

This information collection contains the following four components:

- The CDQ Vessel Registration System is an online system used by the CDQ groups to add small hook-and-line catcher vessels to the CDQ vessel registration list. Registered vessels are exempt from the requirements to obtain and carry a License Limitation Program license under regulations at 50 CFR part 679. This system is also used to remove vessels from the CDQ vessel registration list.
- The Groundfish/Halibut CDQ and Prohibited Species Quota (PSQ) Transfer Request form is used to transfer annual amounts of groundfish and halibut CDQ and PSQ, except Bering Sea Chinook salmon, between two CDQ groups. This form is completed by the transferring and receiving CDQ groups.
- The Application for Approval of Use of Non-CDQ Harvest Regulations is used by a CDQ group, an association representing CDQ groups, or a voluntary fishing cooperative to request approval to use non CDQ harvest regulations when the CDQ regulations are more restrictive than the regulations otherwise required for participants in non-CDQ groundfish fisheries.
- An appeals process is provided for an applicant who receives an adverse initial administrative determination

related to its Application for Approval of Use of Non-CDQ Harvest Regulations.

Affected Public: Not-for-profit institutions; Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0269.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18092 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Limits of Application of Take Prohibitions

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 3, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Limits of Application of the Take Prohibitions.

OMB Control Number: 0648–0399.

Form Number(s): None.

Type of Request: Regular submission (Revision and Extension of an approved information collection).

Number of Respondents: 706

Average Hours per Response: Limit 3: Fish Rescue, 4 hours. Limit 4: CA—FMEP Annual Reporting, 4 hours; CA—FMEP Development/Submission, 1,230 hours; ID—FMEP Development/In season Reporting/Submission of Annual Reports, 120 hours; OR—FMEP Development/Submission of Annual Reports, 120 hours; WA—FMEP Development/Submission of Annual Reports, 100 hours. Limit 4, 6 and 14—Puget Sound/Klamath Basins: Annual Reporting, 104 hours; Development of RMP, 624 hours; Submittal of RMP, 150 hours; Litigation Assistance, 416 hours. Limit 5: CA—HGMP Annual Reporting, 8 hours; CA—HGMP Development/Submission, 2,080 hours. Limit 5 and 6: ID—RMP/HGMP Development/Submission of Annual Reports, 120 hours; OR—RMP/HGMP Development/Submission of Annual Reports, 120 hours; WA—RMP/HGMP Development/Submission of Annual Reports, 120 hours. Limit 6—Fisheries—Columbia River Basin, 120 hours. Limit 7—State Research Programs: Applications, 5 hours; Modifications, 2 hours; Reports, 3 hours. Limit 10: OR—5-year plan submission, 160 hours; OR—Annual Reporting, 40 hours; CA—Annual Reporting, 4 hours.

Total Annual Burden Hours: 167,864 hours.

Needs and Uses: This is a request for revision and extension.

This collection is being revised to remove the burden for Limit 14 and all references to Limit 14 in the tables for Questions 12 and 13, as there are only 13 Limits. NOAA reviewed the regulations and reporting requirements and determined this was an administrative error from the previous renewal. A merger of the Southwest and Northwest Regions prompted a comprehensive reassessment of how the 4(d) rules were used. The Northwest Region maintains this collection and did not previously include the Southwest Region in the assessment. Initially, only three ICs were listed: 1) research and other applications, 2) annual reports, and 3) reports of aided/rescued salmon. However, these ICs were not aggregated correctly and excluded the Southwest Region. Consequently, in 2023 the three initial ICs were removed and replaced with more comprehensive ICs, which resulted in the erroneous mentions of Limit 14.

Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it ''deems necessary and advisable to provide for the conservation of threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits ''take'' of any endangered species (''take'' includes actions that harass, harm, pursue, kill, or capture). On July 10, 2000, NMFS adopted rules prohibiting the take of 14 groups of salmon and steelhead listed as threatened under the ESA (65 FR 42422, 50 CFR 223.203). On June 28, 2005, January 5, 2006, February 11, 2008, and September 25, 2008, NMFS issued final listing determinations and protective regulations for 26 threatened and endangered salmon and steelhead species (70 FR 37160, 71 FR 834, 73 FR 7816, 73 FR 55451). The protective regulations extended the 4(d) rule to all 23 threatened salmonid species.

Affected Public: Federal government; State, local, or tribal government; business or other for-profit organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

Legal Authority: Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0399.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18091 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF975]

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's Spiny Dogfish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Monday, September 21, 2026, from 2 p.m.–3 p.m. E.T. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's 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's Spiny Dogfish Monitoring Committee will meet via webinar on Monday, September 21, 2026, from 2 p.m. until 3 p.m. The main purposes of the meeting are for the Monitoring Committee to review fishery performance and the catch recommendations of the Scientific and Statistical Committee, and then to provide recommendations to the Council on any appropriate modifications to specifications and associated fishing measures. The roles of Monitoring Committees are detailed here: *https://www.mafmc.org/s/MC-role-summary-updated_2026-05-11.pdf.*

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 31, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–17990 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG006]

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's Mackerel, Squid, and Butterfish Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Friday, September 25, 2026, from 8 a.m.–9 a.m. E.T. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's 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's Mackerel, Squid, and Butterfish Monitoring Committee will meet via webinar on Friday, September 25, 2026, from 8 a.m. until 9 a.m. The main purposes of the meeting are for the Monitoring Committee to review fishery performance and the catch recommendations of the Scientific and Statistical Committee, and then to provide recommendations to the Council on any appropriate modifications to specifications and associated fishing measures. Atlantic mackerel and *Illex* squid are the focus of this meeting. The roles of Monitoring Committees are detailed here: *https://www.mafmc.org/s/MC-role-summary-updated_2026-05-11.pdf.*

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 31, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–18000 Filed 9–2–26; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* October 04, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: *For further information or to submit comments contact:* Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On May 14, 2026 (91 FR 27304) and July 9, 2026 (91 FR 42426) the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. This final notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. The Committee has determined that the products listed below are suitable for procurement by the Federal Government and has added these products to the Procurement List. In accordance with 41 CFR 51–5.2, the Committee has authorized the qualified nonprofit agencies described with the products as the authorized source(s) of supply. Additionally, in accordance with 41

CFR 51–2.4, the Committee considered relevant information from the contracting activity that this (product) requirement is not applicable to other Federal entities and has granted the activity's requested preference for purchase or distribution. These products are not available through the Commission's Commercial Distribution Program, and other Federal entities wishing to purchase this product must contact the contracting activity listed directly for information on purchase availability.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) alisted below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) added to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8950–01–E10–2926—Spice Blend, Salt Free Garlic and Herb Seasoning
8950–01–E10–2928—Spice, Parsley Flakes
8950–01–E10–2931—Spice Blend, Salt Free Seasoning
Authorized Source of Supply: CDS Monarch, Webster, NY
Mandatory For: DEPT OF DEFENSE
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s): 7930–01–660–1605—Navy Cleaning Kit
Authorized Source of Supply: Louisiana Association for the Blind, Shreveport, LA
Mandatory For: DEPT OF DEFENSE
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

On July 2, 2026 (91 FR 40518) the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. The Committee determined that the service listed below is suitable for procurement by the Federal Government and has added this service to the Procurement List as a mandatory purchase for the contracting activity listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activity at the location listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized the nonprofit agency listed as the authorized source of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) added to the Procurement List.

End of Certification

Service(s)

Service Type: Retail Support Service
Mandatory For: National Geospatial-Intelligence Agency, NGA Campus West, Convenience Store, 2301 Cass Avenue, St. Louis, MO
Authorized Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: DEPT OF DEFENSE, National Geospatial-Intelligence Agency

Deletions

On August 29, 2026 (91 FR 48089), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 8465–01–524–7689—Foliage Green
Authorized Source of Supply: Travis Association for the Blind, Austin, TX
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s):
8955–01–E10–1648—Beverage Base, Non-nutritive, Sweetened, Lemonade
8955–01–E10–1650—Beverage Base, Non-nutritive, Sweetened, Raspberry Ice
Authorized Source of Supply: BOSMA Enterprises, Indianapolis, IN
Contracting Activity: DEPT OF DEFENSE, DIR OF SUB DLA TROOP SUPPORT

Service(s)

Service Type: Shelf Stocking, Custodial & Warehousing
Mandatory For: Defense Commissary Agency, Minot Air Force Base Commissary, Minot AFB, ND, 360 Missile Avenue, Bldg. 246, Minot AFB, ND
Authorized Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEPT OF DEFENSE, DEFENSE COMMISSARY AGENCY

Service Type: Janitorial
Mandatory For: US Customs and Border Protection, Camp Grip, Wellton, AZ, Devil's Highway, Wellton, AZ
Authorized Source of Supply: ACHIEVE Human Services. Inc., Yuma, AZ
Contracting Activity: DEPARTMENT OF HOMELAND SECURITY, BORDER ENFORCEMENT CTR DIV

Service Type: Custodial and Refuse Removal Services
Mandatory For: Bureau of Land Management, Las Cruces District Office, Upham and I–25 Parking Sites, Las Cruces, NM, 1800 Marquess St., Las Cruces, NM
Authorized Source of Supply: Tresco, Inc., Las Cruces, NM
Contracting Activity: DEPARTMENT OF THE INTERIOR, BLM ALBUQUERQUE DISTRICT OFFICE
Service Type: Furnishing Management Service
Mandatory For: US Air Force, Cannon Air Force Base (CAFB), Dormitory Campus, CAFB Fire Department, Base Confinement Area & Fire Department Melrose AF Range, Cannon AFB, NM, 110 E Alison Avenue, Building 600, Cannon AFB, NM
Authorized Source of Supply: ENMRSH, Inc., Clovis, NM
Contrating Activity: DEPT OF THE AIR FORCE, FA4855 27 SOCONS LGC

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–18047 Filed 9–2–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* October 03, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: *For further information or to submit comments contact:* Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7045–01–193–4991—Tape, Electronic Data Processing, 5½″
Authorized Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s):
7510–01–381–8041—Ink Refill, Stamp, Self-Inking, Black
7510–01–381–8070—Ink Refill, Stamp, Self-inking, Blue
7510–01–381–8072—Ink Refill, Stamp, Self-inking, Red
Authorized Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS ADMIN SVCS ACQUISITION BR(2

Service(s)

Service Type: Office Supply Store
Mandatory For: Department of the Treasury: 1500 Pennsylvania Avenue NW, 1500 Pennsylvania Avenue NW, Washington, DC
Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: DEPARTMENT OF THE TREASURY

Service Type: Office Supply Store
Mandatory For: U.S. Department of Commerce: 14th & Constitution Avenue NW, Herbert Hoover Building, 14th & Constitution Avenue NW, Herbert Hoover Building, Washington, DC
Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: DEPARTMENT OF COMMERCE

Service Type: Base Supply Center
Mandatory For: U.S. Census Bureau Federal Building: Base Supply Center, U.S. Census Bureau Federal Building, Suitland, MD
Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: DEPARTMENT OF COMMERCE

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–18048 Filed 9–2–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2905]

Agency Information Collection Activities; Comment Request; Survey on Use of Funds Under Title II, Part A

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before November 2, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–2905. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C294, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Lindsay, *OESE.Titleii-a@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the

information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Survey on State Education Agency Use of Funds Under Title II, Part A.

OMB Control Number: 1810–0756.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 416.

Abstract: The U.S. Department of Education (the Department) is requesting an extension of the 1810–0756 information collection to continue collecting data from states annually about how Title II, Part A funds are used; how funds are used to improve equitable access to teachers for-low income and minority students; and where applicable evaluation and retention data for teachers, principals, and other school leaders. The reporting requirements are outlined in Section 2104(a) of the Elementary and Secondary Education Act (ESEA) as authorized by the Every Student Succeeds Act of 2015 (ESSA). The survey will include the universe of states, the District of Columbia, and Puerto Rico. The information obtained from the survey will provide the Department with a description of how Title II, Part A State activities funds are used by teach State. In addition, the survey will provide data on teacher, principal, and other school leader evaluation and retention. The survey will be sent to State Title II, Part A coordinators in each of the 50 states, District of Columbia, and Puerto Rico. The survey will be administered using an electronic instrument.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–18051 Filed 9–2–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Accounting Request filings:

Docket Numbers: AC26–99–000.

Applicants: Indiana Michigan Power Company.

Description: Indiana Michigan Power Company submits journal entries relating to the Oregon Clean Energy Acquisition, authorized in Docket EC25–84 and transaction consummated on 03/02/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5195.

Comment Date: 5 p.m. ET 9/21/26.

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–158–000.

Applicants: RE Barren Ridge 1 LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of RE Barren Ridge 1 LLC.

Filed Date: 8/24/26.

Accession Number: 20260824–5154.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: EC26–159–000.

Applicants: SunE Beacon Site 2 LLC, SunE Beacon Site 5 LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of SunE Beacon Site 2 LLC, et al.

Filed Date: 8/27/26.

Accession Number: 20260827–5245.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: EC26–160–000.

Applicants: Cabazon Wind Partners, LLC, Whitewater Hill Wind Partners, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Cabazon Wind Partners, LLC, et al.

Filed Date: 8/27/26.

Accession Number: 20260827–5251.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: EC26–161–000.

Applicants: Craven County Wood Energy Limited Partnership, Fangorn Forest OpCo Holdings NC I LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Craven County Wood Energy, et al.

Filed Date: 8/28/26.

Accession Number: 20260828–5339.

Comment Date: 5 p.m. ET 9/18/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER17–1821–018.

Applicants: Panda Stonewall LLC.

Description: Compliance filing: Potomac Energy Center, LLC submits tariff filing per 35: Potomac Energy Center Refund Report to be effective 10/1/2025.

Filed Date: 8/31/26.

Accession Number: 20260831–5108.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER20–2446–010.

Applicants: Bitter Ridge Wind Farm, LLC.

Description: Compliance filing: Settlement Compliance Filing to be effective 12/31/2024.

Filed Date: 8/28/26.

Accession Number: 20260828–5294.

Comment Date: 5 p.m. ET 9/18/26.

Docket Numbers: ER25–1093–002.

Applicants: Osagrove Flats Wind, LLC.

Description: Notice of Change in Status of Osagrove Flats Wind, LLC.

Filed Date: 8/27/26.

Accession Number: 20260827–5249.

Comment Date: 5 p.m. ET 9/17/26.

Docket Numbers: ER26–3529–000.

Applicants: Avista Corporation.

Description: Notice of Cancellation of Large Generator Interconnection Agreement of Avista Corporation.

Filed Date: 8/6/26.

Accession Number: 20260806–5190.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3648–000.

Applicants: New York Independent System Operator, Inc.

Description: 205(d) Rate Filing: NYISO 205: Proposed Tariff Revisions to Clarify Storm Watch Costs Calculation to be effective 10/28/2026.

Filed Date: 8/28/26.

Accession Number: 20260828–5255.

Comment Date: 5 p.m. ET 9/18/26.

Docket Numbers: ER26–3649–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: GIAs SA Nos. 8046 (AA1–034) & 8047 (AA1–034A); ISA Cancel SA No. 4141 (AA1–034) to be effective 11/18/2015.

Filed Date: 8/28/26.

Accession Number: 20260828–5257.

Comment Date: 5 p.m. ET 9/18/26.

Docket Numbers: ER26–3650–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–08–28_Interconnection Reliability Requirements for Large Loads to be effective 12/4/2026.

Filed Date: 8/28/26.

Accession Number: 20260828–5278.

Comment Date: 5 p.m. ET 9/18/26.

Docket Numbers: ER26–3651–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4994 AC Ranch BESS Surplus GIA to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5017.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3652–000.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 4179R1 Osborne Grid GIA Cancellation to be effective 8/13/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5048.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3653–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–08–31_SA 4740 ATC-Forest Junction Energy 1st Rev GIA (E0016) to be effective 8/17/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5067.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3656–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 1148R39 American Electric Power NITSA and NOA to be effective 8/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5085.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3657–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4608, Queue No. AE2–155 to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5113.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3658–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–08–31_SA 4848 NSP-North Star Energy Storage GIA (S1110) to be effective 8/19/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5153.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3659–000.

Applicants: New York Independent System Operator, Inc.

Description: Tariff Amendment: Notice of Cancellation: SGIA Sky High Solar SA2576 to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5179.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3660–000.

Applicants: Duke Energy Progress, LLC.

Description: Tariff Amendment: DEP–DEP Notice of Termination of RS No. 485 to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5184.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3661–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Revisions to Timelines to Post Final ELCC Values and Reliability Requirements to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5191.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3662–000.

Applicants: Faraday Solar B LLC.

Description: 205(d) Rate Filing: Faraday Solar B 2nd Amendment to SFA to be effective 9/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5193.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3663–000.

Applicants: ALLETE, Inc.

Description: 205(d) Rate Filing: Second Amended & Restated CMA for the Northland Reliability Project to be effective 7/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5199.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3664–000.

Applicants: Duke Energy Progress, LLC.

Description: Tariff Amendment: DEP–DEP Notice of Termination of RS No. 472 to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5217.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3665–000.

Applicants: New York Independent System Operator, Inc.

Description: Tariff Amendment: Notice of Cancellation: SGIA Sky High Solar SA2576 to be effective 10/31/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5219.

Comment Date: 5 p.m. ET 9/21/26.

Docket Numbers: ER26–3666–000.

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: Zurisol (Rockdale Storage) LGIA Amendment Filing to be effective 8/19/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5238.

Comment Date: 5 p.m. ET 9/21/26.

Take notice that the Commission received the following Electric Securities filings:

Docket Numbers: ES26–68–000; ES26–69–000; ES26–70–000; ES26–71–000; ES26–72–000; ES26–73–000; ES26–74–000.

Applicants: National Grid Generation LLC, New England Power Company, New England Hydro-Transmission Electric Company, Inc., Niagara Mohawk Power Corporation, Nantucket Electric Company, Massachusetts Electric Company, National Grid USA.

Description: Amendment to 07/31/2026, Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of National Grid USA, et al.

Filed Date: 8/24/26.

Accession Number: 20260824–5149.

Comment Date: 5 p.m. ET 9/3/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18035 Filed 9–2–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–1119–000.

Applicants: Black Marlin Pipeline LLC.

Description: Compliance filing: Petition for Temporary Exemption from Tariff Revision Filing 587–AB to be effective N/A.

Filed Date: 8/27/26.
Accession Number: 20260827–5152.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1120–000.
Applicants: Hardy Storage Company, LLC.
Description: Compliance filing: NAESB—4.0 Revision Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5165.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1121–000.
Applicants: Discovery Gas Transmission LLC.
Description: Compliance filing: NAESB 4.0 587–AB Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5187.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1122–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing: 20260827 Remove Non-Conforming Agreement to be effective 9/28/2026.
Filed Date: 8/27/26.
Accession Number: 20260827–5189.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1123–000.
Applicants: WestGas InterState, Inc.
Description: Compliance filing: RP26–2026 NAESB 587–AB__Eff 01–01–2027 to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5207.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1124–000.
Applicants: Gulf Shore Energy Partners, LP.
Description: Compliance filing: Order No. 587–AB Compliance to be effective 1/1/2027.
Filed Date: 8/27/26.
Accession Number: 20260827–5220.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1125–000.
Applicants: Gulf Shore Energy Partners, LP.
Description: 4(d) Rate Filing: Housekeeping Revisions to be effective 10/1/2026.
Filed Date: 8/27/26.
Accession Number: 20260827–5222.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1126–000.
Applicants: MountainWest Overthrust Pipeline, LLC.
Description: 4(d) Rate Filing: Negotiated Rate Service Agreement-Lands End Energy to be effective 8/28/2026.
Filed Date: 8/27/26.
Accession Number: 20260827–5228.
Comment Date: 5 p.m. ET 9/8/26.
Docket Numbers: RP26–1127–000.
Applicants: Equitrans, L.P.
Description: 4(d) Rate Filing: Formula Based Negotiated Rate Agreement—10/1/2026 to be effective 10/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5044.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1128–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Compliance filing: 8.28.26 FERC Order 587–AB (NAESB) Compliance Filing to be effective 1/1/2027.
Filed Date: 8/28/26.
Accession Number: 20260828–5065.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1129–000.
Applicants: Stagecoach Pipeline & Storage Company LLC.
Description: 4(d) Rate Filing: Negotiated Rate Agreement Filing—Central Hudson Gas & Electric Corporation to be effective 9/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5145.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1130–000.
Applicants: Sabine Pipe Line LLC.
Description: 4(d) Rate Filing: Non-Conforming Agreement Nos. 672087FT2 and 672087FT3 to be effective 10/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5183.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1131–000.
Applicants: Southeast Supply Header, LLC.
Description: 4(d) Rate Filing: Negotiated Rate—Koch Energy 840314 to be effective 9/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5225.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1132–000.
Applicants: Cadeville Gas Storage LLC.
Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.
Filed Date: 8/28/26.
Accession Number: 20260828–5251.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1133–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: SNG Winter Period Fuel Rate Update Filing 2026–2027 to be effective 10/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5258.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1134–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: Non-Conforming and Negotiated Rate Agreements Update (SWG and UDA 2026) to be effective 9/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–5267.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1135–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (Shell Oct–Nov 2026) to be effective 10/1/2026.
Filed Date: 8/28/26.
Accession Number: 20260828–528.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1136–000.
Applicants: Perryville Gas Storage LLC.
Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.
Filed Date: 8/28/26.
Accession Number: 20260828–5284.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1137–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.
Filed Date: 8/28/26.
Accession Number: 20260828–5286.
Comment Date: 5 p.m. ET 9/9/26.
Docket Numbers: RP26–1138–000.
Applicants: SG Resources Mississippi, L.L.C.
Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.
Filed Date: 8/31/26.
Accession Number: 20260831–5001.
Comment Date: 5 p.m. ET 9/14/26.
Docket Numbers: RP26–1139–000.
Applicants: Equitrans, L.P.
Description: 4(d) Rate Filing: FOSA Clean Up Filing to be effective 10/10/2026.
Filed Date: 8/31/26.
Accession Number: 20260831–5042.
Comment Date: 5 p.m. ET 9/14/26.
Docket Numbers: RP26–1140–000.
Applicants: Mountain Valley Pipeline, LLC.
Description: 4(d) Rate Filing: FOSA Clean Up Filing to be effective 10/10/2026.
Filed Date: 8/31/26.
Accession Number: 20260831–5043.
Comment Date: 5 p.m. ET 9/14/26.
Docket Numbers: RP26–1141–000.
Applicants: Rager Mountain Storage Company LLC.
Description: 4(d) Rate Filing: FOSA Clean Up Filing to be effective 10/10/2026.
Filed Date: 8/31/26.
Accession Number: 20260831–5044.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1142–000.

Applicants: Mountain Valley Pipeline, LLC.

Description: 4(d) Rate Filing: Negotiated Rate Agreement—9/1/2026 to be effective 9/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5045.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1144–000.

Applicants: Alliance Pipeline L.P.

Description: 4(d) Rate Filing: Negotiated Rates—Releases—2026–09–01 to be effective 9/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5049.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1145–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: 4(d) Rate Filing: Negotiated Rates Various Releases eff 9–1–2026 to be effective 9/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5051.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1146–000.

Applicants: Mountain Valley Pipeline, LLC.

Description: 4(d) Rate Filing: Remove Expired Negotiated Rate Agreement—10/1/2026 to be effective 10/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5052.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1147–000.

Applicants: Stingray Pipeline Company, L.L.C.

Description: 4(d) Rate Filing: Updates Related to GT&C Section 38 to be effective 10/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5064.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1148–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: 4(d) Rate Filing: Fuel Filing on 8–31–26 to be effective 10/1/2026

Filed Date: 8/31/26.

Accession Number: 20260831–5070

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1149–000.

Applicants: WBI Energy Transmission, Inc.

Description: 4(d) Rate Filing: 2026 Semi-Annual Fuel Filing to be effective 10/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5072.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1150–000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: Compliance filing: SNG NAESB 4.0 Revisions Implementation Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5075.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1151–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Compliance filing: MEP NAESB 4.0 Revisions Implementation Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5080.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1152–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Compliance filing: NAESB 4.0 Revisions to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5081.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1153–000.

Applicants: Sierrita Gas Pipeline LLC.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5086.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1154–000.

Applicants: Elba Express Company, L.L.C.

Description: Compliance filing: EEC NAESB 4.0 Revisions Implementation Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5088.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1155–000.

Applicants: Southern LNG Company, L.L.C.

Description: Compliance filing: SLNG NAESB 4.0 Revisions Implementation Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5091.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1156–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5096.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1157–000.

Applicants: Sabine Pipe Line LLC.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5099.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1158–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5103.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1159–000.

Applicants: OkTex Pipeline Company, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5105.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1160–000.

Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5107.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1161–000.

Applicants: Northwest Pipeline LLC.

Description: 4(d) Rate Filing: 2026 Winter Fuel Filing to be effective 10/1/2026.

Filed Date: 8/31/26.

Accession Number: 20260831–5110.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1162–000.

Applicants: Mojave Pipeline Company, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5114.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1163–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5115.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1164–000.

Applicants: Young Gas Storage Company, Ltd.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5116.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1165–000.

Applicants: Viking Gas Transmission Company.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5122.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1166–000.

Applicants: Midwestern Gas Transmission Company.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5127.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: RP26–1167–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 8/31/26.

Accession Number: 20260831–5129.

Comment Date: 5 p.m. ET 9/14/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP26–1047–002.

Applicants: Granite State Gas Transmission, Inc.

Description: Compliance filing: Second Amendment to Tariff Revisions re: Order No. 587–AB to be effective 1/1/2027.

Filed Date: 8/27/26.

Accession Number: 20260827–5204.

Comment Date: 5 p.m. ET 9/8/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18036 Filed 9–2–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8369–050]

Village of Saranac Lake; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 25, 2026, the New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Village of Saranac Lake, in conjunction with the above captioned project on August 25, 2026. Pursuant to the Commission's regulations,[1] we hereby notify New York DEC of the following dates.

Date of Receipt of the Certification Request: August 25, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, August 25, 2027.

If New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

(Authority: 18 CFR 2.1.)

Dated: August 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18038 Filed 9–2–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–566–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on August 21, 2026, Florida Gas Transmission Company, LLC (FGT), 1300 Main St., P.O. Box 4967, Houston, Texas 77210–4967, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and FGT's blanket certificate issued in Docket No. CP82–553–000, for authorization to change the permanent Maximum Allowable Operating Pressure of FGT's DeSoto Co Generation, Seminole-Midulla, Polk Power Station-TECO, El Paso Vandolah, Fishhawk-PGS/TECO, Arcadia NW–CUC, Clearwater South, and Clearwater East delivery facilities. All of the above facilities are located in Polk, Pinellas, Hillsborough, Hardee, and DeSoto Counties, Florida (2026–Q3 MAOP Change Project). The project will allow FGT to maintain compliance with Pipeline and Hazardous Materials Safety Administration regulations and provide more efficient operations. All as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Iain Russell, Sr. Manager—Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., P.O. Box 4967, Houston, Texas 77210–4967, by phone at (713) 989–2615, or by email at *iain.russell@energytransfer.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,

[1] 18 CFR 4.34(b)(5)(iii).

motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 30, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on October 30, 2026. Filings that do not meet requirements of 18 CFR 157.205(e)(2) [4] will not be considered protests by the Commission.[5] A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [6] and the regulations under the NGA [7] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 30, 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 30, 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 CP26–566–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–566–000.

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: Iain Russell, Sr. Manager—Certificates, Florida Gas Transmission Company, LLC, 1300 Main St., P.O. Box 4967, Houston, Texas 77210–4967, or by email (with a link to the document) at *iain.russell@energytransfer.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1.)

[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.

Dated: August 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18037 Filed 9–2–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13556–01–OA]

Farm, Ranch, and Rural Communities Advisory Committee (FRRCC); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given that the next public meeting of the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) will be held virtually September 11, 2026. The FRRCC provides independent policy advice, information, and recommendations to the Administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities.

DATES: This meeting will be held virtually Friday, September 11, 2026, from approximately 11:00 a.m. until 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be conducted virtually via Zoom. Registration will be required to participate in the meeting. For information on how to register see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Jeffrey Herrick, Designated Federal Officer (DFO), by email at *FRRCC@epa.gov,* or by telephone at 919–541–7745. General information about the FRRCC, as well as any updates regarding the upcoming meeting, can be found on the FRRCC website at *http://www.epa.gov/faca/frrcc.*

SUPPLEMENTARY INFORMATION: The meeting will be held virtually via Zoom. Members of the public who wish to participate please visit the FRRCC website: *http://www.epa.gov/faca/frrcc.* Once available, the agenda and other meeting materials will be available on the FRRCC website.

Barry Elman,

Director, Sector Engagement and Agriculture Division, U.S. Environmental Protection Agency.

[FR Doc. 2026–18069 Filed 9–2–26; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Informational Meeting

SUMMARY: Notice of the forthcoming Farm Credit Administration informational meeting is hereby given.

DATES: 10 a.m., Thursday, September 10, 2026.

ADDRESSES: You may observe this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to observe, at least 24 hours in advance, visit *FCA.gov*, select ''Newsroom,'' then select ''Events.'' From there, access the linked ''Instructions for meeting visitors'' and complete the described registration process.

FOR FURTHER INFORMATION CONTACT: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. The following matters will be considered:

- Quarterly Report on Economic Conditions and Farm Credit System Condition and Performance

Authority: 12 U.S.C. 2242 Sec 5.8(c).

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2026–18073 Filed 9–2–26; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the following insured depository institution, was charged with the duty of winding up the affairs of the former institution and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10063	Citizens National Bank	Macomb	IL	09/01/2026

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination date listed above, the Receivership has been terminated, the Receiver has been discharged, and the Receivership has ceased to exist as a legal entity.

(Authority: 12 U.S.C. 1819.)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 1, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–18049 Filed 9–2–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
10115	Platinum Community Bank	Rolling Meadows	IL	09/04/2009

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS—Continued

Fund	Receivership name	City	State	Date of appointment of receiver
10216	Riverside National Bank of Florida	Fort Pierce	FL	04/16/2010
10534	City National Bank New Jersey	Newark	NJ	11/01/2019

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors. Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Section, 600 North Pearl, Suite 700, Dallas, TX 75201. No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this timeframe.

(Authority: 12 U.S.C. 1819.)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 1, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–18050 Filed 9–2–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 5, 2026.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *First Bancorp, Southern Pines, North Carolina;* to acquire First Carolina Bancshares Corporation, Florence, South Carolina, and thereby indirectly acquire Carolina Bank & Trust Company, Lamar, South Carolina.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–18058 Filed 9–2–26; 8:45 am]

BILLING CODE;P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–P–1372]

Determination That PHENAPHEN WITH CODEINE NO. 3 (Acetaminophen; Codeine Phosphate) Oral Capsules, 325 Milligrams and 30 Milligrams, and PHENAPHEN WITH CODEINE NO. 4 (Acetaminophen; Codeine Phosphate) Oral Capsules, 325 Milligrams and 60 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 or Agency) has determined that PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 milligrams (mg) and 30 mg, and PHENAPHEN WITH CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN WITH CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@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.

PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN WITH CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 mg, are the subject of ANDAs 084445 and 084446, held by Wyeth-Ayerst Laboratories, and both initially approved on July 22, 1975. PHENAPHEN WITH CODEINE NO. 3 and PHENAPHEN WITH CODEINE NO. 4 are indicated for the relief of mild to moderately severe pain.

In separate letters dated March 7, 2003, Wyeth-Ayerst requested withdrawal of ANDAs 084445 and 084446 for PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) and PHENAPHEN WITH CODEINE NO. 4 (acetaminophen; codeine phosphate) in accordance with 21 CFR 314.150(c). In the **Federal Register** of May 5, 2004 (69 FR 25124), FDA announced that it was withdrawing approval of ANDAs 084445 and 084446, effective June 4, 2004.

LGM Pharma Solutions, LLC, submitted a citizen petition dated May 16, 2025 (Docket No. FDA–2025–P–1372), under 21 CFR 10.30, requesting that the Agency determine whether PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN W CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 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 PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN W CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 mg, were not withdrawn from sale for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN W CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 mg, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN W CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 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 these drug products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list PHENAPHEN WITH CODEINE NO. 3 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 30 mg, and PHENAPHEN W CODEINE NO. 4 (acetaminophen; codeine phosphate) oral capsules, 325 mg and 60 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. ANDAs for these drug products may 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. 2026–18023 Filed 9–2–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Emergency Use Authorization Declaration

AGENCY: U.S. Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Secretary of Health and Human Services (HHS) is issuing this notice pursuant to section 564 of the *Federal Food, Drug, and Cosmetic (FD&C) Act.* On July 15, 2026, the Secretary of War determined under the FD&C that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of an attack with a chemical, biological, radiological, or nuclear agent or agents; or an attack by an agent or agents that may cause, or are otherwise associated with an imminently life-threatening and specific risk to those forces. Injuries arising from these attacks may cause those forces to experience moderate to severe acute pain and place them at risk of developing life-threatening hemodynamic instability, including shock or respiratory distress. On the basis of this determination, the Secretary of HHS declared on August 31, 2026, pursuant to the FD&C Act, that circumstances exist justifying the authorization of emergency use of drugs identified and supported by the Department of War (DOW) as addressing an unmet military operations-related medical need for use to manage moderate to severe acute pain in casualties caused by, or associated with, an emergency involving biological, chemical, radiological, or nuclear agent or agents, or agents of military combat, including firearms, projectiles, and explosive devices, that may cause, or may otherwise be associated with, an imminently life-threatening and specific risk to U.S. military forces, subject to the terms of any authorization issued under that section.

DATES: The determination was effective July 15, 2026, and the declaration was effective August 31, 2026.

FOR FURTHER INFORMATION CONTACT: L. Paige Ezernack, telephone at (202) 260–

0365 or via email at *paige.ezernack@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under section 564 of the FD&C Act, HHS has the ability to take certain steps to help facilitate the availability of medical countermeasures based on one of four determinations under section 564(b): (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a, chemical, biological, radiological, or nuclear (''CBRN'') agent or agents; (2) the identification of a material threat by the Secretary of the Homeland Security pursuant to section 319F–2 of the *Public Health Service (PHS) Act* [1] sufficient to affect national security or the health and security of U.S. citizens living abroad; (3) a determination by the Secretary of Defense [War] that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, of attack with (i) a CBRN agent or agents; or (ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces; or (4) a determination by the Secretary [of HHS] that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a CBRN agent or agents, or a disease or condition that may be attributable to such agent or agents.

Based on any of these four determinations, the Secretary of HHS may declare that circumstances exist that justify the issuance of emergency use authorizations (EUAs), at which point the Commissioner of the U.S. Food and Drug Administration (FDA), acting under delegated authority from the Secretary of HHS, may issue an EUA or EUAs authorizing the emergency use of an unapproved medical product or an unapproved use of an approved medical product in certain emergency circumstances, if the criteria for issuance of an authorization under section 564 of the FD&C Act are met.

[1] 42 U.S.C. 247d–6b, which states: ''[t]he Homeland Security Secretary, in consultation with the Secretary and the heads of other agencies as appropriate, shall on an ongoing basis—(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and (ii) determine which of such agents present a material threat against the United States population sufficient to affect national security.''

II. Determination by the Secretary of War

On July 15, 2026 the Secretary of War determined, pursuant to sec. 564(b)(1)(B) of the FD&C Act, that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of an attack with a chemical, biological, radiological, or nuclear agent or agents; or an attack by an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces (including agents of military combat such as firearms, projectiles, and explosive devices). Injuries arising from these attacks may cause U.S. military forces to experience moderate to severe acute pain and place them at risk of developing life-threatening hemodynamic instability, including shock or respiratory distress.

III. Declaration of the Secretary of HHS

On August 31, 2026, on the basis of the Secretary of War's determination that there is a military emergency or significant potential for a military emergency involving a heightened risk to U.S. military forces of an attack with an agent or agents that may cause, or are otherwise associated with an imminently life-threatening and specific risk to those forces, I declared that circumstances exist justifying the authorization of emergency use of drugs identified and supported by the DOW as addressing an unmet military operations-related medical need for use to manage moderate to severe acute pain in casualties caused by, or associated with, an emergency involving biological, chemical, radiological, or nuclear agent or agents, or agents of military combat, including firearms, projectiles, and explosive devices, that may cause, or may otherwise be associated with, an imminently life-threatening and specific risk to U.S. military forces, subject to the terms of any authorization issued under that section.

Notice of any EUAs issued by the FDA Commissioner pursuant to this determination and declaration will be provided promptly in the **Federal Register** as required under section 564 of the FD&C Act.

Robert F. Kennedy, Jr.,

Secretary, Health and Human Services.

[FR Doc. 2026–18008 Filed 9–2–26; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0955–0019]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the National Coordinator for Health IT, Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before October 5, 2026.

ADDRESSES: When commenting, please reference the document identifier/OMB control number OS–0955–0019 and title of collection, ''National Survey of Health Information Exchange Organizations (HIO)''. You may send your comments electronically to Wesley Barker, *wesley.barker@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: To obtain copies of supporting material for the proposed collection(s) summarized in this notice, please include the document identifier OS–0955–0019 and title of collection ''National Survey of Health Information Exchange Organizations (HIO)'' for reference, and address inquiries to Wesley Barker, *wesley.barker@hhs.gov.*

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: National Survey of Health Information Exchange Organizations (HIO).

Type of Collection: Revision of a previously approved collection.

OMB No. 0955–0019

Abstract: Electronic health information exchange (HIE) was one of three goals specified by Congress in the 2009 Health Information Technology for Economic and Clinical Health (HITECH) Act to ensure that the $30 billion federal

investment in certified electronic health records (EHRs) resulted in higher-quality, lower-cost care. Subsequent legislation and regulations have continued to prioritize the sharing of data electronically across EHRs and other health information systems. Within the Department of Health and Human Services, the Office of the National Coordinator for Health IT (hereafter ONC) is responsible for coordinating across the federal government, industry, and the health care community to achieve nationwide interoperability of electronic health information exchange. Health information exchange organizations (HIOs) play a pivotal role facilitating health information exchange across disparate providers, labs, pharmacies, public health departments, and others. This information collection request will gather data from HIOs across the nation through the administration of a survey of HIOs to generate the most current national statistics and associated actionable insights to inform policy efforts. The timely collection of national data from our survey will assess current capabilities of HIOs to support effective electronic information sharing within the U.S. health care system and further aims to achieve nationwide interoperability.

Since prior to HITECH there has been ongoing assessment of trends in the capabilities of HIOs to support clinical exchange through nationwide surveys of HIOs. These prior surveys and studies have collected data on organizational structure, financial viability, geographic coverage, scope of services, implementation and use of standards, perceptions of information blocking, support for public health exchange, and participation in networks and the Technical Exchange Framework and Common Agreement (TEFCA). Continuing the ongoing data collection will be critical to construct a current and comprehensive picture of HIOs' role in facilitating exchange and ensuring rapid access to important health care data and information when it matters most, including vital data to address public health emergencies.

The survey will collect data on HIO capabilities to support electronic health information exchange, their maturity, and challenges they face. There are five key areas that require assessment: (1) adoption of technical standards; (2) perceptions related to information blocking; (3) network-to-network connectivity and TEFCA; (4) public health data exchange; and (5) organizational demographics, including technical capabilities offered by HIOs and the challenges they face in supporting electronic health information exchange.

The survey is being revised (previously approved in 2022 and 2024; OMB Control No: 0955–0019) to reflect progress made and ongoing efforts in areas including public health, TEFCA, and information blocking to ensure alignment with current priorities such as improving public health interoperability and Make Health Tech Great Again. These updates were developed in consultation with subject matter experts (SMEs) to improve the relevance, clarity, and usefulness of the data collected in all five key areas of the survey. For example, certain questions with low response rates and have lower relevance to current priorities have been removed or reorganized. Some question and response wording have also been updated to ensure consistency with current policy efforts. For example, in the TEFCA section, the list of Qualified Health Information Networks (QHINs) have been updated to reflect the current list. These changes are intended to reduce respondent burden and improve overall data quality while maintaining continuity with prior surveys where appropriate.

This is a 3-year request for OMB approval.

ANNUALIZED BURDEN HOUR TABLE

Forms (If necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
HIO Survey	U.S. based public and private HIOs	85	1	1.0	85
Total					85

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Christopher Reyes,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2026–18060 Filed 9–2–26; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website (*https://videocast.nih.gov/*). Registration is not required to access the videocast.

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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: September 14–15, 2026.

Closed: September 14, 2026, 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rooms 1255/65, Rockville, MD 20852.

Meeting Format: In Person and Virtual Meeting.

Open: September 15, 2026, 10:00 a.m. to 1:30 p.m.

Agenda: Presentation of the NIMH Director's report, presenters, discussion of NIH updates, and concept clearances.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rooms 1255/65, Rockville, MD 20852.

Meeting Format: In Person and Virtual Meeting.

Contact Person: Elizabeth S. Church, Ph.D., Acting Director, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Boulevard, Bethesda, MD 20892, (301) 496–4000, *elizabeth.church@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. 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.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml.,* where an agenda and any additional information for the meeting will be posted when available.

Dated: August 31, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–17989 Filed 9–2–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2026–1057]

Commercial Customs Operations Advisory Committee

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (Committee) will hold its quarterly meeting on Wednesday, September 23, 2026, virtually. The meeting will be open to the public via webinar only.

DATES: The Committee will meet on Wednesday, September 23, 2026, from 1:00 p.m. to 5:00 p.m. Eastern Daylight Time (EDT). Please note the meeting may close early if the Committee has completed its business. Comments must be submitted in writing no later than 5:00 p.m. EDT on September 18, 2026.

ADDRESSES: The meeting will be open to the public via webinar only. The webinar link will be posted by 5:00 p.m. EDT on September 22, 2026, at *https://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.* For information or to request special assistance for the meeting, contact Ms. April York, Office of Trade Relations, U.S. Customs and Border Protection, at (202) 716–7941, as soon as possible.

Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search for Docket Number USCBP–2026–1057. To submit a comment, click the ''Comment'' button located on the top-left hand side of the docket page.
- *Email: tradeevents@cbp.dhs.gov.* Include Docket Number USCBP–2026–1057 in the subject line of the message.

Comments must be submitted in writing no later than 5:00 p.m. EDT on September 18, 2026, and must be identified by Docket No. USCBP–2026–1057. All submissions received must also include the words ''Department of Homeland Security.'' All comments received will be posted without change to *https://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings* and *www.regulations.gov.* Therefore, please refrain from including any personal information you do not want to be posted. You may view the Privacy and Security Notice, which is available via a link on *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. April York, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229, (202) 716–7941; or Mr. Christopher J. Siepmann, Designated Federal Officer, at (202) 344–1440 or *tradeevents@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the authority of the Federal Advisory Committee Act, Title 5 U.S.C., ch. 10. The Committee provides advice to the Secretary of the Department of Homeland Security, the Secretary of the Department of the Treasury, and the Commissioner of U.S. Customs and Border Protection on matters pertaining the commercial operations of U.S. Customs and Border Protection and related functions within the Department of Homeland Security and the Department of the Treasury.

The Committee is dedicated to ensuring all participants have equal access regardless of disability status. If you require reasonable accommodation due to a disability to fully participate, please contact Ms. April York at (202) 716–7941 as soon as possible.

Please feel free to share this information with other interested members of your organization or association.

To facilitate public participation, we are inviting public comments on the issues the Committee will consider prior to the formulation of recommendations as listed in the **AGENDA** section below.

There will be a public comment period during the meeting on September 23, 2026. Comments may also be submitted via the trade events mailbox at *tradeevents@cbp.dhs.gov* or through the Microsoft Teams chat feature during the meeting. Please note the public comment period for speakers may end before the time indicated on the schedule that is posted on the U.S. Customs and Border Protection web page: *http://www.cbp.gov/trade/stakeholder-engagement/coac.*

Agenda

The Committee will consider formulating a recommendation to the agencies for U.S. Customs and Border Protection's development and implementation of an updated communications outreach strategy designed to disseminate essential supplemental guidance to the trade community.

Meeting materials will be available on September 14, 2026, at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Christopher J. Siepmann,

Executive Director, Office of Trade Relations.

[FR Doc. 2026–18094 Filed 9–2–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Law Enforcement/Federal Air Marshal Service Physical and Mental Health Certification

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 1652–0043, abstracted below, to OMB for review and approval of an extension 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 forms that applicants and incumbents in the position of Federal Air Marshal (FAM) are required to complete regarding their physical and mental health history.

DATES: Send your comments by October 5, 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 (IT), 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 May 4, 2026, 91 FR 23998. TSA did not receive any comments on the notice.

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 *http://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: Law Enforcement/Federal Air Marshal Service Physical and Mental Health Certification.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0043.

Forms(s): TSA Form 1163, TSA Form 1164, TSA Form 1133–3.

Affected Public: Law Enforcement/Federal Air Marshal Service, FAM applicants and healthcare providers.

Abstract: TSA requires that applicants and incumbents for FAM positions meet certain physical and mental health standards to demonstrate there is no medical history or clinical diagnosis that presents a potential hazard to the performance of FAM duties or to the safety of self or others. TSA has established medical guidelines designed to ensure FAMs can safely and effectively perform the tasks essential to the arduous, rigorous, and hazardous functions of the FAM position. Information collected on TSA Form 1164, *Mental Health Certification,* is used to assess the eligibility and suitability of FAM applicants who have been issued a conditional offer of employment. The collection also includes the following additional forms to assist in the determination and in conjunction with further evaluation requests, as needed, for applicants to a FAMs position or incumbent FAMs: (1) TSA Form 1163, *Treating Physician Status Report,* and (2) TSA Form 1133–3, *Practical Exercise Performance Requirements.*

Estimated Annual Number of Respondents: 200.

Estimated Annual Burden Hours: 221.[1]

Christina A. Walsh,

Paperwork Reduction Act Officer, Office of Information Technology, Transportation Security Administration.

[FR Doc. 2026–17992 Filed 9–2–26; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R1–ES–2026–2740; FXES11130100000–267–FF01E00000]

Endangered Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; and request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) invites the public, as well as local, State, Tribal, and Federal agencies, to comment on recovery permit applications to conduct activities intended to enhance the propagation and survival of endangered species under section 10(a)(1)(A) of the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities affecting ESA-listed species unless the Service issues a federal authorization, such as a permit, to allow for those activities. Prior to issuing 10(a)(1) permits for endangered species the Service must invite public comment and to consider any information received during the public comment period. We will consider all information received during the public comment period, before issuing any of the requested permits.

DATES: Comments will be accepted on or before October 5, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Comment submission: All submissions must include the docket number [FWS–R1–ES–2026–2740] for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–R1–ES–2026–2740, which is the docket number for this action. Then click the ''Search'' button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R1–ES–2026–2740, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends (see DATES) or that are submitted via a method outside of these instructions. Comments containing profanity,

[1] After publishing the 60-day notice, TSA reduced the estimated time burden from 225 hours to 221 hours.

vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Availability of Comments for more information (under **SUPPLEMENTARY INFORMATION**). 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.

FOR FURTHER INFORMATION CONTACT: Karen Colson at telephone number: 503–231–6283 or via email: *permitsR1ES@fws.gov.* Please submit requests for application copies and any related documents to Karen Colson. All requests should specify the applicant's name(s) and the application number(s).

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (Service) invites the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. Any documents or other information submitted with the applications will be available for public review, subject to the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

Background

With some exceptions, the Act prohibits certain activities with listed species, including the take of listed wildlife, unless a Federal permit is issued that authorizes such activities. A recovery permit issued by the Service under section 10(a)(1)(A) of the Act authorizes otherwise prohibited take of listed species by the permittee while engaging in activities that are conducted for scientific purposes that promote recovery of the species, for enhancement of propagation, or survival of the species in the wild. The Service regulations implementing the Act's prohibitions and permitting requirements for listed species are set forth in 50 CFR part 17.

Permit Applications Available for Review and Comment

Section 10(c) of the Act requires the Service to publish notice of each application in the **Federal Register** and to invite interested parties to submit written data, views, or arguments before we take final action on the permit application. Accordingly, we invite comments on these applications. The comments and recommendations that will be most useful, and likely to influence agency decisions, are those supported by quantitative information or studies. An interested party opposed to a recovery permit's issuance may object during the comment period by following the requirements in 50 CFR 17.22(d) and request notification of the final action. The Service will follow the procedures in that section regarding notification of interested parties who file objections to issuance of permits.

The proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. Applications are sorted by regional offices that have jurisdiction over specific geographic areas. Information regarding each of our regions can be found at: *https://www.fws.gov/about/regions.*

We invite comments on the following applications:

TABLE 1—PERMIT APPLICATIONS

Lead region	Permit No.	Applicant	Species	Permit action
1	ES041672–5	U.S. Army Corps of Engineers, Portland District, Eugene, OR.	Willamette daisy (*Erigeron decumbens*)	Renew and Amend.
1	ES19045C–5	Hawaii Division of Forestry and Wildlife, Honolulu, HI.	Hawaiian picture-wing fly (*Drosophila ochrobasis*)	Renew and Amend.
2	ESPER0004042	ACI Environmental Consulting, LLC, Austin, TX.	Texas hornshell (*Popenaias popeii*), Texas fatmucket (*Lampsilis bracteate*), golden-cheeked warbler (*Setophaga chrysoparia*), Houston toad (*Bufo houstonensis*), Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*), Coffin Cave mold beetle (*Batrisodes texanus*), Helotes mold beetle (*Batrisodes venyivi*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), beetle, (no common name) (*Rhadine exilis*), beetle, (no common name) (*Rhadine infernalis*), Tooth Cave ground beetle (*Rhadine persephone*), Robber Baron Cave meshweaver (*Cicurina baronia*), Madla Cave meshweaver (*Cicurina madla*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), Cokendolpher Cave harvestman (*Texella cokendolpheri*), Bee Creek Cave harvestman (*Texella reddelli*), Bone Cave harvestman (*Texella reyesi*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), Government Canyon Bat Cave spider (*Tayshaneta microps*), Tooth Cave spider (*Tayshaneta myopica*).	Renew and Amend.
2	PER24474011	Kevin Cutrera, Kerrville, TX.	Golden-cheeked warbler (*Setophaga chrysoparia*), southwestern willow flycatcher (*Empidonax traillii extimus*), Houston toad (*Bufo houstonensis*), northern aplomado falcon (*Falco femoralis septentrionalis*).	New.

TABLE 1—PERMIT APPLICATIONS—Continued

Lead region	Permit No.	Applicant	Species	Permit action
2	ES21840C	Wildwood Environmental Credit Company, Tyler, TX.	Indiana bat (*Myotis sodalist*), gray bat (*Myotis grisescens*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), northern long-eared bat (*Myotis septentrionalis*).	Renew.
2	ES42739A	Sea Life Arizona, Tempe, AZ.	Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), desert pupfish (*Cyprinodon macularius*), Gila topminnow (*Poeciliopsis occidentalis*), loach minnow (*Tiaroga cobitis*), razorback sucker (*Xyrauchen texanus*), spikedace (*Meda fulgida*), woundfin (*Plagopterus argentissimus*), Yaqui chub (*Gila purpurea*), Sonoyta mud turtle (*Kinosternon sonoriense longifemorale*).	Renew and Amend.
2	ESPER33181449	Danielle Belleny, San Marcos, TX.	Golden-cheeked warbler (*Setophaga chrysoparia*)	New.
2	ESPER5348793	Eric Cantu, Edinburg, TX.	Guadalupe orb (*Cyclonaias necki*), Texas pimpleback (*Cyclonaias petrina*), Balcones spike (*Fusconaia iheringi*), false spike (*Fusconaia mitchelli*), Guadalupe fatmucket (*Lampsilis bergmanni*), Texas fatmucket (*Lampsilis bracteate*), sharpnose shiner (*Notropis oxyrhynchus*), smalleye shiner (*Notropis buccula*), fountain darter (*Etheostoma fonticola*), northern aplomado falcon (*Falco femoralis septentrionalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), whooping crane (*Grus americana*), Houston toad (*Bufo houstonensis*), ashy dogweed (*Thymophylla tephroleuca*), Davis' green piaya (*Echinocereus viridiflorus var. davisii*), Guadalupe fescue (*Festuca ligulate*), Little Aguja pondweed (*Potamogeton clystocarpus*), Nellie's cory cactus (*Escobaria minima*), prostrate milkweed (*Asclepias prostrata*), Sacramento prickly poppy (*Argemone pleiacantha ssp. Pinnatisecta*), slender rush-pea (*Hoffmannseggia tenella*), Sneed pincushion cactus (*Coryphantha sneedii var. sneedii*), south Texas ambrosia (*Ambrosia cheiranthifolia*), star cactus (*Astrophytum asterias*), Terlingua Creek cat's-eye (*Cryptantha crassipes*), Texas ayenia (*Ayenia limitaris*), Texas snowbells (*Styrax platanifolius ssp. Texanus*), Texas wild-rice (*Zizania texana*), Walker's manioc (*Manihot walkerae*), Zapata bladderpod (*Physaria thamnophila*).	Amend.
2	ESPER32465711	Dan Leavitt, Fort Wright, KY.	Dunes sagebrush lizard (*Sceloporus arenicolus*)	New.
2	ESPER0013378	OdySea Aquarium LLC, Scottsdale, AZ.	Green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), Kemp's ridley sea turtle (*Lepidochelys kempii*).	Renew and Amend.
2	ESPER33127254	Tree Mann Environmental, Denton, TX.	Guadalupe orb (*Cyclonaias necki*), false spike (*Fusconaia mitchelli*), Texas pimpleback (*Cyclonaias petrina*), Balcones spike (*Fusconaia iheringi*), Texas fatmucket (*Lampsilis bracteate*), Guadalupe fatmucket (*Lampsilis bergmanni*).	New.
2	ESPER33906846	Sara Souther, Flagstaff, AZ.	Beardless chinchweed (*Pectis imberbis*)	New.
2	ES35437A	Tulsa District U.S. Army Corps of Engineers, Tulsa, OK.	Scaleshell mussel (*Leptodea leptodon*), Neosho mucket (*Lampsilis rafinesqueana*).	Amend.
2	ES42739A	SEA LIFE Arizona, Tempe, AZ.	Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), desert pupfish (*Cyprinodon macularius*), Gila topminnow (*Poeciliopsis occidentalis*), loach minnow (*Tiaroga cobitis*), razorback sucker (*Xyrauchen texanus*), spikedace (*Meda fulgida*), woundfin (*Plagopterus argentissimus*), Yaqui chub (*Gila purpurea*).	Renew and Amend.
2	ESPER0013986	Balcones Canyonlands National Wildlife Refuge, Marble Falls, TX.	Golden-cheeked warbler (*Setophaga chrysoparia*)	Renew and Amend.

TABLE 1—PERMIT APPLICATIONS—Continued

Lead region	Permit No.	Applicant	Species	Permit action
2	ESPER0008061	Tierra Right of Way Services Ltd, Mesa, AZ.	Black-footed ferret (*Mustela nigripes*), Jaguar (*Panthera onca*), Mount Graham red squirrel (*Tamiasciurus fremonti grahamensis*), Sonoran pronghorn (*Antilocapra americana sonoriensis*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma Ridgway''s rail (*Rallus obsoletus yumanensis*), Sonoran tiger salamander (*Ambystoma mavortium stebbinsi*), Colorado pikeminnow (*Ptychocheilus lucius*), Gila topminnow (*Poeciliopsis occidentalis*), razorback sucker (*Xyrauchen texanus*), Virgin River chub (*Gila seminuda*), woundfin (*Plagopterus argentissimus*), spikedace (*Meda fulgida*).	Renew.
6	ES067482	Colorado Department of Transportation, Durango, CO.	Southwestern willow flycatcher (*Empidonax traillii extimus*)	Renew.
6	PER33878444	Jennifer Zahratka, Durango, CO.	Southwestern willow flycatcher (*Empidonax traillii extimus*), New Mexico meadow jumping mouse (*Zapus hudsonius luteus*), Black-footed ferret (*Mustela nigripes*).	New.
8	ES843381	Sonoma-Mendocino Coast State Parks, CA.	Behren's Silverspot Butterfly (*Speyeria Zerene Behrensii*), Point Arena Mountain Beaver (*Aplodontia Rufa Nigra*).	Amend.
8	ES163671	Ryan O'Dell, Marina, CA.	California Jewelflower (*caulanthus Californicus*), San Joaquin wooly-threads (*Lembertia Congdonii*).	Renew.
8	ES79190C	Ryan Lopez, Fresno, CA.	Vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego Fairy Shrimp *(Ranchinecta sandieonenis*), Conservancy fairy shrimp (*Branchinecta conservatio*), Longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), California tiger Salamander Sonoma County and Santa Barbara County DPS (*Ambystoma californiense*), Fresno kangaroo rat (*Dipodomys nitratoides exilis*), Giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*).	Renew.
8	PER34103598	University of California Botanical Garden, Berkeley, CA.	Baker's larkspur (*Delphinium bakeri*)	New.
8	PER34103640	Stephen Curry, San Francisco, CA.	Presidio Manzanita (*Arctostaphylos hookeri var. ravenii*), San Francisco lessingia (*Lessingia germanorum*), Sonoma Alopecurus (*Alopecurus aequalis var. sonomensis),* Presidio clarkia (*Clarkia franciscana*).	New.
8	PER0018931	Travis Cooper, San Diego, CA.	Riverside Fairy Shrimp (*Streptocephalus woottoni*), Longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Ranchinecta sandieonenis*), Conservancy fairy shrimp (*Branchinecta conservatio*), Southwest willow flycatcher (*Empidonax traillii extimus*), Vernal pool tadpole shrimp (*Lepidurus packardi*), Quino checkerspot butterfly (*Euphydryas editha quino*), Least bell's vireo (*Vireo bellii pusillus*).	Renew.
8	PER0057269	Natalie Reeder, Oakland, Ca.	California tiger Salamander Sonoma and Santa Barbara County DPS (*Ambystoma californiense*), Mountain yellow-legged frog Northern, Southern California DPS (*Rana muscosa*).	Amend.
8	PER0121458	Donald W. Hardeman, Jr., Cedar Hill, TX.	San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*).	Amend.
8	ES221294	Michael Galloway, San Diego, CA.	Riverside Fairy Shrimp (*Streptocephalus woottoni*), Diego fairy shrimp (*Ranchinecta sandieonenis*), Quino checkerspot butterfly (*Euphydryas editha quino*).	Renew.
8	ES832946	James E. Pike, Huntington Beach, CA.	Southwest willow flycatcher (*Empidonax traillii extimus*), Least bell's vireo (*Vireo bellii pusillus*).	Renew.
8	ES213308	Joseph DiDonato, Ferndale, CA.	Salt marsh harvest mouse (*Reithrodontomys raviventris*), California tiger Salamander (*Ambystoma californiense*).	Renew.
8	CS19604974	Kat Calderala, Davis, CA.	California tiger Salamander Sonoma County DPS (*Ambystoma californiense*).	New
8	CS19862617	Luke Benson Los Angelos, CA.	tidewater goby (*Eucyclogobius newberryi*)	New.

TABLE 1—PERMIT APPLICATIONS—Continued

Lead region	Permit No.	Applicant	Species	Permit action
8	CS19905916	GEI Consultants Inc. Aquatics, Rancho Cordova, CA.	Sierra Nevada Yellow-legged Frog (*Rana sierrae*), foothill yellow-legged frog (*Rana boylii*).	New.
8	CS16548345	Natalie Neff, Ahwahnee, CA.	California tiger Salamander Sonoma and Santa Barbara County DPS (*Ambystoma californiense*).	New.
8	CS20288506	Jelena Grbic, Phoenix, AZ.	Yuma Ridgway's rail (*Rallus obsoletus yumanensis*)	New.
8	CS20387132	Matilda Workman, Saint Louis, MO.	Clover (Tidestrom's) lupine (*Lupinus tidestromii*)	New.
8	CS20446489	Sarah Mendez, Folsom, CA.	California tiger Salamander Santa Barbara County DPS (*Ambystoma californiense*).	New.
8	CS20500335	Araceli Gomez Villegas, National City, CA.	Quino checkerspot butterfly (*Euphydryas editha quino*)	New.
8	CS20527532	Neil Kauffman, Bishop, CA.	mountain yellow-legged frog Southern California DPS (*Rana muscosa*), Sierra Nevada Yellow-legged Frog (*Rana sierrae*).	New.
8	CS20552501	Bureau of Land Management, Ukiah Field office, CA.	Behren's silverspot butterfly (*Speyeria zerene behrensii*)	New.
8	CS20687260	Rick Evans, Placerville, CA.	Foothill yellow-legged frog south coast DPS (*Rana boylii*)	New.
8	CS20713751	Mendocino Land Trust, Fort Bragg, CA.	Behren's silverspot butterfly (*Speyeria zerene behrensii*)	New.
8	CS20874715	John L Fryer Aquatic Animal Health Laboratory—OSU, Corvallis, OR.	Shortnose sucker *(Chasmistes brevirostris),* Lost River Sucker *(Deltistes luxatus).*	New.
8	PER23106090	Michael Wilcox, Redlands, CA.	Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*), Quino checkerspot butterfly (*Euphydry as editha quino*), Casey's June beetle (*Dinacoma caseyi*).	Renew and Amend.
8	PER33109354	Smith Ecological Consulting, CA.	California tiger Salamander (*Ambystoma californiense*)	New.

Public Availability of Comments

Any written comments that we receive become part of the decision record associated with the above actions. 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety. You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

Next Steps

A notice is published in the **Federal Register** under section 10(d) of the Act for any permit issued to an applicant under section 10(a)(1)(A). Such notices may be batched to include multiple permits issued. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Angela Picco,

Acting Deputy Assistant Regional Director, Ecological Services Region 1 U.S. Fish and Wildlife Service.

[FR Doc. 2026–18070 Filed 9–2–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLCO956000]

Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey (plats) of the following described lands are scheduled to be officially filed 30 calendar days after the date of this publication in the Bureau of Land Management (BLM) Colorado State Office. The surveys announced in this notice, which were executed at the request of the BLM and the U.S. Forest Service, are necessary for the management of these lands.

DATES: Protests must be received by the BLM Colorado State Office prior to the scheduled date of official filing, October 5, 2026.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the

BLM Colorado State Office, P.O. Box 151029, Lakewood, CO 80215, upon required payment. The plat(s) may be viewed at the Public Room at the BLM Colorado State Office, Denver Federal Center, Building 40, Lakewood, CO 80225, at no cost.

FOR FURTHER INFORMATION CONTACT: David W. Ginther, BLM Chief Cadastral Surveyor for Colorado, 970–826–5064, *dginther@blm.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 telecommunication relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The lands surveyed are represented on the plat(s) described below:

Sixth Principal Meridian, Colorado

The dependent resurvey and subdivision of section 11, Township 9 South, Range 80 West, under Group No. 1793, Colorado, accepted July 13, 2026.

New Mexico Principal Meridian, Colorado

The dependent resurvey and survey, Township 45 North, Range 13 West, under Group No. 1774, Colorado, accepted April 1, 2026.

The dependent resurvey and subdivision of sections 34 and 35, Township 36 North, Range 7 West, under Group No. 1772, Colorado, accepted April 27, 2026.

The dependent resurvey and subdivision of sections 2 and 3, Township 35 North, Range 7 West, under Group No. 1773, Colorado, accepted June 29, 2026.

The supplemental plat of the NE1/4 of section 21, Township 51 North, Range 8 East, under Group No. 1827, Colorado, accepted July 23, 2026.

A person or party who wishes to protest an official filing of plats identified above must file a written notice of protest with the BLM State Director for Colorado, at the address listed in the **ADDRESSES** section of this notice.

The notice of protest must identify the specific plat(s) that the person or party wishes to protest. The notice of protest must be received in the BLM Colorado State Office no later than the scheduled date of the proposed official filing of plat(s) being protested, see the **DATES** section above; if received after regular business hours, a notice of protest will be considered filed the next business day. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered.

A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM State Director for Colorado within 30 days after the notice of protest is received.

If a notice of protest of the official filing of plat(s) is received prior to the scheduled date of official filing, the official filing of the plat(s) identified in the notice of protest will be stayed pending consideration of the protest. Plats will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. chapter 3.)

David W. Ginther,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2026–18039 Filed 9–2–26; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLUT921000]

Intent To Prepare an Environmental Impact Statement for the Proposed Silver Rock Transmission Line Project in Millard, Beaver, and Iron Counties, UT and Lincoln and Clark Counties, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) intends to prepare an Environmental Impact Statement (EIS) to consider the effects of a right-of-way (ROW) application for the proposed Silver Rock Transmission Line Project (Project). By this notice, BLM is initiating the scoping period to solicit public comments and identify issues to be analyzed in the EIS.

DATES: This notice initiates the public scoping process for the EIS. The BLM requests the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information and studies by October 5, 2026. To afford the BLM the opportunity to consider issues raised by commenters, please ensure your comments are received prior to the close of the 30-day scoping period or 15 days after the last scoping meeting, whichever is later. The dates and times of the planned scoping meeting(s) are available on the Project's website on the BLM National NEPA Register at: *https://eplanning.blm.gov/Project-Home/?id=4e1e1343-925b-f111-bec6-001dd8029ed0.*

ADDRESSES: You may submit comments related to the Project by any of the following methods:

- *Website:* BLM National NEPA Register: *https://eplanning.blm.gov/Project-Home/?id=4e1e1343-925b-f111-bec6-001dd8029ed0.*
- *Mail:* Bureau of Land Management, ATTN: Michelle Campeau, 176 East D.L. Sargent Drive, Cedar City, UT 84721.

Documents pertinent to this proposal may be examined online on the BLM National NEPA Register at the link above. Additional information is available on the Title 41 of the Fixing America's Surface Transportation Act website at: *https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/silver-rock-transmission-project.*

FOR FURTHER INFORMATION CONTACT: Michelle Campeau, Project Manager, telephone: 435–865–3000; address 176 East D.L. Sargent Drive, Cedar City, UT 84721; email: *BLM_UT_SilverRock@blm.gov.* Contact Ms. Campeau to have your name added to our mailing list. 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 for contacting Ms. Campeau. 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: This document provides notice that the BLM intends to prepare an EIS for the proposed Silver Rock Transmission Line Project (Project) and announces the beginning of the scoping process. The EIS is being prepared to evaluate a right-

of-way (ROW) application to construct up to two new high-voltage interstate transmission lines and associated Project facilities with a nominal voltage of up to 600 kilovolts, extending approximately 330 miles from Millard County, Utah, to Clark County, Nevada. The Project would be located primarily on BLM-managed lands within the Fillmore and Cedar City Field Offices in Utah and the Caliente and Las Vegas Field Offices in Nevada. The Project also includes other Federal (Bureau of Reclamation (BOR)), private, and state lands, each with their own permitting requirements.

Purpose and Need for the Proposed Action

The BLM's and the BOR's purpose is to respond to the ROW application submitted by Silver Rock Transmission, LLC, to site, permit, and develop the Project on lands administered by the BLM and the BOR, respectively, in accordance with applicable laws, regulations, and policies.

The need for this action arises from Title V of FLPMA, which authorizes the BLM to issue ROW grants on public lands for facilities that generate, transmit, and distribute electric energy, the Reclamation Act of 1902, as amended, which authorizes the BOR to issue ROWs on BOR-administered lands, and Executive Order 14154, *Unleashing American Energy,* which aims to improve energy transportation and distribution and ensure that an abundant supply of reliable energy is readily accessible across the United States. Through the NEPA process, the BLM will evaluate the Proposed Action and reasonable alternatives and will determine whether to approve the application, approve it with modifications, or deny the application. The BLM's ROW grant for the Project would include any terms, conditions, and stipulations it determines to be in the public interest.

Preliminary Proposed Action and Alternatives

Under the Proposed Action, up to two new high-voltage interstate transmission lines and associated Project facilities with a nominal voltage of up to 600 kilovolts would be constructed. The transmission lines would extend approximately 330 miles from Millard County, Utah, to Clark County, Nevada. The Project would use a variation of structures within a combined ROW width of 450 to 650 feet and a siting corridor of up to 2,500 feet (various configurations proposed).

In addition to the Proposed Action, three alternative routes were assessed by Silver Rock Transmission, LLC, as contingency options. The BLM plans to assess these, and any other alternative routes identified in scoping, that meet the purpose and need and are technically and economically feasible, as part of the NEPA process. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives.

Summary of Expected Impacts

Preliminary issues for the Project have been identified by the BLM and in consultation with the appropriate Federal, State, and local agencies. These preliminary issues include potential impacts to:

- Biological and Wildlife Resources
- Cultural Resources and Native American Concerns
- Geological and Mineral Resources
- Paleontological Resources
- Recreation
- Visual Resources

The public scoping process guides determination of relevant issues that influence the scope of the EIS, including alternatives and mitigation measures. The EIS will identify and describe the effects of the Proposed Action on the human environment. The BLM also requests the identification of potential impacts that should be analyzed. Impacts should be a result of the action; therefore, please identify the activity along with the potential impact. Information that reviewers have that would assist in the development of alternatives or analysis of resources issues is also helpful.

Anticipated Permits and Authorizations

In addition to the requested BLM ROW grant under Title V of FLPMA, Silver Rock Transmission, LLC, anticipates needing additional permits and authorizations from BOR, state, and local authorities for this Project. These include, among other things, permits and approvals under the Bald and Golden Eagle Protection Act enacted in 1940, the Endangered Species Act of 1973, the National Historic Preservation Act of 1966, and other laws and regulations determined to be applicable to the Project.

Schedule for the Decision-Making Process

The BLM may provide additional opportunities for public participation consistent with the NEPA process. The BLM anticipates signing a Record of Decision in the summer of 2028.

Public Scoping Process

This notice of intent initiates the NEPA scoping period, which guides the development and analysis of the EIS.

The BLM will hold up to three virtual scoping meetings. The specific dates and instructions for accessing the scoping meetings will be announced at least 15 days in advance through local media, social media announcements, and the Project website on the National NEPA Register (see **ADDRESSES**).

Responsible Official

The Utah State Director, through delegation of authority, is the authorized officer for the Project. The Color Country District Manager, through delegation of authority, is the authorized officer responsible for Project implementation. The BOR would issue a separate decision for lands under their jurisdiction based on the analysis contained in the EIS.

Nature of Decision To Be Made

The BLM and BOR will each use the analysis in the EIS to inform their respective decisions on whether to grant, grant with conditions, or deny their separate applications for a ROW. If either agency issues a grant, the decision maker may include terms, conditions, and stipulations determined to be in the public interest.

Interdisciplinary Team

The BLM will use an interdisciplinary approach to develop the EIS to identify and consider various resource issues. Specialists with expertise in the following disciplines will be involved in the EIS: biology, cultural resources, geology and minerals, lands and realty, paleontology, recreation, visual resources, and wildlife.

Additional Information

The BLM will utilize and coordinate the NEPA process to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including the public involvement requirements of section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed Project will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual

Section 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed Project, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the EIS as a cooperating agency.

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.

(Authority: 42 U.S.C. 4336a(c))

Christina Price,

Acting State Director, Utah.

[FR Doc. 2026–18056 Filed 9–2–26; 8:45 am]

BILLING CODE 4331–25–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLUTG01100]

Notice of Intent To Amend the Vernal Resource Management Plan for Oil and Gas Leasing and Prepare an Associated Environmental Assessment, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Utah State Director intends to prepare a Resource Management Plan Amendment (RMPA) with an associated Environmental Assessment (EA) to consider opening the federal minerals beneath the Ouray National Wildlife Refuge to oil and gas leasing, subject to a no surface occupancy stipulation, and by this notice is announcing the beginning of the scoping period to solicit public comments and identify issues and is providing the planning criteria for public review.

DATES: The BLM requests that the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information and studies, by October 5, 2026. To afford the BLM the opportunity to consider issues raised by commenters in the RMPA and EA, please ensure your comments are received prior to the close of the 30-day scoping period.

The BLM also requests that the public submit comments on the planning criteria by the same date identified above. The planning criteria are available to the public on the project website at the BLM National NEPA Register (see **ADDRESSES**). To afford the BLM the opportunity to consider comments on the planning criteria in the RMPA and EA, please ensure your comments are received prior to the close of the 30-day scoping period.

A public meeting will be held. The specific date, time, and location of the public meeting will be announced at least 15 days in advance through the project website at the BLM National NEPA Register (see **ADDRESSES**).

ADDRESSES: You may submit comments on issues and planning criteria related to the Oil and Gas Leasing Vernal Resource Management Amendment by any of the following methods:

- *BLM National NEPA Register: https://eplanning.blm.gov/Project-Home/?id=BF84B58C-9075-F111-AB0D-001DD803D7D3.*
- *Mail:* BLM Vernal Field Office, 170 S 500 E, Vernal, Utah 84078.

Documents pertinent to this proposal may be examined online at the BLM National NEPA Register link above and at the Vernal Field Office.

FOR FURTHER INFORMATION CONTACT: Joel Ward, 435–781–3406; address 170 S 500 E Vernal, Utah 84078; email *jmward@blm.gov.* Contact Mr. Ward to have your name added to our mailing list. 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 for contacting Mr. Ward. 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: This document provides notice that the BLM Utah State Director intends to prepare an RMPA with an associated EA to consider opening the federal minerals within the Ouray National Wildlife Refuge to oil and gas leasing, subject to a no surface occupancy stipulation, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The RMPA would change the existing Vernal Resource Management Plan (RMP).

The planning area is located in Uintah County, Utah, and encompasses less than 5,200 acres of federal minerals managed by the BLM. The surface acreage of the planning area is managed by the U.S. Fish and Wildlife Service (USFWS) as part of the Ouray National Wildlife Refuge.

The scope of this land use planning process does not include addressing the evaluation or designation of Areas of Critical Environmental Concern (ACEC) and the BLM is not considering ACEC nominations as part of this process.

Purpose and Need

The BLM's need for action is to consider amending the Vernal RMP in response to external interest in leasing federal oil and gas minerals beneath the Ouray National Wildlife Refuge, in addition to direction in Executive Order 14154, *Unleashing American Energy,* and Secretary's Order 3418, *Unleashing American Energy.* The BLM's purpose is, with consideration of modern drilling technology, to optimize the decisions of the Vernal RMP to be consistent with the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, and the BLM's oil and gas leasing regulations at 43 CFR 3100.3(a)(2)(xii), 3100.3(b)(2)(xiv), 3101.13(c), and 3101.52(d), which provide for the orderly and environmentally responsible development of federal oil and gas resources within wildlife refuges managed by the USFWS, subject to appropriate protections to wildlife species, populations, and habitats in such refuges.

Preliminary Alternatives

The BLM is considering two preliminary alternatives in the RMPA—a No Action Alternative and the Proposed Action. The No Action Alternative would continue the closure of the Ouray National Wildlife Refuge to oil and gas leasing contained in the Vernal RMP. The Proposed Action would amend the Vernal RMP to open the federal mineral estate underlying the Refuge to oil and gas leasing subject to a no surface occupancy restriction. As a result, lease development would have to be accomplished through directional or horizontal drilling from well pads outside the Refuge boundary. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives.

Planning Criteria

The planning criteria guide the planning effort and lay the groundwork for effects analysis by identifying the preliminary issues and their analytical frameworks. Preliminary issues for the planning area have been identified by BLM and USFWS personnel and from early engagement conducted for this planning effort with Federal, State, and local agencies; Tribes; and other stakeholders. The BLM has identified seven preliminary issues for this planning effort's analysis. The planning criteria are available for public review and comment on the project's website at the BLM National NEPA Register (see **ADDRESSES**).

Public Scoping Process

This notice of intent initiates the scoping period and public review of the planning criteria, which guide the development and analysis of the RMPA and EA. The BLM will be holding one in-person meeting at the following location: Vernal, Utah. The specific date(s) and location(s) of this scoping meeting will be announced at least 15 days in advance through the website for this project at the BLM National NEPA Register (see **ADDRESSES**).

The relevant issues identified through the scoping process would influence the alternatives and lease stipulations considered as part of the RMPA. The BLM also requests the identification of potential impacts that should be analyzed. Impacts should be a result of the action; therefore, please identify the activity along with the potential impact. Information that reviewers have that would assist in the development of alternatives or analysis of resources issues is also helpful.

Interdisciplinary Team

The BLM will use an interdisciplinary approach to develop the RMPA in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in this planning effort: air quality, water quality, minerals and geology, wildlife and fisheries, and economics.

Additional Information

The BLM will utilize and coordinate the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of Section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed RMPA will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed RMPA that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

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.

(Authority: 43 CFR 1610.2(c).)

Christina Price,

Acting State Director.

[FR Doc. 2026–18054 Filed 9–2–26; 8:45 am]

BILLING CODE 4331–25–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1432]

Certain Mobile Electronic Devices; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, The Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (''FID'') issued by the presiding Administrative Law Judge (''ALJ''), finding a violation of section 337 as to a certain asserted patent and no violation as to other asserted patents. The Commission requests written submissions from the parties on the issues under review and from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3459. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 23, 2025, based on a complaint filed by Maxell, Ltd. of Kyoto, Japan (''Maxell''). 90 FR 8032–33 (Jan. 23, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of the infringement of certain claims of U.S. Patent Nos. 8,130,280 (''the '280 patent''); 11,490,004 (''the '004 patent''); 11,750,915 (''the '915 patent''); 11,509,953 (''the '953 patent''); 12,108,103 (''the '103 patent''); 11,445,241 (''the '241 patent''). *Id.* The complaint further alleges that a domestic industry (''DI'') exists. *Id.* The notice of investigation names as respondents Samsung Electronics Co., Ltd. of Suwon-Shi, Republic of Korea and Samsung Electronics America, Inc. of New Jersey (collectively, ''Samsung''). *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On March 10, 2025, the Commission amended the complaint and notice of investigation to allege a violation of section 337 based on infringement of additional claims 15 and 24 of the '241

patent. Order No. 6 (Feb. 21, 2025); *unreviewed by* Comm'n Notice (March 10, 2025).

On September 25, 2025, the Commission granted in part Maxell's motion for summary determination that Samsung cannot sustain its prosecution laches defense. Order No. 18 (Sept. 2, 2025); *unreviewed by* Comm'n Notice (Sept. 25, 2025).

On February 3, 2026, the Commission terminated the investigation as to claims 2–11, 15–17 of the '280 patent, claims 2, 4, 7–9, 11, 12, 14–20 of the '004 patent, claims 1, 3–8, 10–29 of the '953 patent, claims 2, 3, 5–7, 9, 11–21 of the '103 patent, claims 1–3, 6, 8–14, 17–27 of the '241 patent, and all asserted claims of the '915 patent. Order No. 27 (Jan. 2, 2026), *unreviewed by* Comm'n Notice (Feb. 3, 2026).

On May 7, 2026, Samsung filed: (1) a request that the ALJ take a judicial notice of a recently-issued Final Written Decision (''FWD'') of the Patent Trial and Appeal Board (''PTAB'') finding asserted claims 5 and 15 (and unasserted independent claim 1) of the '241 patent unpatentable; and (2) a motion for leave to file supplemental briefing to explain the overlapping issues between the FWD and the forthcoming FID. On May 14, 2026, Maxell filed an opposition to Samsung's motion to submit supplemental briefing, arguing that this would allow Samsung to ''circumvent the governing ground rules and inject new invalidity theories into the case.'' Maxell Opposition at 1. In its filing, Maxell also stated that it does not oppose Samsung's request for judicial notice.

On July 1, 2026, the ALJ issued the FID granting Samsung's request to take judicial notice and denying Samsung's motion for leave to file supplemental briefing because the invalidity theories that Samsung presented to the PTAB were materially different from those presented in this investigation. The FID evaluates the '280, '004, '103, '953, and '241 patents (collectively ''the asserted patents'') and concludes that there is a violation of section 337 as to the '004 patent and no violation as to the '280, '103, '953, and '241 patents.

The FID also includes a recommended determination (''RD'') on remedy and bonding, and recommends, should the Commission find a violation of section 337, that the Commission issue: (1) a limited exclusion order (''LEO'') against Samsung with service, warranty, and repair exemptions; and (2) cease-and-desist orders (''CDOs'') against each of the Samsung respondents. The RD recommends that the Commission set the bond at zero percent (0%) during the period of Presidential review.

On July 8, 2026, the Commission published its post-RD **Federal Register** notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 91 FR 42248 (July 8, 2026). No responses from the public were filed.

On July 13, 2026, Maxell petitioned for Commission review of the FID's findings concerning non-infringement of Samsung's redesigned products as to the '004 patent, and the FID's findings as to the '103, '953, and '241 patents on the issues of claim construction, non-infringement, and the technical prong of the DI requirement. On the same day, Samsung petitioned for Commission review of the FID's findings concerning infringement, DI, invalidity, and representativeness of Maxell's DI products as to the '004 patent. Samsung also contingently petitioned for Commission review of the FID's findings as to the '280, '103, '953 and '241 patents on the issues of claim construction, infringement, the technical prong of the DI requirement, invalidity, representativeness of Maxell's DI products, and the FID's denial of Samsung's request for supplemental briefing to explain the impact of the FWD on this investigation.

On July 21, 2026, Maxell and Samsung filed responses to each other's petition for Commission review.

On August 6, 2026, Maxell and Samsung each filed statements on public interest. Maxell stated the public interest factors do not weigh against exclusion of Samsung products that infringe Maxell's asserted patents. Samsung argued that the public interest factors weigh against the issuance of a remedy.

Having reviewed the record of the investigation, including the FID and the parties' submissions, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review: (1) the entirety of the FID's findings with respect to the '004, '103, '953, and '241 patents, and (2) the FID's findings on the economic prong of the DI requirement for the '280 patent. The Commission has determined not to review the remainder of the FID.

The parties are asked to provide additional briefing on the following issues under review:

1. What is the meaning of ''frame'' in claim 1 of the '004 patent? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

2. What exactly is the relationship, regardless of how large or small, between the white circle region and what the accused/DI products use to focus the camera? How are the redesigned products different? Does that relationship satisfy the ''focus setting region frame'' limitation? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

3. Does the claim language ''the display displays a focus setting region frame'' require that the focus be set based exclusively on what is displayed, or is the claim language satisfied if the focus is set on something larger or smaller than what is displayed? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

4. Is there any limit as to how small a ''focus setting region frame'' can be? Could a single pixel be a ''focus setting region frame?'' Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

The parties are invited to brief only the discrete issues requested above, with reference to the applicable law and the existing evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are

subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the asserted patents expire, and provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than the close of business on September 14, 2026. All reply submissions must be filed no later than the close of business on September 21, 2026. Opening submissions from the parties are limited to 50 pages. Reply submissions from the parties are limited to 30 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1432) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on August 31, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 31, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18027 Filed 9–2–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–800–801 and 731–TA–1796–1798 (Preliminary)]

Welded Stainless Steel Line and Pressure Pipe From India, Turkey, and the United Arab Emirates; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of welded stainless steel line and pressure pipe from India, Turkey, and the United Arab Emirates, provided for in subheadings 7305.31.60, 7306.11.00, and 7306.40.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and alleged to be subsidized by the governments of India and Turkey.[2] [3]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 51432 and 51462 (August 10, 2026).

[3] Commissioner Bart Thanhauser not participating.

publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On July 15, 2026, Bristol Pipe and Tube, Inc., Bristol, Tennessee, Felker Brothers Corporation, Marshfield, Wisconsin, and Primus Pipe and Tube, Inc., Wildwood, Florida filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of welded stainless steel line and pressure pipe from India and Turkey and LTFV imports of welded stainless steel line and pressure pipe from India, Turkey, and the United Arab Emirates. Accordingly, effective July 15, 2026, the Commission instituted countervailing and antidumping duty investigation Nos. 701–TA–800–801 and 731–TA–1796–1798 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 20, 2026 (91 FR 45285). The Commission conducted its conference on August 5, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on August 31, 2026. The views of the Commission are contained in USITC Publication 5789 (August 2026), entitled *Welded Stainless Steel Line and Pressure Pipe from India, Turkey, and the United Arab Emirates: Investigation Nos. 701–TA–800–801 and 731–TA–1796–1798 (Preliminary).*

By order of the Commission.

Issued: August 31, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–17993 Filed 9–2–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–652 and 731–TA–1524–1526 (Review)]

Silicon Metal From Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty order on silicon metal from Kazakhstan and antidumping duty orders on silicon metal from Bosnia and Herzegovina, Iceland, and Malaysia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on March 2, 2026 (91 FR 10148) and determined on June 5, 2026, that it would conduct expedited reviews (91 FR 42251, July 8, 2026).[3]

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on August 31, 2026. The views of the Commission are contained in USITC Publication 5785 (August 2026), entitled *Silicon Metal from Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia: Investigation Nos. 701–TA–652 and 1524–1526 (Review).*

By order of the Commission.

Issued: August 31, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18030 Filed 9–2–26; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Brett W. Doyle and Commissioners Jason E. Kearns, Peter-Anthoney Pappas, Bart Thanhauser, and David Foley Jr. voted in the affirmative.

[3] On June 5, 2026, Commissioners David S. Johanson, Jason E. Kearns, and Amy A. Karpel determined to conduct expedited reviews after concluding that the domestic interested party group submitted an adequate response to the Notice of Institution and that the respondent interested party group submitted an inadequate response. Chairman Brett W. Doyle and Commissioners Peter-Anthony Pappas, Bart Thanhauser, and David Foley Jr. were not yet members of the Commission and so did not participate in the adequacy vote.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–525 and 731–TA–1260—1261 (Second Review)]

Welded Line Pipe From South Korea and Turkey; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on welded line pipe from South Korea and Turkey and the countervailing duty order on welded line pipe from Turkey would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: August 4, 2026.

FOR FURTHER INFORMATION CONTACT: Alexis Yim (202–708–1446), 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 4, 2026, the Commission determined that the domestic interested party group response to its notice of institution (91 FR 23459, May 1, 2026) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly,

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any

the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on October 22, 2026. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on October 29, 2026, and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by October 29, 2026. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must 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.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 31, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18005 Filed 9–2–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1448]

Certain Video-Capable Laptop, Desktop Computers, Handheld Computers, Tablets, Televisions, Projectors, and Components and Modules Thereof; Notice of a Commission Determination Not to Review an Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 48) of the presiding administrative law judge (''ALJ'') granting a joint motion to terminate the investigation in its entirety based on arbitration agreements. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Lisa A. Murray, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2781. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 19, 2025, based on a complaint filed by Nokia Technologies Oy and Nokia Corporation, both of Espoo, Finland (collectively, ''Nokia''). 90 FR 21335–36 (May 19, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video-capable laptop, desktop computers, handheld computers, tablets, televisions, projectors, and components and modules thereof by reason of the infringement of certain claims of U.S. Patent No. 10,536,714 (''the '714 patent''); 8,050,321 (''the '321 patent''); 9,036,701 (''the '701 patent''); and 11,805,267 (''the '267 patent''). *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The notice of investigation names the following respondents: Hisense Co., Ltd. of Qingdao, China; Hisense USA Corporation of Suwanee, Georgia; Hisense Electronics Manufacturing Company of America Corporation of Suwanee, Georgia (collectively, ''Hisense''); Acer America Corporation of San Jose, California, and Acer Inc. of Xizhi, Taiwan (collectively, ''Acer''); and ASUSTeK Computer Inc. of Taipei City, Taiwan, and ASUS Computer International of Fremont, California (collectively ''ASUS''). *Id.* The Office of Unfair Import Investigations (''OUII'') is also named as a party. *Id.*

On September 25, 2025, the Commission terminated the investigation as to claims 4, 8, 11, 14, 18, 22, 25, 28, and 29 of the '714 patent; claims 4, 7, 11, 14, 15, 17, 18, and 20 of the '701 patent; claim 11 of the '321 patent; and claims 4, 6, 10, 12–18, 22, 24, 28, and 30–36 of the '267 patent. Order No. 17 (Sept. 5, 2025), *unreviewed by* Comm'n Notice (Sept. 25, 2025).

On November 20, 2025, the Commission terminated the investigation as to claims 5, 7, 12, 19,

individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner Amy A. Karpel did not participate.

[3] The Commission has found the responses submitted on behalf of American Cast Iron Pipe Company, Axis Pipe and Tube, Borusan Pipe U.S., Inc., Dura-Bond Industries, Jindal Tubular USA, LLC, Welspun Tubular LLC, and Wheatland Tube Company to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

21, and 26 of the '714 patent, and claims 3 and 10 of the '701 patent. Order No. 22 (Sept. 22, 2025), *unreviewed by* Comm'n Notice (Nov. 20, 2025).

On February 20, 2026, the Commission terminated the investigation as to claim 9 of the '321 patent and claim 30 of the '714 patent. Order No. 34 at 2, Order No. 35 at 2, *both unreviewed by* Comm'n Notice (Feb. 20, 2026).

On April 2, 2026, the Commission terminated the investigation as to Hisense based on settlement. Order No. 39 (Mar. 18, 2026), *unreviewed by* Comm'n Notice (Apr. 2, 2026).

On July 17, 2026, Nokia, Acer, and ASUS filed a joint motion to terminate the investigation in its entirety based on arbitration agreements. The motion included as exhibits both the confidential and public versions of the arbitration agreements between Nokia and Acer and between Nokia and ASUS. The motion states that there are no other agreements, written or oral, express or implied, between the private parties concerning the subject matter of the investigation, and that it is in the interest of the public and administrative economy to grant the motion. On July 29, 2026, OUII filed a response supporting the joint motion to terminate.

On July 30, 2026, the ALJ issued the subject ID (Order No. 48) pursuant to Commission Rule 210.21(d), 19 CFR 210.21(d), granting the joint motion to terminate based upon arbitration agreements. The ID finds that the joint motion complies with Commission Rule 210.21(d), and that granting the motion ''will conserve public and private resources.'' ID at 4.

No petitions for review of the ID were filed.

The Commission has determined not to review the ID. The investigation is terminated in its entirety.

The Commission vote for this determination took place on August 31, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 31, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18026 Filed 9–2–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0070]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Credit Card Payment Form (1–786)

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 30-Day notice.

SUMMARY: The CJIS, FBI, DOJ will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until October 5, 2026.

FOR FURTHER INFORMATION CONTACT: If you have 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: Brian A. Cain, 1000 Custer Hollow Road, Clarksburg, WV 26306, 304–625–CJIS, *bacain@fbi.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on 07/01/2026, 91 FR 40033, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/*PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0070. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB. Please provide a copy of your comments POC Brian Cain, *bacain@fbi.gov* and reference OMB # 1110–0070 in the subject line of your comments.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: Individuals interested in obtaining a copy of their identification record contained in the FBI's Next Generation Identification System. The U.S. Department of Justice Order 556–773 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted in a determination that 28 United States Code 534 does not prohibit the subjects of arrest and convictions records from having access to those records.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Credit Card Payment Form.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form 1–786; CJIS Division, FBI, DOJ.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public:* Individuals; Individuals wishing to obtain a copy of their identification record based on US DOJ Order 556–773.

5. *Obligation to Respond:* Required to obtain or retain a benefit.

6. *Total Estimated Number of Respondents:* 36,385 per year.

7. *Estimated Time per Respondent:* 2 minutes.

8. *Frequency:* As needed based on request.

9. *Total Estimated Annual Time Burden:* 1213 hours.

10. *Total Estimated Annual Other Costs Burden:* $27.72 avg hourly wage × 1213 hours = $33,624.36 cost burden.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: August 31, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–17988 Filed 9–2–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Notice of Federal Agency With Adequate Safeguards To Satisfy the Confidentiality Requirement of 20 CFR 603.9(d)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Federal agency with adequate safeguards.

SUMMARY: In this notice, the Department of Labor (Department) recognizes that, for purposes of digital identity verification services, *Login.gov*, a shared technology service within the United States General Services Administration (GSA), has in place safeguards adequate to satisfy the requirements of the Federal regulation on the confidentiality and disclosure of unemployment compensation (UC) information. As a result, the safeguards and security requirements enumerated in the regulation do not apply to disclosures of confidential UC information by state UC agencies to GSA's *Login.gov* for digital identity verification services.

FOR FURTHER INFORMATION CONTACT: Dennis Austin, Supervisor, Office of Unemployment Insurance, Employment and Training Administration, (202) 693–3056 (this is not a toll-free number) or 1–877–889–5627 (TTY), or by email at *austin.dennis@dol.gov.* Or Daniel Hays, Division Chief, Office of Unemployment Insurance, Employment and Training Administration, (202) 693–3011 (this is not a toll-free number) or 1–877–889–5627 (TTY), or by email at *hays.daniel@dol.gov.*

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) interprets Federal law requirements pertaining to UC programs. ETA interprets section 303(a)(1) of the Social Security Act to require states to maintain the confidentiality of certain UC information. The regulations at 20 CFR part 603 implement this confidentiality requirement. 20 CFR 603.9 requires States and State UC agencies to ensure that recipients of confidential UC information have certain safeguards in place before any confidential UC information may be disclosed. Section 603.9(d) provides that States are not required to apply these safeguards and security requirements to a Federal agency which the Department has determined, by notice published in the **Federal Register**, to have in place safeguards adequate to satisfy the requirements of 20 CFR 603.9.

The Department has determined that for purposes of digital identity verification services, the security standards and procedures employed by GSA's *Login.gov* for the protection of information received from claimants and state UC agencies meet the requirements of 20 CFR 603.9.

With this notice, the Department recognizes that, for the purpose of digital identity verification services, GSA's *Login.gov* has in place safeguards adequate to satisfy the requirements of 20 CFR 603.9. Thus, pursuant to 20 CFR 603.9(d), the safeguards and security requirements of 20 CFR 603.9 do not apply to disclosures of confidential UC information to GSA's *Login.gov* for digital identity verification services.

This notice is published to inform the public of the Department's determination with respect to this agency.

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–18043 Filed 9–2–26; 8:45 am]

BILLING CODE 4510–FW–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 26–06]

Millennium Challenge Corporation Candidate Country Report for Fiscal Year 2027

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: The Millennium Challenge Act of 2003, as amended, requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during Fiscal Year 2027. The report is set forth in full below.

(Authority: 22 U.S.C. 7707(a))

Dated: August 31, 2026.

Brian Finkelstein,

Acting Vice President, General Counsel, and Corporate Secretary.

Millennium Challenge Corporation Candidate Country Report for Fiscal Year 2027 Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth. Section 607(c)(2) of the Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2027 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; (b) the opportunity to reduce poverty and generate economic growth in the country; and (c) the availability of funds to MCC. These steps include the submission to the congressional committees specified in the Act and publication in the **Federal Register** of reports on the following:

- The countries that are ''candidate countries'' for FY 2027 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);
- The criteria and methodology that the MCC Board of Directors (the Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act); and

• The list of countries determined by the Board to be ''eligible countries'' for FY 2027, identification of such countries with which the United States, through MCC, will seek to enter into compacts, and a justification for such eligibility determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of the three required reports listed above.

Candidate Countries for FY 2027

The Act requires the identification of all countries that are candidate countries for purposes of eligibility for MCC compact assistance for FY 2027 and the identification of all countries that would be candidate countries for purposes of eligibility for MCC compact assistance but for specified legal prohibitions on assistance. Under sections 606(a) of the Act, a country is considered a candidate country for FY 2027 if it:

• has a per capita income that is not greater than the World Bank's threshold for initiating the International Bank for Reconstruction and Development graduation process for such fiscal year ($8,105 gross national income per capita for FY 2027);

• is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

Pursuant to section 606(b) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2027. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2026 under the National Security, Department of State, and Related Programs Appropriations Act, 2026 (Div. F, P.L. 119–75) (FY 2026 NSRP).

Candidate Countries

1. Algeria
2. Angola
3. Azerbaijan
4. Bangladesh
5. Belize
6. Benin
7. Bhutan
8. Bolivia
9. Botswana
10. Burundi
11. Cabo Verde
12. Cambodia
13. Cameroon
14. Central African Republic
15. Colombia
16. Comoros
17. Congo, Democratic Republic of the
18. Congo, Republic of the
19. Côte d'Ivoire
20. Djibouti
21. Ecuador
22. Egypt
23. El Salvador
24. Equatorial Guinea
25. Eswatini
26. Ethiopia
27. Fiji
28. Gabon
29. Gambia, The
30. Ghana
31. Guatemala
32. Guinea
33. Guinea-Bissau [1]
34. Haiti
35. Honduras
36. India
37. Indonesia
38. Iraq
39. Jamaica
40. Jordan
41. Kenya
42. Kiribati
43. Kosovo
44. Kyrgyz Republic
45. Lao PDR
46. Lebanon
47. Lesotho
48. Liberia
49. Libya
50. Madagascar [2]
51. Malawi
52. Mauritania
53. Micronesia, Federated States of
54. Moldova
55. Mongolia
56. Morocco
57. Mozambique
58. Namibia
59. Nepal
60. Nigeria
61. Pakistan
62. Papua New Guinea
63. Paraguay
64. Philippines
65. Rwanda
66. Samoa
67. Sao Tome and Principe
68. Senegal
69. Sierra Leone
70. Solomon Islands
71. Somalia
72. South Africa
73. Sri Lanka
74. Suriname
75. Syria
76. Tajikistan
77. Tanzania
78. Thailand
79. Timor-Leste
80. Togo
81. Tonga
82. Tunisia
83. Turkmenistan
84. Uganda
85. Ukraine
86. Uzbekistan
87. Vanuatu
88. Venezuela
89. Vietnam
90. Yemen
91. Zambia

[1] Guinea-Bissau shall be considered a candidate country to the extent it is deemed to be consistent with law.

[2] Madagascar shall be considered a candidate country to the extent it is deemed to be consistent with law.

Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for purposes of eligibility for MCC compact assistance for FY 2027 but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of August 12, 2026.

Prohibited Countries

• *Afghanistan* is ineligible to receive foreign assistance pursuant to section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), addressing major drug transit or major illicit drug producing countries, and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*). There is also a restriction on assistance to the Taliban in section 7044(a) of the FY 2026 NSRP.

• *Burkina Faso* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2026 NSRP.

• *Burma* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns regarding its record on human rights and pursuant to the military coup restriction in section 7008 of the FY 2026 NSRP, and pursuant to section 7043(a) of the FY 2026 NSRP.

• *Chad* is ineligible to receive foreign assistance pursuant to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• *Democratic People's Republic of Korea* is ineligible to receive foreign assistance as it is subject to numerous restrictions including pursuant to section 7007 of the FY 2026 NSRP and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

• *Eritrea* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for

concerns relative to its record on human rights and pursuant to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

- *Iran* is ineligible to receive foreign assistance as it is subject to numerous restrictions including pursuant to section 7007 of the FY 2026 NSRP and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Mali* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2026 NSRP.
- *Nicaragua* is ineligible to receive foreign assistance as it is subject to numerous restrictions including pursuant to section 7047(c) of the FY 2026 NSRP related to its recognition posture with respect to the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia and its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Niger* is ineligible to receive foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2026 NSRP.
- *South Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including for concerns relative to its record on human rights, and pursuant to its status as a Tier 3 country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).
- *Sudan* is ineligible to receive foreign assistance as it is subject to numerous restrictions including pursuant to the military coup restriction in section 7008 of the FY 2026 NSRP.
- *Zimbabwe* is ineligible to receive foreign assistance, including pursuant to section 7042(h)(2) of the FY 2026 NSRP, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property and freedoms of expression, association, and assembly.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations (*e.g.* a country being ranked on Tier 3 in the annual Trafficking in Persons Report issued by the U.S. Department of State, which has not received an appropriate waiver), or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2027.

[FR Doc. 2026–17997 Filed 9–2–26; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2026–037]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: We have submitted a request to the Office of Management and Budget (OMB) for approval to continue to use a currently approved information collection. This information collection, OMB 3095–0037, covers requests for civilian service records from former Federal civilian employees or other authorized individuals—for information from, or copies of, documents in Official Personnel Files (OPF) or Employee Medical Files (EMF). We invite you to comment on this proposed information collection.

DATES: OMB must receive written comments on or before October 5, 2026.

ADDRESSES: Send any comments and recommendations on the proposed information collection in writing to *www.reginfo.gov/public/do/PRAMain.* You can 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: Kristin Phillips, Paperwork Reduction Act Officer, by email at *kristin.phillips@nara.gov* or by telephone at 616–254–0405 with any requests for additional information.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for these information collections on June 12, 2026 (91 FR 35708) and we received zero comments. We are therefore submitting the described information collections to OMB for approval.

If you have comments or suggestions, they should address one or more of the following points: (a) whether the proposed information collections are necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collections and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses.

In this notice, we solicit comments concerning the following information collection:

Title: Requests for Civilian Service Records (formerly Forms Relating to Civilian Service Records).

OMB number: 3095–0037.

Agency form numbers: NA Form 13022, Returned Request; NA Form 13068, Walk-In Request for OPM Records or Information.

Type of review: Regular.

Affected public: Former Federal civilian employees, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 10,429.

Estimated time per response: 5 minutes per form.

Frequency of response: On occasion, when individuals desire to acquire information from Federal civilian employee personnel or medical records.

Estimated total annual burden hours: 869 hours.

Abstract: In accordance with rules issued by the Office of Personnel Management, the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers Official Personnel Folders (OPF) and Employee Medical Folders (EMF) of former Federal civilian employees. When former Federal civilian employees and other authorized individuals request information from or copies of documents in OPF or EMF, they must provide in their requests certain information about the employee and the nature of the request so that we can determine whether they are authorized to receive the information and so that we can find the correct records. The NA Form 13022, Returned Request Form, is used to request additional information about the former Federal employee. The NA Form 13068, Walk-In Request for OPM Records or Information is used by members of the public, with proper authorization, to

request a copy of a personnel or medical record.

Gulam Shakir,

Executive for Information Services/CIO.

[FR Doc. 2026–18017 Filed 9–2–26; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2026–039]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is proposing to request reinstatement from the Office of Management and Budget (OMB) of an information collection that expired on April 30, 2026. This is used by researchers who wish to do biomedical statistical research in archival records containing highly personal information. We invite you to comment on this proposed information collection.

DATES: OMB must receive written comments on or before October 5, 2026.

ADDRESSES: Send any comments and recommendations on the proposed information collection in writing to *www.reginfo.gov/public/do/PRAMain.* You can 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: Kristin Phillips, Paperwork Reduction Act Officer, by email at *kristin.phillips@nara.gov* or by telephone at 616–254–0405 with any requests for additional information.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for these information collections on June 12, 2026 (91 FR 35708) and we received zero comments. We are therefore submitting the described information collections to OMB for approval.

If you have comments or suggestions, they should address one or more of the following points: (a) whether the proposed information collections are necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collections and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses.

In this notice, we solicit comments concerning the following information collection:

Title: Statistical Research in Archival Records Containing Personal Information.

OMB number: 3095–0002.

Agency form number: None.

Type of review: Regular.

Affected public: Individuals.

Estimated number of respondents: 2.

Estimated time per response: 7 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 14 hours.

Abstract: The information collection is prescribed by *36 CFR 1256.28* and *36 CFR 1256.56.* Respondents are researchers who wish to do biomedical statistical research in archival records containing highly personal information. NARA needs the information to evaluate requests for access to ensure that the requester meets the criteria in *36 CFR 1256.28* and that the proper safeguards will be made to protect the information.

Gulam Shakir,

Executive for Information Services/CIO.

[FR Doc. 2026–18018 Filed 9–2–26; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2026–038]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: We have submitted a request to the Office of Management and Budget (OMB) for approval to continue to use three currently approved information collections. The first information collection is used to request permission to film, photograph, or videotape at a NARA facility for news purposes. The second information collection is used to request permission to use NARA facilities for events in the Washington, DC, area, at a Federal records center, or at a Presidential library. People use the third information collection to request their name be placed on a list of independent researchers who perform freelance research for hire in the Washington, DC, area. We invite you to comment on the proposed information collections.

DATES: OMB must receive written comments on or before October 5, 2026.

ADDRESSES: Send any comments and recommendations on the proposed information collection in writing to *www.reginfo.gov/public/do/PRAMain.* You can 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: Kristin Phillips, Paperwork Reduction Act Officer, by email at *kristin.phillips@nara.gov* or by telephone at 616–254–0405 with any requests for additional information.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for these information collections on June 12, 2026 (91 FR 35709) and we received zero comments. We are therefore submitting the described information collections to OMB for approval.

If you have comments or suggestions, they should address one or more of the following points: (a) whether the proposed information collections are necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collections and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses.

In this notice, we solicit comments concerning the following information collections:

1. *Title:* Order Forms for Genealogical Research in the National Archives.

OMB number: 3095–0027 CF.

Agency form numbers: NATF Forms 84, 85, and 86.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 7,139.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,190.

Abstract: Submission of requests on a form is necessary to handle in a timely

fashion the volume of requests received for these records and the need to obtain specific information from the researcher to search for the records sought. As a convenience, the form will allow researchers to provide credit card information to authorize billing and expedited mailing of the copies. You can also use our online ordering web page (*https://www.archives.gov/research/order*) to complete the forms and order the copies.

2. *Title:* Request to use personal paper-to-paper copiers at the National Archives at College Park facility.

OMB number: 3095–0035.

Agency form number: None.

Type of review: Regular.

Affected public: Business or other for-profit.

Estimated number of respondents: 5.

Estimated time per response: 3 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 15 hours.

Abstract: The information collection is prescribed by *36 CFR 1254.86.* Respondents are organizations that want to make paper-to-paper copies of archival holdings with their personal copiers. NARA uses the information to determine whether the request meets the criteria in *36 CFR 1254.86* and to schedule the limited space available.

3. *Title:* Court Order Requirements.

OMB number: 3095–0038.

Agency form number: NA Form 13027.

Type of review: Regular.

Affected public: Veterans and Former Federal civilian employees, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 5,000.

Estimated time per response: 15 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,250 hours.

Abstract: In accordance with rules issued by the Office of Personnel Management, the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers Official Personnel Folders (OPF) and Employee Medical Folders (EMF) of former Federal civilian employees. In accordance with rules issued by the Department of Defense (DOD) and the Department of Homeland Security (DHS), the NPRC also administers military service records of veterans after discharge, retirement, and death, and the medical records of these veterans, current members of the Armed Forces, and dependents of Armed Forces personnel. The NA Form 13027, Court Order Requirements, is used to advise requesters of (1) the correct procedures to follow when requesting certified copies of records for use in civil litigation or criminal actions in courts of law and (2) the information to be provided so that records may be identified.

Gulam Shakir,

Executive for Information Services/CIO.

[FR Doc. 2026–18016 Filed 9–2–26; 8:45 am]

BILLING CODE 7515–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–130; MC2026–370 and K2026–360]

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 9, 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)
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I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* CP2024–130; *Filing Title:* USPS Request Concerning

[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).

Amendment Four to Priority Mail & USPS Ground Advantage Contract 148 and Materials Under Seal; *Filing Acceptance Date:* August 31, 2026; *Filing Authority:* 39 CFR. 3035.105 and 39 CFR 3041.505; *Public Representative:* Jennaca Upperman; *Comments Due:* September 9, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–370 and K2026–360; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1082, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 31, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–18057 Filed 9–2–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Removal of International Reply Coupon Service

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of the filing of a request with the Postal Regulatory Commission to remove International Reply Coupon Service from the Market Dominant List and to make accompanying classification changes in the Mail Classification Schedule.

DATES: *Applicable date:* January 1, 2027.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 39 CFR 3040.130–132, as well as 39 U.S.C. 3632 and 39 CFR 3040.180–181, on August 31, 2026, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Remove International Reply Coupon Service from the Market Dominant Product List and Make Accompanying Classification Changes* in the Mail Classification Schedule. Documents are available at *www.prc.gov*, Docket No. MC2026–368.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–18045 Filed 9–2–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106243; File No. SR–CMESC–2026–008]

Self-Regulatory Organizations; CME Securities Clearing Inc.; Notice of Filing of Proposed Rule Change To Amend Rule 410, Rule 101, the Capped Liquidity Facility Procedure, and the Liquidity Risk Management Policy

August 31, 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 21, 2026, CME Securities Clearing Inc. (''CMESC'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by CMESC. CMESC filed the proposed rule change pursuant to Section 19(b)(2) of the Act.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. CMESC's Statement of the Terms and Substance of the Proposed Rule Change

The proposed rule change of CME Securities Clearing Inc. (''CMESC'') and consists of modifications of (i) CMESC's Rules 410 and 101 regarding Capped Liquidity Facility (''CLF'') [4] and CLF Master Repurchase Agreement (''CLF MRA''), (ii) the Capped Liquidity Facility Procedure (''CLF Procedure'') and (iii) Liquidity Risk Management Policy (''LRMP''). Each of the proposed changes is described in more detail below.

II. CMESC's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, CMESC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CMESC has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(2).

[4] Capitalized terms used herein and not defined have the meanings assigned to such terms in the Rules of CME Securities Clearing Inc. (''Rules''), as applicable, *available at https://www.cmegroup.com/rulebook/CMESC/CMESC%20Rulebook.pdf.*

A. CMESC's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

On December 1, 2025, the Commission issued an order approving CMESC's Form CA–1 application for registration as a clearing agency (''Application'') to provide central counterparty services for transactions involving U.S. Treasury securities. As a registered clearing agency providing central counterparty services, CMESC is a covered clearing agency subject to clearing agency standards provided in Section 17A of the Securities Exchange Act of 1934, as amended (''Act''),[5] and rules and regulations thereunder. SEC Rule 17ad–22(e) [6] under the Act requires each covered clearing agency to maintain and hold qualifying liquid resources at the minimum to effect same-day, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios, including, but not limited to, the default of the Participant Family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions.[7] To ensure compliance with these requirements, CMESC has established several liquidity tools in its Rules and policies and procedures, including but not limited to the CLF in Rule 410, the associated CLF Procedure, and the LRMP.[8] The CLF is designed to provide access to required liquidity in the event CMESC's other sources of liquidity are unavailable or insufficient.

To facilitate the implementation of the CLF in connection with launching its Clearing Services, CMESC is proposing to amend Rule 410 by: (i) making the CLF MRA that each Member is required to enter into with CMESC a rules-based agreement; (ii) providing more detail regarding how CMESC calculates the size of the CLF and the allocated amount (''Allocated CLF Amount'') up to which each Member is required to purchase securities from CMESC on terms and conditions set forth in the CLF MRA and adding a requirement to require each Member that is approved by CMESC to commence clearing Eligible Securities Transactions to provide information deemed relevant by CMESC in order to determine such Member's Allocated

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17ad–22(e).

[7] *See* Rule 17ad–22(e)(7)(i) and (ii), 17 CFR 240.17ad–22(e)(7)(i) and (ii).

[8] The LRMP and CLF Procedure were submitted to the Commission as part of the Application.

CLF Amount; and (iii) making clarifying changes and removing redundancies to promote readability. As a result of the proposed changes to Rule 410, CMESC is also proposing to make conforming and clarifying changes to Rule 101 (the definition of CLF MRA), the CLF Procedure and the LRMP to maintain consistency among the Rules, the CLF Procedure and LRMP, remove ambiguities and improve clarity.

Each of the proposed changes to Rule 410, Rule 101 (Definition of CLF MRA), the CLF Procedure and LRMP is described in more detail below.

Description of the Proposed Rule Change

1. Proposed Amendments to Rule 410

A. Rules-Based CLF MRA: Proposed Amendments to Rule 410(a)

Under existing Rule 410(a), each Member is required to enter into a CLF MRA with CMESC, pursuant to which the Member may be notified by CMESC to enter into repurchase transactions in Eligible Securities with CMESC to purchase Eligible Securities up to the Member's Allocated CLF Amount if and when CMESC declares a CLF Event pursuant to Rule 410(b). Existing Rule 410(a) sets forth the terms of the CLF MRA. To mitigate administrative burdens on both CMESC and the Members in preparing and executing separate agreements and to promote efficiency and consistency, CMESC is proposing to establish a rules-based MRA through the following proposed changes to Rule 410(a).

First, CMESC proposes to modify the first sentence of existing Rule 410(a)(i), which currently requires each Member to enter into a separate CLF MRA with CMESC, to state that each Member is a party to a CLF MRA pursuant to and by operation of Rule 410(a). This new language is designed to make clear that the CLF MRA is established pursuant to and by operation of Rule 410(a) without additional steps taken on either part of CMESC or Members to execute an agreement.

Second, CMESC proposes to modify the first sentence of Rule 410(a)(i) to make clear that the CLF MRA will be on terms set out at the end of Rule 410 and proposes to move existing Rule 410(a)(ii)(A)–(F) that contains the terms of CLF MRA to the end of Rule 410 with certain adjustments, as explained below:

• The proposed CLF MRA set out at the end of Rule 410 will include new language to provide that the CLF MRA is entered into between CMESC and each Member by operation of Rule 410 and that capitalized terms used but not defined in the CLF MRA have the meanings set forth in the Rules; these provisions are intended to implement the proposed changes to Rule 410(a)(i) that are designed to create a rules-based MRA;

• As a rules-based agreement, the proposed CLF MRA will incorporate by reference the SIFMA Master Repurchase Agreement September 1996 version (''SIFMA MRA'') (without the referenced annexes therein), rather than being established as a separate agreement in a form based on the SIFMA Master Repurchase Agreement as provided in existing Rule 410(a)(ii), and will provide that each CLF Transaction is subject to the terms of the SIFMA MRA and Rule 410(a);

• In addition to incorporating the SIFMA MRA, the proposed CLF MRA will provide that, notwithstanding anything else in the SIFMA MRA, certain terms will apply to CLF Event Transactions between CMESC and the Member. These terms are listed as paragraphs (a)–(g) in the proposed CLF MRA and are described below:

▪ Existing Rule 410(a)(ii)(A) will become new paragraph (a) in the proposed CLF MRA except that the reference to ''this Rule 410'' will be changed to ''Rule 410'';

▪ Existing Rule 410(a)(ii)(B) will become new paragraph (b) of the proposed CLF MRA and CMESC proposes to create a new defined term ''Liquidating Trade'' to refer to a trade liquidating the financed securities in clause (x) of this new paragraph (b);

▪ Existing Rule 410(a)(ii)(C) will become new paragraph (c) of the proposed CLF MRA and CMESC proposes to add a sentence from existing Rule 410(g) to new paragraph (c), which will provide that ''[e]ach CLF Event Transaction will be entered into on an overnight basis, unless otherwise specified by the Corporation''; in addition, CMESC proposes to replace the text of ''trade liquidating the financed securities'' in clause (x) of this new paragraph (c) with ''Liquidating Trade'' as a result of the creation of the new defined term described above; CMESC also proposes to add new text ''upon expiration of the term of a CLF Event Transaction'' to the end of clause (z) of this new paragraph (c) to clarify that each CLF Event Transaction will remain open until the occurrence of the CLF Event Transaction Termination Date upon expiration of the term of a CLF Event Transaction;

▪ Existing Rule 410(a)(ii)(D) will become new paragraph (d) of the proposed CLF MRA with minor adjustments and will state that ''[i]t shall be an ''Event of Default'' (for purposes of this CLF MRA) with respect to the buyer under a CLF MRA if the Corporation ceases to act for the Member pursuant Rule 901 or 902'';

▪ Existing Rule 410(a)(ii)(E) will become new paragraph (e) of the proposed CLF MRA with minor adjustments and will state that ''[t]here shall be no ''Event of Default'' (for purposes of this CLF MRA) with respect to the Corporation as the seller other than a Corporation Default within the meaning of Rule 714'';

▪ Existing Rule 410(a)(ii)(F) will become new paragraph (f) of the proposed CLF MRA without any changes;

▪ Finally, CMESC proposes to add a new paragraph (g) in the proposed CLF MRA to deal with any potential conflicts between the CLF MRA and SIFMA MRA, which states that in the event of any inconsistency between the terms of the SIFMA MRA and the CLF MRA, the terms of the CLF MRA will govern.

▪ After moving existing Rule 410(a)(ii) to the proposed CLF MRA at the end of Rule 410, CMESC proposes to renumber existing Rule 410(a)(i) as Rule 410(a).

Finally, CMESC proposes to make additional clean-up changes to Rule 410(a). First, CMESC proposes to remove a sentence in existing Rule 410(a)(i) regarding the categories of securities CMESC may include as Eligible Securities in the context of a CLF Event Transaction. This sentence repeats the same provision in existing Rule 410(e) (to be renumbered as Rule 410(c) as described below) and its deletion will remove redundancy. Second, CMESC proposes to add a phrase ''pursuant to Rule 410(b) below'' to the last sentence of Rule 410(a)(i) to clarify that CMESC's declaration of a CLF Event and the ensuing actions taken by CMESC will be pursuant to Rule 410(b).

B. Determination of the CLF Size and Calculation of the Allocated CLF Amount: Proposed Amendments to Rule 410(i)

In addition to proposed changes to create a rules-based CLF MRA, CMESC also proposes to amend existing Rule 410(i) (to be renumbered as Rule 410(e)) to enhance the description of the calculations of the CLF size and the Allocated CLF Amount. These amendments do not change the existing methodology and formulae used to size the CLF and calculate each Member's allocation.

i. Proposed Changes to Rule 410(i)(i) To Enhance the Description of the Determination of the CLF Size

Existing Rule 410(i)(i) provides the calculation for the sizing of the CLF. CMESC is proposing the following amendments to Rule 410(i)(i) (renumbered as Rule 410(e)(i)) to enhance the description of the sizing of the CLF.

First, CMESC proposes to clarify the first sentence of Rule 410(i)(i) regarding the assessment it conducts at least quarterly by specifying that CMESC shall conduct an assessment at least every quarter, or more frequently as CMESC deems appropriate, ''to determine the required size of the CLF and each Member's Allocated CLF Amount.'' This additional detail clarifies the purpose of the quarterly assessment (or more frequently as determined appropriate by CMESC) that will determine the size and allocation of the CLF.

Second, CMESC proposes to provide additional details regarding its calculation of the size of the CLF. These proposed changes are designed to provide clarity and transparency in how CMESC calculates the size of the CLF. They do not change the existing methodology CMESC established to size the CLF. Currently, Rule 410(i)(i) provides that CMESC will determine the size of the CLF through the assessment to evaluate its hypothetical liquidity need in the event of a default of a Participant Family (defined as the ''Stress Potential Payment Obligation'' or ''SPPO'') to which CMESC would be obligated to make the largest cash payment. CMESC proposes to modify the second sentence of Rule 410(i)(i) to make clear that CMESC would calculate the SPPO of each Participant Family by evaluating the hypothetical cash settlement obligation that CMESC may experience in the event of a Default of such Participant Family in extreme but plausible market conditions, using a lookback period deemed appropriate by CMESC. In addition, CMESC proposes to add a new sentence to Rule 410(i)(i) to explain that CMESC will use the largest SPPO across all Participant Families (defined as ''Cover 1 SPPO'') over the designated lookback period as the starting point in determining the required size of the CLF.

Finally, although CMESC does not propose to change the substance of the last sentence of Rule 410(i)(i) (renumbered as Rule 410(e)(i)), CMESC proposes certain non-substantive changes to clarify the meaning of this sentence. Specifically, CMESC proposes to add certain text to specify that it may ''also'' consider other factors it deems relevant ''in sizing the CLF'' to make clear that in addition to assessing the SPPO of each Participant Family over the designated lookback period and to determine the Cover 1 SPPO over the lookback period as the starting point in determining the size of the CLF, CMESC may also consider other factors it deems relevant in its calculation of the size of the CLF. As a result of these proposed revisions, CMESC also proposes to eliminate a redundant phrase ''in determining the required size of the CLF (*e.g.,* aggregated Allocated Capped CLF Amounts of all Members)'' from the end of this sentence and add ''as deemed relevant by the Corporation'' to the end of this sentence as a clarifying change.

ii. Proposed Changes to Rule 410(i)(ii) To Enhance the Description of the Calculation of the Allocated CLF Amount

CMESC proposes several amendments to Rule 410(i)(ii) (renumbered as Rule 410(e)(ii)) to enhance the description of the calculation of the Allocated CLF Amount for added clarity and transparency. These changes do not change the calculation or methodology used to determine each Member's Allocated CLF Amount, as described in the Application materials.

First, existing Rule 410(i)(ii) provides that CMESC shall calculate each Member's Allocated CLF Amount at the time CMESC performs its assessment referred to in clause (i) of Rule 410(i). CMESC proposes to make minor changes to this sentence to clarify that CMESC will calculate each Member's Allocated CLF Amount at the time ''as'' it performs its assessment and change the reference to ''clause (i)'' in this sentence to Rule 410(e)(i) due to renumbering Rule 410(i) to Rule 410(e).

Second, CMESC proposes certain changes to the second sentence of existing Rule 410(i)(ii) to improve clarity. Currently, the second sentence of Rule 410(i)(ii) states that, each Member's Allocated CLF Amount will be calculated on a pro rata basis, based on the size of each Member's ''SPPO'' relative to the total aggregate SPPO across all Members. Because ''SPPO'' is already defined in proposed Rule 410(e)(i) as the hypothetical cash settlement obligation CMESC may experience in the event of a Default of a Participant Family in extreme but plausible market conditions, CMESC proposes to add a new defined term ''Maximum SPPO'', as described in the paragraph below, and proposes to specify that the Maximum SPPO is determined using ''a designated lookback period'' in the second sentence of Rule 410(i)(ii). As such, CMESC proposes to modify the second sentence of Rule 410(i)(ii) to provide that ''[e]ach Member's Allocated CLF Amount will be calculated on a pro rata basis, based on the size of each Member's Maximum SPPO during the designated lookback period relative to the total aggregate Maximum SPPOs across all Members during the same period.'' Further, CMESC proposes to define the pro rata ratio described in this sentence as the ''Obligation Ratio''.

Third, for the same reason stated above, CMESC proposes to amend the third sentence of existing Rule 410(i)(ii) by replacing the first reference to each Member's ''SPPO'' with the ''Maximum SPPO for purposes of calculating the Member's Obligation Ratio''. In addition, CMESC proposes to clarify that a Member's Maximum SPPO is calculated by taking the sum of the Member's largest SPPO plus the two largest SPPOs among the Users it authorizes, if applicable, over ''the'' designated lookback period. CMESC is inserting the word ''two'' before the term ''largest SPPO'', while pluralizing the latter reference in the existing text. In the same sentence, CMESC is deleting ''of the two'' and replacing it with ''among the''. Parallel changes are proposed in the subsequent sentence. This formulation of the Rule text is intended to result in a clearer, more precise description of CMESC's process for incorporating User SPPOs in the calculation of a Member's Maximum SPPO and aligns with the way the process is described in the CLF Procedures. The process itself is unchanged; only the language in the Rulebook and the CLF Procedures used to describe the calculation process is being updated for additional clarity.

Fourth, CMESC proposes to replace ''SPPO'' with ''Maximum SPPO'' in the fourth sentence of existing Rule 410(i)(ii) to conform to the defined term and to add ''Obligation Ratio and'' in front of Allocated CLF Amount to make clear that CMESC, at its sole discretion, can add a multiplier to a particular Member's Maximum SPPO as part of determining that Member's Obligation Ratio and Allocated CLF Amount.

Fifth, CMESC proposes to add a sentence between the fourth sentence and fifth sentence in existing Rule 410(i)(ii) to enhance the description of the allocation of the CLF, which provides that each Member's Allocated CLF Amount is calculated as the product of the Member's Obligation Ratio and the required CLF size determined in accordance with Rule 410(e)(i), which provides for at least quarterly resizing (or more frequently as

the Corporation deems appropriate). Although this calculation is implied in the second sentence of existing Rule 410(i)(ii) regarding each Member's Allocated CLF Amount calculated on a pro rata basis, CMESC believes that by explicitly establishing how a Member's Allocated CLF Amount is calculated, the proposed change will provide clarity and transparency with respect to each Member's CLF obligation.

With respect to informing each Member of its individual Allocated CLF Amount, CMESC proposes to clarify that CMESC will provide each Member with its individual Allocated CLF Amount following each re-sizing of the CLF. Therefore, CMESC proposes to delete references to the ''periodic report'' from the fifth sentence and add ''following each resizing of the CLF'' to the same sentence.

Finally, CMESC proposes to combine and restate the last two sentences of existing Rule 410(i)(ii). The changes consist of restating CMESC's obligation to notify each Member of its Allocated CLF Amount following each resizing, and to remove a redundancy regarding Members' obligations to enter into CLE Event Transactions upon CMESC's declaration of a CLF Event, which is already provided for in greater detail in Rule 410(b)(i)(B).

iii. Member Information To Facilitate CLF Calculations

In addition to the proposed changes described above, which are designed to enhance the description of the CLF allocation, CMESC also proposes modifications to Rule 410(i)(ii) (renumbered as Rule 410(e)(ii)) to provide a new requirement for a Member, in order to commence clearance and settlement of Eligible Securities Transactions, to provide information to CMESC to support CMESC's determination of such Member's Allocated CLF Amount. Specifically, CMESC proposes to insert in Rule 410(i)(ii) a provision that requires a Member to provide certain information, including, without limitation, the projected volumes and sizes of Eligible Securities Transactions to be submitted for clearance and settlement by the Member and its authorized Users, if any, over a period deemed relevant by CMESC, which will be incorporated as an input into the sizing and allocation calculations for the CLF. This information is intended to facilitate CMESC's assessment of the Cover 1 SPPO as well as a Member's Maximum SPPO for purposes of calculating the Member's Allocated CLF Amount during an initial ramp-up phase. CMESC's Cover 1 SPPO calculations and Maximum SPPO calculations for new Members will leverage this projected data and blend it with data from the Member's actual cleared activity on a going-forward basis, until the appropriate lookback period has lapsed. For avoidance of doubt, the information required under the proposed changes to Rule 410(i)(ii), renumbered as Rule 410(e)(ii), serves as an input to existing methodologies for calculating the size and allocation of the CLF, which are unchanged by the proposed modifications.

C. Other Proposed Changes To Improve Clarity and Remove Redundancy: Proposed Amendments to Rule 410(b)–(h)

CMESC further proposes several non-substantive, clarifying changes to Rule 410 to improve readability and remove redundancies. The table below lists each Rule 410 subsection which CMESC is proposing changes, describing the proposed changes, and indicating the types of changes, *i.e.,* whether the changes are in the nature of clarification, technical, or incorporation of proposed changes to Rule 410.

Rule	Proposed change	Purpose
Rule 410(b)(i)(A)	To facilitate readability, added the sentence ''the Corporation has sole discretion as to the non-Defaulting Members with whom it will enter into CLF Event Transactions upon declaration of a CLF Event and the terms of each such transaction;'' from existing Rule 410(c).	Clarification; consolidated existing Rule 410(c) into Rule 410(b)(i)(A).
Rule 410(b)(i)(B)	Added ''selected to participate in CLF Event Transactions'' to refer more precisely to the Member that is selected by CMESC to participate in CLF Event Transactions. Added ''and any additional pertinent information; Upon notice from the Corporation, such Member must enter into the CLF Event Transaction(s) with the Corporation at an aggregate purchase price up to the maximum amount allocated to such Member ('Allocated CLF Amount') as calculated by the Corporation'' from existing Rule 410(d). Created the defined term ''Allocated CLF Amount'' to replace existing ''Allocated Capped CLF Amount'' throughout Rule 410.	Clarification; consolidated existing Rule 410(d) into Rule 410(b)(i)(B).
Rule 410(b)(i)(C)	Replaced ''an aggregate purchase price up to the maximum amount allocated to such Member ('Allocated Capped CLF Amount')'' with ''the aggregate purchase price determined by the Corporation, in its sole discretion''.	Clarification; removed redundancy that overlaps with 410(b)(i)(B).
Rule 410(b)(i)(D)	Deleted existing Rule 410(b)(1)(D) in its entirety (*i.e.,* ''Pursuant to the terms of the CLF MRA, each CLF Event Transaction will remain open until the earlier of (x) such time that the Corporation has executed a trade liquidating the financed securities ('Liquidating Trade'), (y) such time that the Corporation has obtained liquidity through its other available liquid resources and closes the CLF Event Transactions or (z) the CLF Event Transaction Termination Date''). Added ''Each CLF Event Transaction will remain open pursuant to and in accordance with the terms of the CLF MRA set forth at the end of this Rule 410'' to set out the sequence of events and the timeline of a CLF Event Transaction.	Removed redundancy that overlaps with paragraph (c) of CLF MRA.
Rule 410(b)(i)(E)	Added ''that is a'' to refer to each Member ''that is a'' party to a CLF Event Transaction. Added ''exchange for cash in'' to the part that states ''each such Member to deliver the related Eligible Securities to the Corporation in exchange for cash in order to enable the Corporation to complete settlement''.	Technical and Clarification.
Rule 410(c)	Deleted	Technical; consolidated into Rule 410(b)(i)(A).

Rule	Proposed change	Purpose
Rule 410(d)	Deleted	Technical; consolidated into Rule 410(b)(i)(B).
Rule 410(e)	Renumbered as Rule 410(c)	Technical.
Rule 410(f)	Renumbered as Rule 410(d)	Technical.
Rule 410(g)	Deleted	Technical; consolidated into CLF MRA paragraph (c).
Rule 410(h)	Deleted	Technical; removed to reduce redundancy due to overlap with Rule 410(b)(i)(E).
Rule 410(j)	Renumbered as Rule 410(f)	Technical.
	Replaced ''Allocated Capped CLF Amount'' with ''Allocated CLF Amount'' for consistency with the new proposed defined term.	
Rule 410(k)	Renumbered as Rule 410(g)	Technical.
Rule 410(l)	Renumbered as Rule 410(h)	Technical.
Rule 410	Added ''to'' in the legacy text relocated to CLF MRA paragraph (d) for grammatical accuracy.	Technical.

2. Proposed Amendments to Rule 101

As a result of the proposed changes to Rule 410(a) described above to create a rules-based CLF MRA, CMESC proposes to amend the definition of ''CLF MRA'' in Rule 101 to conform to the proposed changes to Rule 410(a). CMESC proposes to add more detail to the definition of ''CLF MRA'' in Rule 101 to prescribe that ''CLF MRA means a Capped Liquidity Facility Master Repurchase Agreement formed between a Member and the Corporation by operation of Rule 410(a), which governs any CLF Event Transaction between the Member and the Corporation, as defined and further prescribed in Rule 410.'' This new definition clarifies that the CLF MRA is a rules-based agreement between a Member and CMESC by operation of Rule 410(a) and that CLF MRA governs CLF Event Transactions between the Member and CMESC as further prescribed in Rule 410.

3. Proposed Amendments to CLF Procedure

The CLF Procedure establishes a framework for the governance, execution and testing of CMESC's CLF, covering areas such as calculation of the size and apportioning of CLF among Members, administration of CLF Event Transactions, notification to Members, Member attestation, and operational testing. As a result of the proposed amendments to Rule 410 described above, CMESC proposes similar changes to the CLF Procedure that are consistent with the proposed amendments to Rule 410, as described below, for the purpose of aligning provisions of the CLF Procedure with Rule 410.

A. Rules-Based CLF MRA

CMESC proposes to amend the Governance section of the CLF Procedure to add that CLF Event Transactions are governed by a CLF MRA, as set out in the Rules. This proposed addition is to align with and acknowledge the proposed amendment to Rule 410 to state that each Member is a party to a CLF MRA pursuant to and by operation of Rule 410(a), without additional steps taken on either part of CMESC or Members to execute an agreement. CMESC also proposes to update within the Governance section the internal governance committee that is responsible for reviewing and approving the CLF Procedure on at least an annual basis.

B. Sizing the CLF

CMESC proposes to amend the Sizing of the Facility section of the CLF Procedure to add that it may consider additional factors in addition to the Cover 1 SPPO amount, including but not limited to information requested from Members. These proposed additions are to align with and acknowledge similar proposed amendments to Rule 410 as described above.

More specifically, CMESC proposes to modify the Sizing of the Facility section of the CLF Procedure to clarify that the objective of its CLF sizing methodology is to use the Cover 1 SPPO as the starting point for estimating CMESC's hypothetical liquidity needs under extreme but plausible market conditions. CMESC proposes to add language to this section to mirror and align with the language at Rule 410(i)(i) (to be renumbered as Rule 410(e)(i)), which provides consideration of these historical and relevant factors in sizing the CLF.

CMESC also proposes that the CLF Procedure expressly state that with respect to a Member approved by CMESC to commence clearance and settlement of Eligible Securities Transactions, a Member's SPPO may be based on information provided by the Member, in accordance with abovementioned amendments to the Rules. This addition would account for circumstances where CMESC does not already have historical trade submission data from the Member to determine that Member's SPPO (*e.g.,* a new Member) and CMESC seeks to request from and rely on appropriate information supplied by a Member in order for CMESC to determine a Member's SPPO. This addition also would bring the CLF Procedure into alignment with Rule 410, as proposed to be amended.

C. Apportioning the CLF

CMESC proposes to amend the Apportioning section of the CLF Procedure to similarly add that CMESC may request information from Members to facilitate CMESC's calculation of each Member's Allocated CLF Amount and to remove the description of how CMESC would otherwise calculate the CLF obligation of a Member that had no transactions during the relevant lookback period. The proposed additions are to align with and acknowledge the proposed amendments to Rule 410(i)(ii).

Consistent with proposed changes to Rule 410(i)(ii) (renumbered as Rule 410(e)(ii)), CMESC proposes that the CLF Procedure provide that a Member's Maximum SPPO may be based on information requested by CMESC, including the Member's projected volumes and sizes of transactions to be cleared, to be calculated using a minimum lookback period as defined in the CLF Procedure. The proposed change is designed to establish a method for CMESC to compute each Member's Allocated CLF Amount in accordance with CMESC Rules.

D. Notification and Attestation

CMESC proposes to modify the Notification and Attestation sections of the CLF Procedure to clarify that on at least a quarterly basis and upon any

resizing of the CLF, each Member will be informed of its individual Allocated CLF Amount, as well as the effective date of any amended Allocated CLF Amount. An authorized representative must acknowledge and affirm the Member's potential CLF obligations on at least an annual basis, as well as make other acknowledgments as required to ensure Members are aware of and prepared to meet their relevant obligations.

These proposed changes regarding notice would be consistent with changes proposed for Rule 410. In addition, CMESC believes that these proposed amendments would enhance clarity on the operation of the CLF and that they are reasonably designed to ensure that CMESC and its Members will engage in meaningful and helpful information exchange in support of assuring that Members meet their obligations under the CMESC Rules, thereby facilitating CMESC meeting its obligations under the Exchange Act and the SEC rules.

E. Other Proposed Clarification and Clean-Up Changes

Finally, CMESC proposes other clarifying, clean-up changes throughout the CLF Procedure. CMESC's proposed clarifying, clean-up changes fall within the following categories: (1) use capitalized terms for consistency with the CMESC Rules and, where indicated, the LRMP and the CLF Procedure; [9] (2) use precise terminology consistently across the CMESC Rules, the LRMP, and the CLF Procedure; [10] (3) correct minor grammatical or typographical errors; and (4) make clarifying changes intended to improve the readability of the CLF Procedure. While CMESC believes these changes will improve the clarity and readability of the CLF Procedure, these changes do not change the substance of the proposed rule change.

4. Proposed Amendments to LRMP

CMESC proposes several corresponding modifications to the LRMP to align with proposed changes to Rule 410 as discussed above. The LRMP contains CMESC's policies and procedures to monitor, measure, and manage potential liquidity events and resources available to satisfy liquidity obligations in extreme but plausible market conditions. Specifically, CMESC proposes to amend Section 5.5.3.2. provisions on the declaration of a CLF Event to clarify that CMESC will notify Members of their CLF Event Transactions and also the cash amount required to be obtained (in total across Members and per Member), the type and volume of securities to be utilized, and the initial tenor of the CLF Event Transactions, and declare an end to the CLF Event once it has determined that the CLF Event Transactions entered into pursuant to the CLF are no longer necessary. Additionally, CMESC proposes conforming changes to Sections 6.1.1.4.2. and 6.1.1.4.3. to clarify that CLF sizing is based primarily on Cover 1 SPPO, and apportioning is based primarily on the Member's maximum SPPO and the maximum SPPOs across all Members within a defined lookback period, consistent with proposed changes to Rule 410. CMESC proposes additional changes to Section 6.1.1.4.2. to align the description of frequency for determining the size of the CLF at least quarterly, or more frequently if CMESC determines appropriate, with that in Rule 410(e)(i). Finally, CMESC proposes making other non-substantive clarifying, organizational and cleanup changes to the LRMP. These changes are designed to fully align the LRMP with the proposed changes in Rule 410.

2. Statutory Basis

For the reasons set forth below, CMESC believes the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934 (''Act''),[11] Rule 17ad–22(e)(1) [12] and Rule 17ad–22(e)(7).[13]

Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest.[14] For reasons described below, CMESC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) because it would enhance CMESC's Rules regarding the CLF, the CLF Procedure and LRMP by providing greater clarity, efficiency, and consistency among the rules, policy and procedure regarding implementation of CMESC's liquidity risk management and in furtherance of the goals of Section 17A(b)(3)(F).[15]

First, the primary purpose of the proposed changes in Rule 410(a), corresponding definitional changes proposed in Rule 101, and conforming changes proposed in the CLF Procedure and the LRMP is to establish a rules-based CLF MRA to avoid the need and steps for CMESC to prepare numerous separate bilateral agreements and for Members to review and sign the CLF MRA with CMESC, saving time, costs and resources. Moreover, a rules-based CLF MRA fosters consistency and provides legal certainty by ensuring that all Members are bound by a unified, standardized agreement. As such, the proposed changes to Rule 410(a) facilitate CMESC's implementation of the CLF and promote efficiency and legal certainty, which, in turn, helps promote the prompt and accurate clearance and settlement of securities transactions and the protection of investors and the public interest. Therefore, CMESC believes that the proposed changes to Rule 410(a) are consistent with Section 17A(b)(3)(F) of the Act.[16]

Second, the proposed changes in Rule 410(i)(i) and (ii) (renumbered as Rule 410(e)(i) and (ii)) and conforming changes to the CLF Procedure and the LRMP are also consistent with Section 17A(b)(3)(F) of the Act.[17] Specifically, the proposed changes to Rule 410(i)(i) provide more detail regarding how CMESC would calculate the size of the CLF by assessing the SPPO of each Participant Family and then using the Cover 1 SPPO over the designated lookback period as the starting point in determining the required size of the CLF, while taking into consideration other factors as deemed relevant by CMESC. In addition, the proposed changes to Rule 410(i)(ii) enhance the clarity of the calculation of each Member's Allocated CLF Amount and provide more transparency to Members by distinguishing a Member's Maximum SPPO from the Member's SPPO and providing more detail regarding how each Member's Allocated CLF Amount is calculated based on its Obligation Ratio. Finally, the proposed addition of the information requirement for Members to commence clearing Eligible Securities Transactions under Rule 410(i)(ii), renumbered as 410(e)(ii), will

[9] As examples, CMESC proposes to use capitalized terms as defined in CMESC's Rules, including ''CLF Event Transaction(s);'' ''Corporation;'' ''Allocated CLF Amount,'' consistently throughout Sections 3 through 10 of the CLF Procedure.

[10] As examples, CMESC proposes revise Section 3.2 of the CLF Procedure to replace phrases like ''financial obligations'' with ''liquidity needs'' and ''funding'' to ''liquidity'' to be consistent with the terminology used in the CMESC Rules.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17ad–22(e)(1).

[13] 17 CFR 240.17ad–22(e)(7).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] 15 U.S.C. 78q–1(b)(3)(F).

enable CMESC to receive the information it deems relevant to assess and determine the Cover 1 SPPO for purposes of sizing the CLF and the Member's Maximum SPPO for purposes of calculating the Member's Allocated CLF Amount. Having clear and consistent rules governing Members' CLF requirements will facilitate CMESC's ability to continue to meet its liquidity needs, which, in turn, will help ensure CMESC continues to meet its settlement obligations, even where a CLF Event has been declared. Therefore, CMESC believes that the proposed rule change to Rule 410(i) is designed to promote the prompt and accurate clearance and settlement of securities transactions, and, in turn, to protect investors and the public interest.

Finally, CMESC also proposes other changes to the current text of Rule 410(b)–(h) and (j), the CLF Procedure, and the LRMP to reduce redundancy and promote clarity, which is critical to CMESC's liquidity risk management. As mentioned above, having clear and consistent rules governing Members' CLF requirements will facilitate CMESC's ability to continue to meet its liquidity needs, which, in turn, will help ensure CMESC continues to meet its settlement obligations, even where a CLF Event has been declared. Therefore, CMESC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F).[18]

Consistency With Rule 17ad–22(e)(1)

CMESC also believes that the proposed rule change is consistent with Rule 17ad–22(e)(1) under the Act, which requires that a covered clearing agency's policies and procedures provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[19] CMESC believes that through the proposed changes to Rule 410 to establish the rules-based CLF MRA and associated definitional changes in Rule 101, as well as the conforming, clarifying and technical changes in the Rules, the CLF Procedure and the LRMP, the proposed rule change, such as the changes described in Section 3.a.3.E above, improves the readability, clarity, and transparency of its Rules by ensuring that defined terms and precise terminology are used consistently throughout, which in turn supports legal certainty and enforceability, consistent with Rule 17ad–22(e)(1).[20]

Consistency With Rule 17ad–22(e)(7)

Finally, CMESC believes that the proposed rule change is consistent with Rule 17ad–22(e)(7) under the Act. Rule 17ad–22(e)(7) requires generally that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency.[21] As described above, the proposed changes to Rule 410, Rule 101, the CLF Procedure, and LRMP are intended to facilitate CMESC's implementation of the CLF by creating a rules-based CLF MRA, enhancing the descriptions of the calculation of the CLF and each Member's Allocated CLF Amount, adding the information requirement imposed on Members to allow CMESC to receive information deemed relevant by CMESC to assess the size of the CLF and determine a new Member's Allocated CLF Amount, and making conforming, clarifying and technical changes to reduce redundancy and promote clarity. As such, the proposed rule change will enhance CMESC's liquidity risk management by further supporting CMESC's ability to effectively assess and determine the CLF sizing and allocation and its Members' abilities to effectively manage their liquidity responsibilities and planning. CMESC therefore believes the proposed rule change is consistent with Rule 17ad–22(e)(7).[22]

B. CMESC's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[23] requires that the rules of a clearing agency not impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. CMESC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not change the existing methodology used to calculate the CLF size or allocations, nor will it create additional rights and obligations of Members and Users that are not already provided in the existing Rules and policies and procedures. As such, CMESC does not believe the proposed rule change would have any impact on burden on competition or is not necessary or appropriate in furtherance of the purposes of the Act.

C. CMESC's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CMESC currently does not have any Members or Users and has not received nor solicited any written comments from others related to this proposal. CMESC has not received any unsolicited written comments from any interested parties. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777. CMESC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17ad–22(e)(1).

[20] 17 CFR 240.17ad–22(e)(1).

[21] 17 CFR 240.17ad–22(e)(7).

[22] 17 CFR 240.17ad–22(e)(7).

[23] 15 U.S.C. 78q–1(b)(3)(I).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CMESC–2026–008 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–CMESC–2026–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the filing also will be available for inspection and copying at the principal office of CMESC and on CMESC's website (*https://www.cmegroup.com/market-regulation/rule-filings.html*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–CMESC–2026–008 and should be submitted on or before September 24, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18002 Filed 9–2–26; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106242; File No. SR–NYSE–2026–39]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7.18 Regarding Trading Halts

August 31, 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 18, 2026, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.18 (''Trading Halts'') regarding the definition of Reverse Stock Split Halt. 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, 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

New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') proposes to amend Rule 7.18 (''Trading Halts'') regarding the definition of Reverse Stock Split Halt.

In 2024, the Commission noticed for immediate effectiveness the Exchange's filing establishing the Exchange's authority to declare a mandatory regulatory halt in a security for which the Exchange is the Primary Listing Market when that security is subject to a reverse stock split.[4] Specifically, the Exchange proposed adding to Rule 123D a section (f), providing for halting such a security before the end of post-market trading on other markets on the day immediately before the effective date of a reverse stock split, with trading to resume with a Trading Halt Auction after 9:30 a.m. Eastern Time (''ET'') on the next trading day, at the start of the Exchange's Core Trading Session (''Reverse Stock Split Halt'').

In 2025, the Exchange proposed changes to Rule 7.18, which, among other things, moved the Reverse Stock Split Halt from Rule 123D to Rule 7.18(b)(1)(A)(iii). During that transposition, the Exchange erroneously replaced the ''before the end of post-market trading on other markets'' language of Rule 123D with ''before the end of the Late Trading Session,'' which currently appears in Rule 7.18(b)(1)(A)(iii). This edit was erroneous because the Exchange does not have a Late Trading Session, and the intention was to retain the language used in Rule 123D.

The Exchange now proposes to correct that error by amending current Rule 7.18(b)(1)(A)(iii) as follows:

> for a security for which the Exchange is the Primary Listing Market before the end of *post-market trading on other markets* [the Late Trading Session] on the day immediately before the market effective date of the reverse stock split (''Reverse Stock Split Halt'');

The proposed change is not novel but simply reverts to the original language that had been used in Rule 123D, as was originally intended.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[5] Specifically, the proposal is consistent

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 99974 (April 17, 2024), 89 FR 30415 (April 23, 2024) (SR–NYSE–2024–22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 123D) (''Reverse Stock Split Proposal'').

[5] 15 U.S.C. 78f(b).

with Section 6(b)(5) of the Act[6] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

As described above, in transposing the text of the Reverse Stock Split Halt from Rule 123D to Rule 7.18(b)(1)(A)(iii), the Exchange erroneously referred to the ''end of the Late Trading Session'' instead of the ''end of post-market trading on other markets.'' The Exchange believes that correcting this rule text now will perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest by eliminating any confusion that might arise from the reference to a ''Late Trading Session'' on the Exchange, when no such Late Trading Session exists.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[7] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as explained below. Rather than impacting competition, the proposed change would simply correct the error explained above.

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

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 on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative prior to 30 days after the date of its filing. However, pursuant to Rule 19b4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that a waiver of the operative delay would permit the Exchange to replace erroneous rule text with corrected rule text identical to the rule text of the previous version of the rule (Rule 123D(f)) before it was transposed to its new location in Rule 7.18. The Exchange also states that correcting this rule text expeditiously and without delay will eliminate any confusion that might arise from the reference to a ''Late Trading Session'' on the Exchange, when no such Late Trading Session exists. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issuers, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[12]

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)[13] 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–NYSE–2026–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2026–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–39 and should be submitted on or before September 24, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18001 Filed 9–2–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106244; File No. SR–NYSEARCA–2026–87]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule Regarding Fees and Rebates Applicable to Manual Transactions

August 31, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934

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[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at 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.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 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).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

(''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 18, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 modify the NYSE Arca Options Fee Schedule (''Fee Schedule'') regarding fees and rebates applicable to Manual transactions. 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, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify fees and rebates applicable to Manual transactions. Specifically, the Exchange proposes to (1) amend fees applicable to Manual transactions in non-Penny issues executed by LMMs and Market Makers (collectively, ''Market Makers''), and (2) establish a rebate payable to Floor Broker orders that trade with a Market Maker order on the Trading Floor (''Trading Floor'' or ''Floor''). The Exchange proposes the fee change to be effective August 18 2026.[4]

The Fee Schedule sets forth per contract transaction fees applicable to Manual executions.[5] Currently, a $0.50 per contract fee applies to Market Makers' Manual transactions in both Penny and non-Penny issues (except for Manual transactions in MXEA, MXEF, MXUSA, MXWLD, and MXACW). The Exchange proposes to amend the Fee Schedule to increase this fee to $0.90 per contract for Market Makers' Manual transactions in non-Penny issues (excluding transactions in MXEA, MXEF, MXUSA, MXWLD, and MXACW).[6]

The Exchange also proposes to establish a rebate of $0.20 per contract payable to Floor Broker orders that trade with Market Maker orders on the Trading Floor. For Floor Brokers that participate in the FB Prepay Program,[7] the proposed rebate would apply in lieu of any rebates earned through the Manual Billable Rebate Program as provided in the Fee Schedule. The Exchange proposes to add new text describing this rebate to Endnote 17.

The Exchange believes that the proposed rebate for Penny and non-Penny issues would continue to incentivize Floor Brokers to participate on the Trading Floor, including when the counterparty to such trading is a Market Maker. In addition, although the proposed change to the Market Maker fee for Manual transactions in non-Penny issues, which in July 2026 only made up 27% of all manual transactions would, increase the fee for such executions, the Exchange believes the proposed change, taken together with the proposed Floor Broker rebate would, on balance, not discourage Market Makers from continuing to participate in transactions on the Trading Floor, thereby promoting trading opportunities and competition on the Floor to the benefit of all market participants. The Exchange also notes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is within the range of fees currently in place for transactions by Market Makers (and other market participants) in non-Penny issues.[8]

In addition, the proposed fee is comparable to fees imposed by other options exchanges on responders in transactions that are analogous to the transactions that are at issue here. For example, for cross order handling under its Automated Improvement Mechanism (''AIM'') program, Cboe Exchange, Inc. (''Cboe'') imposes a $1.05 per contract fee on Clearing Trading Permit Holders responding to orders in AIM's crossing-mechanism, while charging Cboe Market Makers a fee of $0.25 per contract, a differential of $0.80 per contract, for essentially the same activity.[9]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange previously filed to amend the Fee Schedule several times beginning on January 2, 2026, all of which filings were withdrawn and replaced by another filing. Most recently, the Exchange amended the Fee Schedule on June 22, 2026 (SR–NYSEARCA–2026–70) which filing the Exchange withdrew on June 22, 2026. The Exchange notes that a previous filing proposed changes to a complex order surcharge that are not included in this filing.

[5] *See* NYSE Arca OPTIONS: TRADE-RELATED CHARGES FOR STANDARD OPTIONS, TRANSACTION FEE FOR MANUAL EXECUTIONS—PER CONTRACT.

[6] The Exchange also proposes a formatting change to the table setting forth Manual transaction fees to delineate fees applicable to executions in Penny vs. non-Penny issues. The Exchange is not proposing to amend any fees other than those applicable to Market Maker Manual transactions in non-Penny issues as described above. The Exchange also proposes a clarifying change in the text defining Penny and non-Penny issues (preceding the table setting forth Manual transaction fees), to specify that a Penny issue or class refers to option classes that participate in the Penny Interval Program, as described in Rules 6.72–O and 6.72A–O.

[7] The Exchange also proposes a non-substantive change to correct a typo in the portion of the Fee Schedule describing the FB Prepay Program. *See* proposed Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the ''FB Prepay Program'').

[8] *See, e.g.,* Fee Schedule, TRANSACTION FEE FOR ELECTRONIC EXECUTIONS—PER CONTRACT (providing for $1.20 take fee for Market Maker electronic executions in non-Penny issues and $1.10 take fee for Professional Customer electronic executions in non-Penny issues).

[9] *See* Cboe Exchange Fee Schedule, Rate Table—Options Transaction Fees, available at *https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

broader forms that are most important to investors and listed companies.'' [12]

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[13] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in July 2026, the Exchange had 10.01% market share of executed volume of multiply-listed equity and ETF options trades.[14] In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of options order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees.

The Exchange believes that the proposed rebate is reasonable because it would incentivize Floor Brokers to direct additional Manual orders to the Exchange, thereby creating more trading opportunities on the Trading Floor for all market participants, including Market Makers, who, therefore, would not be discouraged from continuing to quote and trade actively on the Exchange. The Exchange also believes that, in addition to benefitting all market participants, the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is reasonable, as it is (i) targeted in that it is limited to manual transactions in non-Penny issues, which make up only 14% of all manual transactions; (ii) consistent with fees charged, and differences allowed, by other options exchanges on similarly situated participants for similar transactions (*e.g.,* Cboe AIM transaction fees); (iii) remains within the range of fees set forth in the Fee Schedule for transactions by Market Makers in non-Penny issues; and (iv) more closely aligns with the fee applicable to electronic transactions by Market Makers in non-Penny issues.

Furthermore, the Exchange believes that assessing a higher fee for manual transactions on the Trading Floor is reasonable considering the distinct advantages afforded to Floor-based Market Makers. In July 2026, approximately 98% of Market Maker Manual volume in non-Penny issues was generated by Floor-based Market Makers who, by virtue of their physical presence and participation model, are uniquely positioned to evaluate the full terms of a transaction, including size, pricing, and counterparty interest, immediately prior to execution. This capability enables Floor-based Market Makers to exercise discretion in determining whether to engage in a trade under informed conditions that are not available to off-floor or fully electronic participants. In addition, the Exchange's rules provide Floor-based Market Makers with a guaranteed participation entitlement of up to 60% of the trade for Facilitation Cross Transactions,[15] even in the absence of price improvement. This allocation represents a meaningful structural advantage as it ensures a substantial share of order flow once a Floor-based Market Maker elects to participate.[16] Together, these features—the ability to assess trading opportunities in real time before committing capital and the certainty of receiving a guaranteed, significant allocation—enhance the likelihood of favorable execution outcomes and revenue opportunities for Floor-based Market Makers. Accordingly, the Exchange believes it is reasonable to assess higher fees on Floor-based Market Maker Manual transactions in non-Penny issues. The differential between the fee charged by the Exchange to Floor-based Market Makers versus the fee charged to other participants in non-Penny issues, similar to the differential in fees Cboe charges to Clearing Trading Permit Holders versus to Market Makers in their AIM transactions, reflects the enhanced trading privileges, informational advantages, and allocation guarantees that are uniquely available to Trading Floor-based participants and serves to appropriately align fees with the relative value of these benefits as compared to other market participants operating without such advantages.

The Exchange believes that the proposed changes are reasonably designed to incent Floor Brokers (and other participants on the Trading Floor) to increase the number of Manual orders sent to the Exchange. Any increase in trading volume would create more trading opportunities for all market participants and would in turn attract additional order flow to the Exchange, further contributing to a deeper, more liquid market to the benefit of all market participants. The Exchange also notes that the proposed rebate is similar in structure to incentive programs for Floor Brokers offered by competing options exchanges.[17]

The Exchange further believes the proposed change is reasonable because it is designed to offset costs associated with the proposed Floor Broker rebate, which, as noted above, is being proposed to create more trading opportunities on the Trading Floor for all market participants, including Market Makers. To the extent this purpose is achieved, the Exchange believes that the proposed change would not disincentivize Market Maker activity on the Trading Floor because increased order flow from Floor Brokers seeking to earn the proposed rebate would result in more opportunities to trade for all market participants. In addition, the Exchange notes that market participants are free to conduct transactions on competing venues instead if they believe other markets offer more favorable fees and credits.

To the extent the proposed rule change continues to attract greater volume and liquidity by encouraging Floor Brokers to increase their options

[12] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[13] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[14] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options decreased from 11.95% for the month of July 2025 to 10.01% for the month of July 2026.

[15] *See* Rule 6.47–O.

[16] This is a significant benefit. While some Market Maker Manual volume derives from upstairs paired transactions, where these benefits are not present, such activity constitutes only a small percentage of overall Market Maker Manual activity.

[17] *See, e.g.,* BOX Exchange Fee Schedule, Section V. Manual Transaction Fees, available at *https://boxexchange.com/assets/BOX-Fee-Schedule-as-of-January-22-2026.pdf* (offering Floor Brokers that submit QOO and FOO Orders a $0.20 per contract enhanced rebate for executions that trade with a Floor Market Maker, in lieu of lesser per contract rebates also available to Floor Brokers); MIAX Sapphire Options Exchange, Section 1) c) Trading Floor Transactions, available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Sapphire_Fee_Schedule_01212026_b.pdf* (providing for the ''Floor Broker Breakup Credit,'' a $0.20 credit applicable to Floor Brokers that submit a QFO or cQFO for executions that trade with a Floor Market Maker, instead of the $0.10 Floor Broker rebate otherwise available).

volume on the Exchange in an effort to earn the proposed rebate, the Exchange believes the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. Against the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits because the proposed rebate is based on the amount and type of business transacted on the Exchange, and Floor Brokers can try to earn the proposed rebate, or not. The Exchange also believes that the proposed change to the fee applicable to Market Maker Manual transactions in non-Penny issues is equitable because it is narrowly designed to balance costs associated with encouraging increased execution opportunities in manual transactions on the Trading Floor, and an increase in such orders would in turn enhance trading opportunities for all market participants. In addition, the proposed fee is consistent with fees charged, and differences allowed, by Cboe for analogous transactions (*e.g.,* AIM transaction fees) and is within the range of fees currently applicable to electronic transactions by Market Makers and other market participants in non-Penny issues. The Exchange further believes that assessing Market Makers a higher fee for Manual transactions in non-Penny issues is equitable because Floor-based Market Makers, who account for the majority of such volume, occupy a uniquely advantaged position relative to other market participants. Specifically, they benefit from the exclusive ability to evaluate the terms of a transaction immediately prior to execution as well as a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.[18] The Exchange also believes that the proposed rebate to Floor Brokers is an equitable allocation of fees and credits because it is intended to support Floor Brokers' role in facilitating the execution of Manual orders, which function benefits all market participants on the Trading Floor, including Market Makers.

Moreover, the proposal is designed to incent participation on the Trading Floor in an effort to make the Exchange a primary execution venue and to attract more Manual transactions to the Exchange. To the extent that the proposed change attracts more Floor Broker orders to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the fee applicable to Market Maker Manual transactions in non-Penny issues because the proposed change would apply to all similarly-situated Market Maker orders equally, and as discussed above, the Exchange believes it is not unfairly discriminatory to incent order flow to the Exchange, which would enhance liquidity on the Exchange to the benefit of all market participants. The Exchange also believes that the proposed rebate payable to Floor Brokers for a Manual order that trades with a Market Maker order on the Trading Floor is not unfairly discriminatory because it would be available to all similarly situated market participants on an equal and non-discriminatory basis. The Exchange further believes that the proposed rebate available to Floor Brokers is not unfairly discriminatory to other market participants because it is intended to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function which the Exchange wishes to support for the benefit of all market participants. In addition, although the proposed change would increase the fee applicable to Market Maker Manual transactions in non-Penny issues, the Exchange notes that the amount of the proposed fee is consistent with fees charged, and differences allowed, by Cboe for analogous transactions (*e.g.,* AIM transaction fees) and is within the range of fees currently applicable to electronic and is within the range of fees currently applicable to transactions by Market Makers and other market participants in non-Penny issues.

The Exchange and believes that Market Makers would not be discouraged from continuing to participate actively on the Trading Floor and would benefit from increased Manual order flow, including from Floor Brokers seeking to earn the proposed rebate. The Exchange also believes that the higher fee assessed to Market Makers for Manual transactions in non-Penny issues is not unfairly discriminatory because it reasonably reflects the uniquely advantaged position of Trading Floor-based Market Makers, who generate a significant portion of such volume, relative to other market participants. In particular, these Trading Floor-based Market Makers possess the exclusive ability to evaluate the full terms of a transaction immediately prior to execution and benefit from a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.[19] These features provide Floor-based Market Makers with meaningful informational and allocation advantages that are not available to off-floor or purely electronic participants. Accordingly, the Exchange believes that the differential in fees, which is similar to the differential Cboe charges Clearing Trading Permit Holders and Market Makers in their AIM transactions, is appropriately calibrated to the distinct structural benefits available to Trading Floor-based Market Makers and therefore does not constitute unfair discrimination. Rather, the higher fee reflects a rational alignment between pricing and the value of the enhanced trading opportunities and execution certainty afforded to these participants. Moreover, to the extent that the exercise of these advantages contributes to increased Trading Floor activity and attracts additional order flow, the proposed fee would enhance overall market quality, deepen liquidity, and promote additional trading opportunities for all market participants on the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange

[18] *See* note 15, *supra.*

[19] *See* note 15, *supra.*

believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [20]

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the proposed change to Market Maker fees for Manual transactions in non-Penny issues, and the proposed rebate payable to the Floor Broker orders that trade against Market Maker orders on the Trading Floor would encourage Floor Broker Manual order flow and, therefore, would not disincentivize Market Maker activity on the Trading Floor. Greater liquidity benefits all market participants on the Exchange and increased order flow would increase opportunities for execution of other trading interest. The proposed changes would apply and be available to all similarly situated market participants that execute Manual transactions on the Trading Floor, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 18 competing options exchanges if they deem the Exchange's fee levels to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[21] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in July 2026, the Exchange had 10.01% market share of executed volume of multiply-listed equity and ETF options trades.[22]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to incent participants on the Trading Floor to direct trading interest to the Exchange, to provide liquidity and to attract additional order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for all transactions, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [23] of the Act and subparagraph (f)(2) of Rule 19b–4 [24] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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) [25] 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–NYSEARCA–2026–87 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–NYSEARCA–2026–87. 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–NYSEARCA–2026–87 and should be submitted on or before September 24, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Sherry R. Haywood,

Assistant Secretary.

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[20] *See* Reg NMS Adopting Release, note 12 *supra* at 37499.

[21] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[22] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options increased from 11.66% for the month of May 2025 to 10.64% for the month of May 2026.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(2).

[25] 15 U.S.C. 78s(b)(2)(B).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106237; File No. 4–698]

Notice of a Request for Exemption From Certain Provisions of the National Market System Plan Governing the Consolidated Audit Trail Related to the Recovery of Costs Incurred During Period 4 of the Financial Accountability Milestones Pursuant to Section 36 of the Securities Exchange Act of 1934 and/or Rule 608(e) of Regulation NMS Thereunder, and Request for Comment

September 1, 2026.

On August 11, 2026, Consolidated Audit Trail, LLC (''CAT LLC''), on behalf of the Participants [1] in the National Market System Plan Governing the Consolidated Audit Trail (''CAT NMS Plan'' or ''Plan''),[2] submitted a letter (the ''FAM 4 Exemption Request'') [3] requesting that the Securities and Exchange Commission (''Commission'' or ''SEC'') use its exemptive authority under Section 36 of the Exchange Act [4] and/or Rule 608(e) of Regulation NMS thereunder [5] in connection with the recovery of certain costs incurred during the fourth and final Financial Accountability Milestone (''FAM 4'') of the Plan. The Commission is publishing this notice to provide interested persons with an opportunity to comment.

I. Background

On July 18, 2012, the Commission adopted Rule 613 of Regulation NMS.[6] The goal of Rule 613 was to create a modernized audit trail system—the CAT—that would provide regulators with timely access to a comprehensive set of trading data, thus enabling regulators to more efficiently and effectively analyze and reconstruct market events, monitor market behavior, conduct market analysis to support regulatory decisions, and perform surveillance, investigation, and enforcement activities. On November 15, 2016, the Commission approved the CAT NMS Plan as the national market system plan required by Rule 613. While Rule 613 [7] and the CAT NMS Plan contemplated that the costs of building the CAT may eventually be split between Industry Members [8] and the Participants,[9] during the development and implementation stages of the CAT, the Participants fully funded the historical costs associated with building the CAT through non-interest-bearing loans.[10] On September 9, 2019, after significant delays in the development and implementation of the CAT where the Participants had met neither the deadlines set forth in the CAT NMS Plan [11] nor their own proposed extensions of those deadlines,[12] the Commission proposed to amend the CAT NMS Plan to include provisions designed to increase operational transparency surrounding the implementation process and the Participants' financial accountability for the timely completion of the CAT.[13] On May 15, 2020, the Commission approved the FAM Proposal and amended the CAT NMS Plan to require the Participants to develop a complete implementation plan containing a detailed timeline with objective milestones to achieve full CAT implementation.[14] Accordingly, the

[1] The twenty-eight Participants of the CAT NMS Plan are: 24X National Exchange LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, Nasdaq Texas, LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Texas, Inc., NYSE National, Inc., and Texas Stock Exchange LLC. CAT LLC notes that, while this exemptive request represents the consensus of the Participants, individual Participants may not fully agree with every statement set forth in the exemptive request letter.

[2] The CAT NMS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Securities Exchange Act of 1934 (''Exchange Act'') and the rules and regulations thereunder. *See* Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. *See* CAT NMS Plan Approval Order, 81 FR at 84943–85034. The CAT NMS Plan functions as the limited liability company agreement of the jointly owned limited liability company formed under Delaware state law through which the Participants conduct the activities of the CAT (''Company''). Each Participant is a member of the Company and jointly owns the Company on an equal basis. The Participants submitted to the Commission a proposed amendment to the CAT NMS Plan on August 29, 2019, which they designated as effective on filing. On August 29, 2019, the Participants replaced the CAT NMS Plan in its entirety with the limited liability company agreement of a new limited liability company, CAT LLC, which became the Company. *See* Securities Exchange Act Release No. 87149 (Sept. 27, 2019), 84 FR 52905 (Oct. 3, 2019). The latest version of the CAT NMS Plan is available at *https://catnmsplan.com/about-cat/cat-nms-plan.* Unless otherwise noted, capitalized terms are used as defined in Rule 613, in the CAT NMS Plan, or in the FAM 4 Exemption Request.

[3] *See* letter from Participants to Vanessa Countryman, Secretary, Commission, dated August 11, 2026 (the ''FAM 4 Exemption Request''). The FAM 4 Exemption Request is included as an Appendix to this notice.

[4] 15 U.S.C. 78mm(a)(1). Section 36(a)(1) of the Exchange Act gives the Commission the authority to exempt any person, security or transaction or any class or classes of persons, securities or transactions, conditionally or unconditionally, from any Exchange Act provision or any rule or regulation thereunder by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

[5] 17 CFR 242.608(e). Rule 608(e) provides that ''[t]he Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.''

[6] *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012) (''Rule 613 Adopting Release''); 17 CFR 242.613.

[7] *See* Rule 613(a)(1)(vii)(D) (requiring the CAT NMS Plan to address ''[h]ow the plan sponsors propose to fund the creation, implementation, and maintenance of the consolidated audit trail, including the proposed allocation of such estimated costs among the plan sponsors, and between the plan sponsors and members of the plan sponsors'').

[8] ''Industry Member'' means ''a member of a national securities exchange or a member of a national securities association.'' *See* CAT NMS Plan, Article I, Section 1.1.

[9] *See* Rule 613 Adopting Release at 45795 (''[A]lthough the plan sponsors likely would initially incur the costs to establish and fund the central repository directly, they may seek to recover some or all of these costs from their members.''). *See, e.g.,* Rule 613(a)(1)(vii)(D) of Regulation NMS under the Exchange Act.

[10] *See, e.g.,* Securities Exchange Act Release No. 100938 (Sept. 5, 2024), 89 FR 73802, 73803 (Sept. 11, 2024) (''Example Historical CAT Costs Fee Filing'') (providing an example Participant fee filing discussing the loans for the historical CAT costs).

[11] The CAT NMS Plan established deadlines related to the implementation of critical CAT functionality, including (1) the requirement that the Participants begin recording and reporting data by November 15, 2017, and (2) the requirement that each Participant require Industry Members and Small Industry Members to begin reporting data by November 15, 2018 and November 15, 2019, respectively. *See* CAT NMS Plan, supra note 2, at Section 6.7(a). The Participants requested an exemption extending these deadlines. The Commission did not grant this request. *See, e.g.,* Statement on Status of the Consolidated Audit Trail (Aug. 27, 2018), *https://www.sec.gov/news/public-statement/tm-status-consolidated-audit-trail* (stating that the Participants requested an exemption to commence Participant reporting on November 15, 2018 and Industry Member reporting on November 15, 2019). Although the Participants began reporting some transaction data to the Central Repository on November 15, 2018, the Participants acknowledged that not all of the required functionality had been implemented. *See* CAT NMS Announces Initiation of Reporting to the Consolidated Audit Trail (Nov. 16, 2018), *https://www.catnmsplan.com/wp-content/uploads/2018/11/Press-Release-CAT-Launchfinal.pdf.*

[12] *See* Securities Exchange Act Release No. 86901 (Sept. 9, 2019), 84 FR 48458, 48458–461 (Sept. 13, 2019) (''FAM Proposal'') (discussing the various deadlines missed by the Participants).

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 88890 (May 15, 2020), 85 FR 31322 (May 22, 2020) (''Financial Accountability Milestones Release''); *See also,* CAT NMS Plan, supra note 2, at Section 11.6.

Participants developed and implemented Section 11.6 (Funding Incentives for Post-Amendment Expenses) of the CAT NMS Plan to establish a four phased implementation schedule, as well as funding penalties in the event that their chosen deadlines for the phased implementation schedule were missed—the four Financial Accountability Milestones (''FAMs''). Section 11.6 of the CAT NMS Plan requires the four FAMs to be met by certain deadlines in order for the Participants to recover the full amount of any fees established by the Operating Committee, or implemented by the Participants, to recover a portion of Post-Amendment Expenses [15] from Industry Members (''Post-Amendment Industry Member Fees'') and imposed penalties on what could be recovered if a deadline was missed.[16]

The Participants stated that FAM 4—Full Implementation of CAT NMS Plan Requirements—requires the completion of the Customer and Account Information System (''CAIS''), among other things, and is defined as:

> the point at which the Participants have satisfied all of their obligations to build and implement the CAT, such that all CAT system functionality required by Rule 613 and the CAT NMS Plan has been developed, successfully tested, and fully implemented at the initial Error Rates specified by Section 6.5(d)(i) or less, including functionality that efficiently permits the Participants and the Commission to access all CAT Data required to be stored in the Central Repository pursuant to Section 6.5(a), including Customer Account Information, Customer-ID, Customer Identifying Information, and Allocation Reports, and to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, including any related allocation information provided in an Allocation Report. This Financial Accountability Milestone shall be considered complete as of the date identified in a Quarterly Progress Report meeting the requirements of Section 6.6(c).[17]

Section 11.6(a)(i)(D) of the CAT NMS Plan sets forth the target deadline for FAM 4 of December 30, 2022. It states that:

> [t]he Participants will be entitled to collect the full amount of: . . . (D) Any Post-Amendment Industry Member Fees established or implemented to recover the Post-Amendment Expenses incurred from the date immediately following the achievement of Full Availability and Regulatory Utilization of Transactional Database Functionality to the date of Full Implementation of CAT NMS Plan Requirements (''Period 4''), so long as such date is no later than December 30, 2022.

Section 11.6(a)(iii) of the CAT NMS Plan sets forth the penalty for missing the target deadline of December 30, 2022. It states that:

> The amount of Post-Amendment Industry Member Fees that the Participants are entitled to collect for Periods 2, 3, and 4 will be reduced according to the following schedule if the Participants miss the deadline set forth for that Period:
> (A) By 25% if the Participants miss the deadline set forth in Section 11.6(a)(i)(B)–(D) by less than 90 days;
> (B) By 50% if the Participants miss the deadline set forth in Section 11.6(a)(i)(B)–(D) by 90 days or more, but less than 180 days;
> (C) By 75% if the Participants miss the deadline set forth in Section 11.6(a)(i)(B)–(D) by 180 days or more, but less than 270 days; and
> (D) By 100% if the Participants miss the deadline set forth in Section 11.6(a)(i)(B)–(D) by 270 days or more.

The Participants stated that under Section 1.1 of the CAT NMS Plan, a FAM is considered complete as of the date identified in the Participants' Quarterly Progress Reports (''QPRs''), and that due to the need to address certain technical defects associated with CAIS, Full Implementation of CAT NMS Plan Requirements was completed on July 15, 2024.[18] Because July 15, 2024 was more than 270 days beyond FAM 4's December 30, 2022 deadline, under the schedule set forth in Section 11.6(a)(iii), the amount of Post-Amendment Industry Member Fees that the Participants could collect for FAM 4 would be reduced by 100%.

II. Summary of the FAM 4 Exemption Request

The Participants requested exemptive relief from this 100% reduction penalty, as they stated that various other factors should be taken into consideration.[19] Specifically, the Participants stated that they, through CAT LLC, seek exemptive relief to allow for the recovery of non-CAIS FAM 4 costs from Industry Members. The Participants also requested an exemption from Sections 11.3(b)(i)(D)(I) and 11.3(f) of the CAT NMS Plan, which would allow for a shortened historical recovery period or relief from the March 31, 2028 deadline to recover Historical CAT Costs.

The Participants stated that the requested exemptive relief is ''necessary or appropriate in the public interest, and is consistent with the protection of investors,'' [20] and is ''consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system,'' [21] because it would prevent ''an excessive and grossly disproportionate'' penalty from being imposed in connection with FAM 4.[22] The Participants stated that, in spite of what they believe to be the limited nature of the delay in FAM 4 CAIS implementation, FAM 4 would prevent the recovery of *any* CAT costs incurred by CAT LLC during Period 4—including any costs related to the ongoing, successful operation of the transactional database that was completed on time.[23] The Participants further stated that such a result would not be a reasonable or equitable application of the financial accountability provisions adopted by the Commission.[24]

The Participants stated that FAM 4 required the completion of a novel and separate system for the submission of customer and account data known as CAIS, among other requirements, and established a target deadline of December 30, 2022.[25] The Participants stated that although the CAT NMS Plan requirements related to the transactional database were implemented prior to FAM 4, certain technical aspects of the

[15] ''Post-Amendment Expenses'' are defined as ''all fees, costs, and expenses (including legal and consulting fees, costs, and expenses) incurred by or for the Company in connection with the development, implementation, and operation of the CAT from the effective date of this Section until such time as Full Implementation of CAT NMS Plan Requirements has been achieved.'' Section 11.6 of the CAT NMS Plan.

[16] The Participants stated that the first three FAMs, including full implementation of the transactional database, were completed by the deadlines set forth in the Plan. *See* FAM 4 Exemption Request, supra note 3, at 6. Indeed, beginning in 2024, the Participants have sought to fully recover the expenses of the first three FAMs and other historical costs from Industry Members by implementing a Historical CAT Assessment in CAT fee filings. *See, e.g.,* the Example Historical CAT Costs Fee Filing, supra note 10.

[17] Section 1.1 of the CAT NMS Plan.

[18] *See* FAM 4 Exemption Request, supra note 3, at 7. *See also,* Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024), *https://www.catnmsplan.com/sites/default/files/2024-07/CAT_Q2-and-Q3-2024-QPR.pdf* (indicating that Full Implementation of CAT NMS Plan Requirements was completed as of July 15, 2024).

[19] *See* FAM 4 Exemption Request, supra note 3, at 7.

[20] 15 U.S.C. 78mm(a)(1).

[21] 17 CFR 242.608(e).

[22] *See* FAM 4 Exemption Request, supra note 3, at 2.

[23] *Id.*

[24] *Id.*

[25] *Id.* at 3.

CAIS database were not completed until July 15, 2024.[26] The Participants stated that during Period 4 (from January 1, 2022 through July 15, 2024), total CAT costs were $490,151,144, and these costs were funded by the Participants through voluntary, interest-free loans provided to CAT LLC.[27] The Participants stated that total costs incurred during Period 4 fall into three categories: (1) expenses incurred during FAM 4 related to the transactional database; (2) expenses incurred during FAM 4 related to CAIS; and (3) other operating costs incurred during FAM 4, largely comprised of fees for legal, consulting, and accounting support.[28] The Participants further stated that based on the current funding model, which allocates two-thirds of CAT costs to Industry Members and one-third of CAT costs to Participants, the application of the 100% penalty under FAM 4 would prevent the Participants' recovery of $326,767,429 from Industry Members.[29] The Participants stated that, unrelated to the CAIS delay, throughout Period 4 (January 1, 2022 through July 15, 2024), CAT LLC continued to operate the transactional database, incurring $364,219,549 in related technology costs and $26,624,090 in other CAT LLC operating costs—separate and apart from any CAIS-related costs.[30] In addition, the Participants stated that during Period 4, CAT LLC incurred CAIS-related costs of $99,307,505, or approximately 20% of overall Period 4 costs of $490,151,144.[31] The Participants provided the following chart, which outlines the FAM 4 costs that would otherwise be recoverable by Participants from Industry Members under the current CAT funding model.[32]

	FAM 4 costs	2/3 recovery per CAT funding model
FINRA CAT Technology Costs—Non-CAIS	$364,219,549	$242,813,033
FINRA CAT Technology Costs—CAIS	99,307,505	66,205,003
Other Operating Costs	26,624,090	17,749,393
Total FAM 4 Costs	490,151,144	326,767,429

The Participants stated that this $490 million total excludes remediation costs incurred by FINRA CAT relating to the delayed implementation of CAIS, and that FINRA CAT is prohibited from passing through remediation costs associated with the CAIS implementation to CAT LLC.[33] The Participants stated that absent exemptive relief, they would bear the full burden of $490,151,144 of Period 4 costs.[34]

The Participants stated that, based on the current funding model, which allocates two-thirds of CAT costs to Industry Members and one-third of CAT costs to Participants, the requested relief would permit the recovery of $260,562,426.[35] The Participants provided the following chart, which gives a breakdown of the FAM 4 amounts that would be anticipated in a subsequent Historical CAT Assessment, should the Commission grant this exemptive request.[36]

	FAM 4 costs	2/3 recovery per CAT funding model	Anticipated 2/3 recovery per CAT funding model if exemption granted
FINRA CAT Technology Costs—Non-CAIS	$364,219,549	$242,813,033	$242,813,033
FINRA CAT Technology Costs—CAIS	99,307,505	66,205,003	.....
Other Operating Costs	26,624,090	17,749,393	17,749,393
Total FAM 4 Costs	490,151,144	326,767,429	260,562,426

The Participants stated that the exemptive relief should be granted because the vast majority of Period 4 costs related to the operation of the transactional database, which was fully implemented by December 31, 2021, and was fully operational during the entirety of Period 4.[37] The Participants stated that during the period when certain aspects of CAIS were delayed, the Commission acknowledged that ''CAT is now operational and serves as a critical market oversight tool,'' and that ''CAT has also contributed to the Commission's enforcement and regulatory work.'' [38] The Participants provided the examples of the Commission relying on CAT data in December 2022 to uncover a multi-year front-running scheme that generated at least $47 million in illegal trading profits,[39] and using CAT data in conducting the economic analyses for a package of market structure rule

[26] *See* Q2 & Q3 2024 Quarterly Progress Report (July 29, 2024), *https://www.catnmsplan.com/sites/default/files/2024-07/CAT_Q2-and-Q3-2024-QPR.pdf* (indicating that Full Implementation of CAT NMS Plan Requirements was completed as of July 15, 2024).

[27] *See* FAM 4 Exemption Request, supra note 3, at 7.

[28] *Id.*

[29] *Id.* at 8.

[30] *Id.* at 3.

[31] *Id.* at 8.

[32] *Id.*

[33] *See* FAM 4 Exemption Request, supra note 3, at 8.

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.* at 9.

[38] *Id.* (citing *American Securities Association; Citadel Securities LLC* v. *Securities and Exchange Commission,* Brief for Respondent Securities and Exchange Commission at 19 (11th Cir. Apr. 15, 2024)).

[39] *See* FAM 4 Exemption Request, supra note 3, at 9. *See also* Press Release, *SEC Charges Financial Services Professional and Associate in $47 Million Front-Running Scheme* (Dec. 14, 2022) *https://www.sec.gov/newsroom/press-releases/2022-228* (stating that SEC staff analyzed CAT data to uncover defendant's allegedly fraudulent trading and to identify how he profited by repeatedly front-running large trades by the other defendant's employer).

proposals.[40] The Participants stated that the Commission adopted the FAMs with the goal of seeking to ensure that the Participants acted diligently while building the CAT and sought to encourage the timely development of the CAT by reducing the Participants' potential recovery of CAT costs in the event of delays.[41] The Participants stated that the transactional database was successfully completed on time and in accordance with the FAM deadlines, and thus the central premise underlying the FAMs—*i.e.,* that missed deadlines ''prevent regulators and market participants from reaping the regulatory benefits of the CAT'' [42]—was absent with regard to the transactional database.[43] Therefore, the Participants stated, denying recovery of all Period 4 costs, the vast majority of which were attributed to the ongoing operation of the transactional database, would be an unfair and inequitable result.[44]

In addition, the Participants stated that when the Commission adopted the FAMs, it could not have reasonably envisioned imposing a strict liability $326 million FAM 4 penalty for CAIS-related defects while the transactional database remained fully operational and in active regulatory use.[45] The Participants stated that the delayed technical aspects of CAIS did not affect the overall utility of the transactional database, which was fully operational throughout Period 4.[46] The Participants stated that based on the successful completion of the transactional database, the Commission approved the retirement of OATS, which was supported by Industry Members.[47] The Participants further stated that neither the Commission nor the Participants anticipated such an excessive and disproportionate penalty would be possible when the FAMs were adopted, and that it would be inequitable for the Commission to impose a $326 million penalty tied to the completion of CAIS when the Commission later determined—only after the costs had already been incurred—that CAIS should no longer exist as originally conceived when the Commission established FAM 4.[48]

The Participants stated that, when adopting the FAMs, the Commission expressly highlighted its general exemptive authority, suggesting that the availability of exemptive relief was a material consideration in adopting the FAMs.[49] The Participants stated that the unforeseeable nature of an excessively large reduction in recoverable costs resulting from the delay in certain limited aspects of one part of the CAT system is exactly the type of circumstance that warrants the use of the Commission's exemptive authority.[50] The Participants stated when the SEC proposed the FAMs, both the Participants and Industry Members ''recommended that the Commission adopt a more flexible approach that could account for the possibility of reasonable delays to CAT implementation'' [51] without giving rise to financial penalties.[52] The Participants summarized sections from the Financial Information Forum (''FIF''), Securities Industry and Financial Markets Association (''SIFMA''), and Fidelity Capital Markets comment letters on the Financial Accountability Milestones Release suggesting that the Commission should allow for flexibility with the milestone dates and financial penalties, taking into account reasonable delays and unforeseen circumstances.[53] In their own comment letter on the Financial Accountability Milestones Release, the Participants stated that ''the Commission and all market participants would benefit from a more flexible approach in which the Commission would assess the appropriateness of the recovery of Post-Amendment Industry Member Fees in the context of particular facts and circumstances in the event of a delay in meeting such a Milestone.'' [54] The Participants stated that in Financial Accountability Milestones Release, the Commission noted ''it is sensitive to the concerns expressed by commenters,'' [55] that it has ''authority to grant exemptive relief from any requirement associated with a particular Financial Accountability Milestone,'' and that ''this ability, in particular, should alleviate the Participants' concerns regarding the potential impact of unforeseeable or reasonable delays.'' [56] The Participants stated that this is the type of circumstance that warrants exemptive relief. The Participants stated that, in the past, they submitted three exemptive requests seeking full recovery

[40] *See* FAM 4 Exemption Request, supra note 3, at 9. *See also* Regulation Best Execution, Exchange Act Release No. 96496 (Dec. 14, 2022), 88 FR 5440, 5499 n.422 (Jan. 27, 2023) (''[t]his analysis used CAT data to examine the execution quality of marketable orders in NMS Common stocks and ETFs that belonged to accounts with a CAT account type of 'Individual Customer' and that originated from a broker-dealer MPID that originated orders from 10,000 or more unique 'Individual Customer' accounts during January 2022.''); Order Competition Rule, Exchange Act Release No. 96495 (Dec. 14, 2022), 88 FR 128, 150 n.194 (Jan. 3, 2023) (''[t]he proposed level is supported by an analysis of the distribution of order activity across accounts reported to the Consolidated Audit Trail as being held for the benefit of an 'Individual Customer' for the first six months of 2022.''); Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders, Exchange Act Release No. 96494 (Dec. 14, 2022), 87 FR 80266, 80334 n.625 (Dec. 29, 2022) (''[t]his estimate [of the number of broker-dealers with order entry systems] is obtained using consolidated audit trail data 'CAT' [sic] data from the month of June 2022.''); Disclosure of Order Information, Exchange Act Release No. 96493 (Dec. 14, 2022), 88 FR 3786, 3791 n.86 (Jan. 20, 2023) (''[a]nalysis of Consolidated Audit Trail ('CAT') data from the first five months of 2022 found that wholesalers provide different execution quality to different retail brokers, and in particular that broker-dealers with higher average selection risk systematically receive higher effective spreads and lower price improvement than broker-dealers with lower adverse selection risk.'').

[41] *Id.* at 10.

[42] Financial Accountability Milestones Release at 31335.

[43] *See* FAM 4 Exemption Request, supra note 3, at 10.

[44] *Id.*

[45] *See* FAM 4 Exemption Request, supra note 3, at 4.

[46] *Id.*

[47] *Id. See also, e.g.,* Letter from Ellen Greene, Managing Director, Equity & Options Market Structure, SIFMA, to Vanessa Countryman, Secretary, Commission (Sept. 24, 2020) (''The elimination of duplicative systems is one of the CAT's most critical issues, and we support FINRA's proposal to eliminate the reporting rules for the OATS.''); William J. Leahey, Head of Regulatory Compliance, Refinitiv, to Vanessa Countryman, Secretary, Commission (Sept. 22, 2020) (advocating for the ''urgent decommissioning of OATS'').

[48] *Id. See also* Exchange Act Release No. 102386 (Feb. 10, 2025), 90 FR 9642, 9644–45 (Feb. 14, 2025) (''CAIS Exemption Order'') (concluding that ''the regulatory benefit of collecting the names, addresses and years of birth for natural persons reported with transformed SSNs no longer justifies the associated risks''); Exchange Act Release No. 104586 (Jan. 13, 2026), 91 FR 2164 (Jan. 16, 2026) (''CAIS Amendment Approval Order'').

[49] *See* FAM 4 Exemption Request, supra note 3, at 10.

[50] *Id.* at 11.

[51] *See Financial Accountability Milestones Release at 31335 (summarizing comments regarding the possibility of reasonable delays to CAT implementation).*

[52] *See* FAM 4 Exemption Request, supra note 3, at 11.

[53] *Id. See also,* Financial Accountability Milestones Release at 31332. *See* Letter from Christopher Bok, Director, Financial Information Forum, to Vanessa Countryman, Secretary, Commission, dated October 28, 2019 (''FIF Letter''), at 4, *https://www.sec.gov/comments/s7-13-19/s71319-6355358-196251.pdf. See* Letter from Theodore R. Lazo, Managing Director & Associate General Counsel, and Ellen Greene, Managing Director, Financial Services Operations, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated October 28, 2019 (''SIFMA Letter''), at 2, *https://www.sec.gov/comments/s7-13-19/s71319-6366765-195937.pdf. See* Letter from Thomas Tesauro, President, Fidelity Capital Markets, to Vanessa Countryman, Secretary, Commission, dated October 28, 2019 (''Fidelity Letter''), at 5, *https://www.sec.gov/comments/s7-13-19/s71319-6357608-196387.pdf.*

[54] *See* FAM 4 Exemption Request, supra note 3, at 11. *See also,* Financial Accountability Milestones Release at 31335 n.168. *See* Letter from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated October 28, 2019 (''Participant Letter''), at 10, *https://www.sec.gov/comments/s7-13-19/s71319-6357609-196389.pdf.*

[55] Financial Accountability Milestones Release at 31335.

[56] *Id. See also,* FAM 4 Exemption Request, supra note 3, at 12.

of FAM 4 costs, but the Commission has not acted on those requests.[57] The Participants distinguished this request for exemptive relief by stating that this request relates to the recovery of non-CAIS FAM 4 costs.[58] The Participants stated that this circumstance—where certain technical defects with a single component of the larger CAT system would preclude recovery of $326 million in reasonably incurred costs, the vast majority of which were attributed to the ongoing operation of the transactional database—represents exactly the sort of scenario the Commission recognized in adopting the FAMs where it would be appropriate to exercise its exemptive authority.[59]

In addition, the Participants stated that the Commission has consistently reaffirmed that both the Participants and Industry Members should share in the costs of the CAT.[60] The Participants stated that all industry participants—the Commission, Participants, and Industry Members—benefitted from the regulatory oversight afforded by a fully operational CAT that was used in surveillance, enforcement, and rulemaking throughout Period 4.[61] The Participants stated that Industry Members would be unjustly enriched by FAM 4 absent exemptive relief because the Participants would bear the full burden of $490 million in reasonably incurred FAM 4 costs.[62] Additionally, the Participants stated that the vast majority of FAM 4 costs were cloud hosting fees and Plan Processor operating fees associated with the development and operation of the transactional database, which was fully operational throughout Period 4.[63] The Participants stated that any such penalty would overlook the specific intent expressed in Rule 613 that the Participants and Industry Members are to share in the costs of CAT.[64]

For these reasons, the Participants stated that they requested, through CAT LLC, that the Commission provide exemptive relief from the provisions in Section 11.6(a)(i)(D) and (iii) limiting the collection of the full amount of any Post-Amendment Industry Member Fees established or implemented to recover the Post-Amendment Expenses incurred from the date immediately following the achievement of Full Availability and Regulatory Utilization of Transactional Database Functionality to the date of Full Implementation of CAT NMS Plan Requirements with respect to the $390,843,639 in non-CAIS FAM 4 costs described above.[65] The Participants stated that with such exemptive relief, based on the existing funding model, CAT LLC would anticipate seeking recovery of $260,562,426 in costs related to FAM 4 from Industry Members via a Historical CAT Assessment (*i.e.,* two-thirds of $390,843,639).[66]

The Participants further stated that in order to facilitate the recovery of historical CAT costs pursuant to the funding model under the CAT NMS Plan, the Operating Committee is required to reasonably establish the length of the Historical Recovery Period used in calculating each Historical Fee Rate based upon the amount of the Historical CAT Costs to be recovered by the Historical CAT Assessment, and to describe the reasons for its length.[67] Section 11.3(b)(i)(D)(I) of the CAT NMS Plan states that the Historical Recovery Period used in calculating the Historical Fee Rate may not be less than 24 months or more than five years.[68] However, Section 11.3(f) of the CAT NMS Plan would prohibit the billing of Historical CAT Assessments after March 31, 2028, which is less than 24 months from the date of this request.[69] Accordingly, the Participants stated that a shortened historical recovery period or relief from the March 2028 deadline is necessary to effectuate the requested relief.[70]

In order to establish a Historical CAT Assessment to recover the FAM 4 costs contemplated by the requested relief prior to the March 31, 2028 deadline, the Participants requested an exemption from Section 11.3(b)(i)(D)(I) of the CAT NMS Plan to allow for a historical recovery period of one year.[71] The Participants represented that using a historical recovery period shorter than two years would continue to result in a reasonable fee rate, as CAT LLC currently estimates, based on the recovery of $260,562,426 and based on recent executed equivalent share volumes, the estimated fee rate would be approximately $0.000022 for a one-year recovery period.[72] The Participants stated that this is comparable to the fee rates previously charged for Prospective CAT Fees and Historical CAT Assessments.[73]

III. Request for Comment

We request and encourage any interested person to submit written data, views, arguments, and comments regarding the FAM 4 Exemption Request, including whether the Commission should grant the request.

Comments should be received on or before October 5, 2026. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 4–698 (CAT FAM 4 Exemption Request) on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–698 (CAT FAM 4 Exemption Request). 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 (*http://www.sec.gov/rules/sro.shtml*). 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.

For further information, you may contact David Hsu, Office of Market Supervision, Division of Trading and Markets, at (202) 551–5500, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

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[57] *Id. See also,* letters from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated June 30, 2022, November 22, 2022, and May 22, 2023.

[58] *See* FAM 4 Exemption Request, supra note 3, at 12.

[59] *Id.* at 13.

[60] *Id.* at 12.

[61] *Id.* at 13.

[62] *Id.*

[63] *Id.*

[64] *See* FAM 4 Exemption Request, supra note 3, at 13.

[65] *Id.*

[66] *Id.*

[67] *Id. See also,* Section 11.3(b)(i)(D)(I) and Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

[68] *See* FAM 4 Exemption Request, supra note 3, at 13.

[69] *Id.*

[70] *Id.*

[71] *Id.*

[72] *See* FAM 4 Exemption Request, supra note 3, at 14.

[73] *Id. See also* CAT Fee Alerts, *https://www.catnmsplan.com/cat-fee-alerts.*

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0385]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15g-9

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for extension of the proposed collection of information provided for in Rule 15g-9 (17 CFR 240.15g-9), under the Securities Exchange Act of 1934 (15 U.S. C. 78a *et seq.*) (''Exchange Act'').

Section 15(c)(2) of the Exchange Act authorizes the Commission to promulgate rules reasonably designed to prevent fraudulent, deceptive, or manipulative device or contrivance in connection with the over-the-counter market. Pursuant to this authority, the Commission adopted Rule 15g-9 to require broker-dealers, prior to effecting a person's transaction in a penny stock, to: (1) approve their account for transactions in penny stocks by, among other things: (a) obtaining from them information concerning their financial situation, investment experience, and investment objectives; (b) reasonably determining that transactions in penny stocks are suitable for them, and that he or she (or their independent adviser) has sufficient knowledge and experience in financial matters and is capable of evaluating the risks of transactions in penny stocks; and (c) delivering to them a written statement: (i) setting forth the basis on which the broker-dealer made the suitability determination; (ii) stating in a highlighted format that it is unlawful for the broker-dealer to effect a transaction in a penny stock unless the broker-dealer has received, prior to the transaction, a written agreement to the transaction from the person; and (iii) stating in a highlighted format immediately preceding the person's signature line that: (A) the broker-dealer is required to provide the person with the written statement; and (B) the person should not sign and return the written statement to the broker-dealer if it does not accurately reflect their financial situation, investment experience, and investment objectives; and (d)(i) obtaining from the person a signed and dated copy of the statement; and (ii) waiting at least two business days after sending the statement to effect the penny stock transaction.

As of May 1, 2026, there are 3,248 registered broker-dealers. Of the 3,248 broker-dealers, approximately five percent, or 162 broker-dealers, are engaged in penny stock transactions and thereby subject to Rule 15g-9 (5% × 3,248 broker-dealers = 162 broker-dealers). The Commission estimates that each of these broker-dealers effects 3 persons' first penny stock transaction per week. Thus, each respondent delivers approximately 156 penny stock written statements per year (52 weeks per year × 3 transactions per week) for a total aggregate of approximately 25,272 responses per year (162 respondents × 156 penny stock written statements per year).

The Commission estimates that a broker-dealer would take approximately one-half hour per new penny stock investor to obtain, review, and process (including delivering to the person) the information required by Rule 15g-9, or approximately 78 hours per year (156 new persons × .5 hours), for a total aggregate burden of approximately 12,636 hours per year (162 respondents × 78 hours per year) for this third-party disclosure obligation.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202606-3235-016* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by October 5, 2026.

Dated: August 31, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18006 Filed 9–2–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106245; File No. SR–NYSEAMER–2026–75]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule Regarding Fees and Rebates Applicable to Manual Transactions

August 31, 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 18, 2026, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 modify the NYSE American Options Fee Schedule (''Fee Schedule'') regarding fees and rebates applicable to Manual transactions. 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, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify fees and rebates applicable to Manual transactions. Specifically, the Exchange proposes to (1) amend fees applicable to Manual transactions in non-Penny issues executed by e-Specialists, Market Makers, and Specialists (collectively, ''Market Makers''), and (2) establish a rebate payable to Floor Broker orders that trade with a Market Maker order on the Trading Floor (''Trading Floor'' or ''Floor''). The Exchange proposes the fee change to be effective August 18, 2026.[4]

The Exchange proposes to amend Section I.A. of the Fee Schedule, which sets forth rates for Electronic and Manual transactions, in both Penny and non-Penny issues. Currently, a $0.50 per contract fee applies to Market Makers' Manual transactions in non-Penny issues (except for Manual transactions in MXEA, MXEF, MXUSA, MXWLD, and MXACW). The Exchange proposes to increase this fee to $0.90 per contract.

The Exchange also proposes to establish a rebate of $0.20 per contract payable to Floor Broker orders that trade with Market Maker orders on the Trading Floor. For Floor Brokers that participate in the FB Prepay Program, the proposed rebate would apply in lieu of any rebates earned through the Manual Billable Rebate Program as provided in Section III. E. of the Fee Schedule. The Exchange proposes to add new text to Section III.E. of the Fee Schedule describing the proposed rebate.

The Exchange believes that the proposed rebate for Penny and non-Penny issues would continue to incentivize Floor Brokers to participate on the Trading Floor, including when the counterparty to such trading is a Market Maker. In addition, although the proposed change to the Market Maker fee for Manual transactions in non-Penny issues, which in July 2026 only made up 14% of all manual transactions, would increase the fee for such executions, the Exchange believes the proposed change, taken together with the proposed Floor Broker rebate would, on balance, not discourage Market Makers from continuing to participate in transactions on the Trading Floor, thereby promoting trading opportunities and competition on the Floor to the benefit of all market participants. The Exchange also notes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is within the range of fees currently in place for transactions by Market Makers (and other market participants) in non-Penny issues.[5]

In addition, the proposed fee is comparable to fees imposed by other options exchanges on responders in transactions that are analogous to the transactions that are at issue here. For example, for cross order handling under its Automated Improvement Mechanism (''AIM'') program, Cboe Exchange, Inc. (''Cboe'') imposes a $1.05 per contract fee on Clearing Trading Permit Holders responding to orders in AIM's crossing-mechanism, while charging Cboe Market Makers a fee of $0.25 per contract, a differential of $0.80 per contract, for essentially the same activity.[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [9]

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[10] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in July 2026, the Exchange had 11.13% market share of executed volume of multiply-listed equity and ETF options trades.[11] In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of options order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees.

The Exchange believes that the proposed rebate is reasonable because it would incentivize Floor Brokers to direct additional Manual orders to the Exchange, thereby creating more trading opportunities on the Trading Floor for all market participants, including Market Makers, who, therefore, would not be discouraged from continuing to quote and trade actively on the Exchange. The Exchange also believes that, in addition to benefitting all market participants, the amount of the proposed fee for Market Maker Manual

[4] The Exchange previously filed to amend the Fee Schedule several times beginning on January 2, 2026, all of which filings were withdrawn and replaced by another filing. Most recently, the Exchange amended the Fee Schedule on June 22, 2026 (SR–NYSEAMER–2026–56) which filing the Exchange withdrew on August 18, 2026. The Exchange notes that a previous filing proposed changes to a complex order surcharge that are not included in this filing.

[5] *See, e.g.,* Fee Schedule, Section I.A., Rates for Options transactions (providing for $0.85 fee for Broker-Dealer, Firm, Non-NYSE American Options Market Maker, and Professional Customer electronic transactions in non-Penny issues and $0.95 fee for Market Maker electronic transactions in non-Penny issues (inclusive of Marketing Charges applicable to such transactions)).

[6] *See* Cboe Exchange Fee Schedule, Rate Table—Options Transaction Fees, available at *https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[10] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[11] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options increased from 8.95% for the month of July 2025 to 11.13% for the month of July 2026.

transactions in non-Penny issues is reasonable, as it is (i) targeted in that it is limited to manual transactions in non-Penny issues, which make up only 14% of all manual transactions; (ii) consistent with fees charged, and differences allowed, by other options exchanges on similarly situated participants for similar transactions (*e.g.,* Cboe AIM transaction fees); (iii) remains within the range of fees set forth in the Fee Schedule for transactions by Market Makers in non-Penny issues; and (iv) more closely aligns with the fee applicable to electronic transactions by Market Makers in non-Penny issues.

Furthermore, the Exchange believes that assessing a higher fee for manual transactions on the Trading Floor is reasonable considering the distinct advantages afforded to Floor-based Market Makers. In July 2026, approximately 93% of Market Maker Manual volume in non-Penny issues was generated by Floor-based Market Makers who, by virtue of their physical presence and participation model, are uniquely positioned to evaluate the full terms of a transaction, including size, pricing, and counterparty interest, immediately prior to execution. This capability enables Floor-based Market Makers to exercise discretion in determining whether to engage in a trade under informed conditions that are not available to off-floor or fully electronic participants. In addition, the Exchange's rules provide Floor-based Market Makers with a guaranteed participation entitlement of up to 60% of the trade for both Solicitation and Facilitation Cross Transactions,[12] even in the absence of price improvement. This allocation represents a meaningful structural advantage as it ensures a substantial share of order flow once a Floor-based Market Maker elects to participate.[13] Together, these features—the ability to assess trading opportunities in real time before committing capital and the certainty of receiving a guaranteed, significant allocation—enhance the likelihood of favorable execution outcomes and revenue opportunities for Floor-based Market Makers. Accordingly, the Exchange believes it is reasonable to assess higher fees on Floor-based Market Maker Manual transactions in non-Penny issues. The differential between the fee charged by the Exchange to Floor-based Market Makers versus the fee charged to other participants in non-Penny issues, similar to the differential in fees Cboe charges to Clearing Trading Permit Holders versus to Market Makers in their AIM transactions, reflects the enhanced trading privileges, informational advantages, and allocation guarantees that are uniquely available to Trading Floor-based participants and serves to appropriately align fees with the relative value of these benefits as compared to other market participants operating without such advantages.

The Exchange believes that the proposed changes are reasonably designed to incent Floor Brokers (and other participants on the Trading Floor) to increase the number of Manual orders sent to the Exchange. Any increase in trading volume would create more trading opportunities for all market participants and would in turn attract additional order flow to the Exchange, further contributing to a deeper, more liquid market to the benefit of all market participants. The Exchange also notes that the proposed rebate is similar in structure to incentive programs for Floor Brokers offered by competing options exchanges.[14]

The Exchange further believes the proposed change is reasonable because it is designed to offset costs associated with the proposed Floor Broker rebate, which, as noted above, is being proposed to create more trading opportunities on the Trading Floor for all market participants, including Market Makers. To the extent this purpose is achieved, the Exchange believes that the proposed change would not disincentivize Market Maker activity on the Trading Floor because increased order flow from Floor Brokers seeking to earn the proposed rebate would result in more opportunities to trade for all market participants. In addition, the Exchange notes that market participants are free to conduct transactions on competing venues instead if they believe other markets offer more favorable fees and credits.

To the extent the proposed rule change continues to attract greater volume and liquidity by encouraging Floor Brokers to increase their options volume on the Exchange in an effort to earn the proposed rebate, the Exchange believes the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. Against the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits because the proposed rebate is based on the amount and type of business transacted on the Exchange, and Floor Brokers can try to earn the proposed rebate, or not. The Exchange also believes that the proposed change to the fee applicable to Market Maker Manual transactions in non-Penny issues is equitable because it is narrowly designed to balance costs associated with encouraging increased execution opportunities in manual transactions on the Trading Floor, and an increase in such orders would in turn enhance trading opportunities for all market participants. In addition, the proposed fee is consistent with fees charged, and differences allowed, by Cboe for analogous transactions (*e.g.,* AIM transaction fees) and is within the range of fees currently applicable to electronic transactions by Market Makers and other market participants in non-Penny issues. The Exchange further believes that assessing Market Makers a higher fee for Manual transactions in non-Penny issues is equitable because Floor-based Market Makers, who account for the majority of such volume, occupy a uniquely advantaged position relative to other market participants. Specifically, they benefit from the exclusive ability to evaluate the terms of a transaction immediately prior to execution as well as a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.[15] The Exchange also believes that the proposed rebate to Floor Brokers is an equitable allocation of fees and credits because it is intended to support Floor Brokers' role in facilitating the execution of Manual orders, which function benefits all market participants

[12] *See* Rule 934.3NY and Rule 934.1NY(4)(A).

[13] This is a significant benefit. While some Market Maker Manual volume derives from upstairs paired transactions, where these benefits are not present, such activity constitutes only a small percentage of overall Market Maker Manual activity

[14] *See, e.g.,* BOX Exchange Fee Schedule, Section V. Manual Transaction Fees, available at *https://boxexchange.com/assets/BOX-Fee-Schedule-as-of-January-22-2026.pdf* (offering Floor Brokers that submit QOO and FOO Orders a $0.20 per contract enhanced rebate for executions that trade with a Floor Market Maker, in lieu of lesser per contract rebates also available to Floor Brokers); MIAX Sapphire Options Exchange, Section 1) c) Trading Floor Transactions, available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Sapphire_Fee_Schedule_01212026_b.pdf* (providing for the ''Floor Broker Breakup Credit,'' a $0.20 credit applicable to Floor Brokers that submit a QFO or cQFO for executions that trade with a Floor Market Maker, instead of the $0.10 Floor Broker rebate otherwise available).

[15] *See* note 12, *supra.*

on the Trading Floor, including Market Makers.

Moreover, the proposal is designed to incent participation on the Trading Floor in an effort to make the Exchange a primary execution venue and to attract more Manual transactions to the Exchange. To the extent that the proposed change attracts more Floor Broker orders to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the fee applicable to Market Maker Manual transactions in non-Penny issues because the proposed change would apply to all similarly-situated Market Maker orders equally, and as discussed above, the Exchange believes it is not unfairly discriminatory to incent order flow to the Exchange, which would enhance liquidity on the Exchange to the benefit of all market participants. The Exchange also believes that the proposed rebate payable to Floor Brokers for a Manual order that trades with a Market Maker order on the Trading Floor is not unfairly discriminatory because it would be available to all similarly situated market participants on an equal and non-discriminatory basis. The Exchange further believes that the proposed rebate available to Floor Brokers is not unfairly discriminatory to other market participants because it is intended to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function which the Exchange wishes to support for the benefit of all market participants. In addition, although the proposed change would increase the fee applicable to Market Maker Manual transactions in non-Penny issues, the Exchange notes that the amount of the proposed fee is consistent with fees charged, and differences allowed, by Cboe for analogous transactions (*e.g.,* AIM transaction fees) and is within the range of fees currently applicable to electronic and is within the range of fees currently applicable to transactions by Market Makers and other market participants in non-Penny issues.

The Exchange further believes that Market Makers would not be discouraged from continuing to participate actively on the Trading Floor and would benefit from increased Manual order flow, including from Floor Brokers seeking to earn the proposed rebate. The Exchange also believes that the higher fee assessed to Market Makers for Manual transactions in non-Penny issues is not unfairly discriminatory because it reasonably reflects the uniquely advantaged position of Trading Floor-based Market Makers, who generate a significant portion of such volume, relative to other market participants. In particular, these Trading Floor-based Market Makers possess the exclusive ability to evaluate the full terms of a transaction immediately prior to execution and benefit from a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.[16] These features provide Floor-based Market Makers with meaningful informational and allocation advantages that are not available to off-floor or purely electronic participants. Accordingly, the Exchange believes that the differential in fees, which is similar to the differential Cboe charges Clearing Trading Permit Holders and Market Makers in their AIM transactions, is appropriately calibrated to the distinct structural benefits available to Trading Floor-based Market Makers and therefore does not constitute unfair discrimination. Rather, the higher fee reflects a rational alignment between pricing and the value of the enhanced trading opportunities and execution certainty afforded to these participants. Moreover, to the extent that the exercise of these advantages contributes to increased Trading Floor activity and attracts additional order flow, the proposed fee would enhance overall market quality, deepen liquidity, and promote additional trading opportunities for all market participants on the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [17]

Intramarket Competition

The proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the proposed change to Market Maker fees for Manual transactions in non-Penny issues, and the proposed rebate payable to the Floor Broker orders that trade against Market Maker orders on the Trading Floor would encourage Floor Broker Manual order flow and, therefore, would not disincentivize Market Maker activity on the Trading Floor. Greater liquidity benefits all market participants on the Exchange and increased order flow would increase opportunities for execution of other trading interest. The proposed changes would apply and be available to all similarly situated market participants that execute Manual transactions on the Trading Floor, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition

The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 18 competing options exchanges if they deem the Exchange's fee levels to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[18] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in July 2026, the Exchange

[16] *See* note 12, *supra.*

[17] *See* Reg NMS Adopting Release, note 8 *supra,* at 37499.

[18] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

had 11.13% market share of executed volume of multiply-listed equity and ETF options trades.[19]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to incent participants on the Trading Floor to direct trading interest to the Exchange, to provide liquidity and to attract additional order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for all transactions, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[20] of the Act and subparagraph (f)(2) of Rule 19b–4[21] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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)[22] 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–NYSEAMER–2026–75 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–NYSEAMER–2026–75. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–75 and should be submitted on or before September 24, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18004 Filed 9–2–26; 8:45 am]

BILLING CODE 8011–01–P

[19] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options increased from 8.95% for the month of July 2025 to 11.13% for the month of July 2026.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

[22] 15 U.S.C. 78s(b)(2)(B).

[23] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: U.S. Small Business Administration.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the U.S. Small Business Administration (SBA, ''the Agency'') is modifying the system of records for the Disaster Loans Case Files, SBA 20 to add a new routine use that allows information in each system to be disclosed to the Department of the Treasury for purposes of identifying, preventing, or recouping improper payments through Treasury's Do Not Pay Working System. Additional changes are proposed to reflect technical updates to the system. This system of records is used to maintain information on applicants, borrowers, principals, guarantors, and recipients of disaster home and business loans, advances, and grants.

DATES: This modified system will be effective upon publication. New or modified routine uses will be effective October 5, 2026. Submit written comments on or before October 5, 2026.

ADDRESSES: You may submit comment on this notice, identified by [DOCKET NUMBER PUBLICATION BY THE **FEDERAL REGISTER**], by any of the following methods.

Federal e-Rulemaking Portal: http://www.regulations.gov: Follow the instructions for submitting comments.

Mail/Hand Delivery/Courier: Submit written comments to:

Arlene Embrey, Trial Attorney, Office of General Counsel, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Michael Post, Acting Chief Privacy Officer, Office of the Chief Information Officer, U.S. Small Business Administration, 409 3rd Street SW, Suite 4000, Washington, DC 20416, or via email to *PrivacyOfficer@sba.gov.*

SUPPLEMENTARY INFORMATION: On March 25, 2025, the President signed Executive Order (E.O.) 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse,* which requires Executive Branch agencies to ''review and modify, as applicable, their relevant system of records notices under the Privacy Act of 1974 to include a 'routine use' that allows for the disclosure of records to the Department of the Treasury for the purposes of identifying, preventing, or recouping fraud and

improper payments, to the extent permissible by law.'' On August 20, 2025, OMB issued Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay,* which provides guidance to agencies for implementing the new routine use requirement under E.O. 14249. The memorandum requires agencies to identify systems of records that maintain information ''whose disclosure to Treasury would be relevant and necessary for identifying, preventing, or recouping improper payments by reviewing payment and award eligibility through the Do Not Pay Working System'' and add a new routine use to each identified system to allow such disclosure. See OMB M–25–32, Appendix 1. Accordingly, this notice hereby modifies SBA 20 system of records to include the following new routine use prescribed by OMB:

''AA. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.''

In addition, SBA has removed routine use (T):

''To another agency or agent of a Government jurisdiction within or under the control of the U.S., lawfully engaged in national security or homeland defense when disclosure is undertaken for intelligence, counterintelligence activities (as defined by 50 U.S.C. 3003(3)), counterterrorism, homeland security, or related law enforcement purposes, as authorized by U.S. law or Executive Order.''

Routine use (U) has been renumbered and now replaces routine use (T).

SBA has made technical corrections to the following sections: '' System Location'', ''System Manager'', ''Authority for Maintenance of the System'', ''Purpose(s) of the System'', Categories of Individuals Covered by the System'', Categories of Records in the System'', ''Record Source Categories'', ''Routine Uses of Records Maintained in the System'', ''Policies and Practices for Storage of Records'', ''Policies and Practices for Retrieval of Records'', ''Policies and Practices for Retention and Disposal of Records'', ''Administrative, Technical and Physical Safeguards'', and ''History''.

SYSTEM NAME AND NUMBER:

Disaster Loans Case Files (SBA20).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Headquarters. U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

SYSTEM MANAGER(S):

Associate Administrator, Office of Disaster, Recovery, and Resilience. U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416, (800) 827–5722.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Small Business Act, Small Business Act Public Law, 85–536; Small Business Advocate Act of 2012, H.R. 3851 (2011–2012); American Rescue Plan, Public Law 117–12, March 11, 2021, 135 Stat. 4.

PURPOSE(S) OF THE SYSTEM:

SBA 20 collects information on individuals including pre-application registrants, disaster home and business loan applicants, loan advance applicants, grant applicants, recipients of loan advances, grants, disaster home and business loans, and applicants' principals and guarantors to determine eligibility for disaster loan funding.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Loan applicants and borrowers, principals and guarantors of business applicants or borrowers, sole proprietors, grant applicants and recipients, advance applicants and recipients, homeowners, and renters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to pre-application registrants, disaster home and business loan applicants, loan advance applicants, grant applicants, and recipients of loan advances, grants, disaster home and business loans including: name; address; date of birth; Social Security or tax identification number; telephone number; personal history including education and employment history for individual borrowers, sole proprietors, guarantors, or owners with a greater than 20% interest; personal or business financial statements for individual borrowers, sole proprietors, guarantors, or owners with a greater than 20% interest; bank information; credit information; insurance information; FEMA registration number; application number; grant number; correspondence to and from applicants; recommendations regarding applicant eligibility; authorizations of disaster loan advances, grants, disaster home and business loans; loan term and rate; payment history; loan accounting information; collateral; Uniform Commercial Code (UCC) filings and re-filings; field visit reports; investigative reports; appraisers' reports; waivers of costs, obligations, or requirements; and settlements and compromises.

RECORD SOURCE CATEGORIES:

Loan, advance, and grant individual applicants and/or principals or guarantors of loan, advance, grant applicants; SBA employees; SBA contractors; financial institutions; credit reporting agencies; Treasury Department; Federal Emergency Management Agency (FEMA); and local, state, federal, or Tribal law enforcement agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside SBA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- AA. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.
- A. To the public on approved loans in order to inform the public on how taxpayer dollars have been utilized when there is a legitimate public interest in the disclosure of the information and the disclosure would not constitute an unwarranted invasion of personal privacy. This information includes recipient name and address, term and rate of the loan, and the amount paid in full or charged off.
- B. To the public on approved loan advances and grants to inform the public on how taxpayer dollars have been utilized when there is a legitimate public interest in the disclosure of the information and the disclosure would not constitute an unwarranted invasion of personal privacy. This information

includes recipient name, address, period of performance and amount of the loan advance or grant.

- C. To provide information to potential investors who are interested in bidding on loans made available by the Agency in the sale of assets. Investors will be required to execute a confidentiality agreement prior to reviewing any record or information.
- D. To a federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing a law where a record, either alone or in conjunction with other information, indicates a violation or potential violation of such law, whether criminal, civil, or regulatory in nature.
- E. To request information from a Federal, State, or local government agency or a private credit agency maintaining civil, criminal, or other information relevant to determining an applicant's suitability for a loan, loan advance, or grant.
- F. In response to a request from a State or Federal agency in connection with the issuance of a grant, loan or other benefit by that agency which is relevant to their decision on the matter.
- G. To the Department of Housing and Urban Development or other Federal agency that participates in the Credit Alert Verification Reporting System (CAIVRS) for publication by CAIVRS participants of delinquent debt information of persons (including the names of businesses and individuals) delinquent in paying a debt owed to or guaranteed by the SBA (which includes persons who have caused a prior loss under 13 CFR 120.110(q)) on a system to allow searches by participating Government agencies and approved private lenders, consistent with applicable law.
- H. To a consumer reporting agency in the event an applicant or borrower has been the victim of identity theft in order to assist such applicant or borrower in amending or correcting records kept by SBA. This may include information gathered from Federal Trade Commission's ID Theft Form 3515.
- I. To provide the Internal Revenue Service (IRS) with access to an individual's records for an official audit to the extent the information is relevant to the IRS's function.
- J. To a court, magistrate, grand jury, administrative tribunal, or to opposing counsel during such administrative proceedings, or in settlement negotiations concerning a claim or dispute, when SBA determines that the disclosure is relevant and necessary to the proceeding, claim, or dispute, and it involves: (1) SBA or any component thereof; (2) any officer or employee of SBA acting in his or her official capacity; or (3) the United States, when SBA determines that the proceeding, claim, or dispute is likely to affect SBA or any of its components.
- K. To a Congressional office from an individual's record when that office is inquiring on the individual's behalf and at the request of the individual.
- L. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or when any of the following is a party to litigation or has an interest in such litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court, adjudicative body or a dispute resolution body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in his or her official capacity; any SBA employee in his or her individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.
- M. To the U.S. Department of the Treasury to effect issuance of loan, loan advance, or grants to borrowers or recipients of SBA disaster funding.
- N. To the Federal Emergency Management Agency (FEMA) to coordinate the issuance of federal disaster assistance to disaster victims and monitor for duplication.
- O. To the Department of Justice (DOJ), including offices of the U.S Attorneys, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is deemed by the SBA to be relevant or necessary to the litigation or the SBA has an interest in such litigation when any of the following are a party to the litigation or have an interest in the litigation: (1) Any employee or former employee of the SBA in his or her official capacity; (2) Any employee or former employee of the SBA in his or her individual capacity when DOJ or SBA has agreed to represent the employee or a party to the litigation or have an interest in the litigation; or (3) The United States or any agency thereof.
- P. To the National Archives and Records Administration (NARA) pursuant to records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
- Q. To independent auditors engaged by SBA for the purpose of performing audit functions as authorized by law, but only such information as is necessary and relevant to such audit function.
- R. To appropriate agencies, entities, and persons when (1) SBA suspects or has confirmed that there has been a breach of the system of records, (2) SBA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, SBA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.
- S. To another Federal agency or Federal entity, when SBA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.
- T. To SBA contractors, regulators, experts, grantees, volunteers, and interns who have been engaged by SBA to assist in the performance and performance improvement of a service related to this system of records and who need access to the records to perform this activity which may also include for regulatory purposes.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic Records are in a secured server, and paper records are in locked files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of individual, business name, application number, grant number, Data Universal Numbering System, cross-referenced loan number or borrower's Social Security number or Employer Identification Number, or FEMA registration number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with latest edition of SBA Standard Operating Procedure (SOP) series 00 41, *Records and Information Management Program.* Records are disposed of in accordance with record retention schedules set by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic Records: Access and use of electronic records are limited to individuals authorized by SBA who are acting in their official capacities on a need-to-know basis. Those authorized individuals are granted access to electronic records by SBA through the issuance of User ID and/or passcode, which may be used to amend or review the records. Paper Records: Access and use of paper records are limited to individuals authorized by the Agency who are acting in their official capacities on a need-to-know basis. Those authorized individuals are granted access to paper records by SBA through the issuance of keys to locked physical files and/or transmission of copies of the files through secure electronic means using an SBA-issued User ID and/or passcode.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should submit a Privacy Act request to the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.* Individuals must provide their full name, mailing address, personal email address, telephone number, and a detailed description of the records requested. Individuals requesting access must also follow SBA's Privacy Act regulations regarding verification of identity and access to records (13 CFR part 102 subpart B).

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest information contained in records about them should submit a Privacy Act request to the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.* Individuals must provide their full name, mailing address, personal email address, telephone number, and a detailed description of the records requested. Requesting individuals must follow SBA's Privacy Act regulations regarding verification of identity and access to records (13 CFR part 102 subpart B).

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person at the address listed below or in writing to the Systems Manager through the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.*

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

86 FR 64979 (November 19, 2021); and 74 FR 14889 (April 1, 2009).

Douglas Robertson,

Deputy Chief Information Officer (Alternate Authorizing Official), Office of the Chief Information Officer, U.S. Small Business Administration.

[FR Doc. 2026–17995 Filed 9–2–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: U.S. Small Business Administration.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the U.S. Small Business Administration (SBA, ''the Agency'') proposes modifying the existing system of records identified as Loan System, SBA 21 to allow information in the system to be disclosed to the Department of the Treasury for purposes of identifying, preventing, or recouping improper payments through Treasury's Do Not Pay Working System. Additional changes are proposed to comply with Office of Management and Budget (OMB) Circular A–108 and reflect technical updates to the system. This system of records is used to determine eligibility and conduct financial transactions and reporting related to business loans, grants, and surety bonds.

DATES: This modified system will be effective upon publication. New or modified routine uses will be effective October 5, 2026. Submit written comments on or before October 5, 2026.

ADDRESSES: You may submit comment on this notice, identified by [DOCKET NUMBER PUBLICATION BY THE **FEDERAL REGISTER**], by any of the following methods.

Federal e-Rulemaking Portal: http://www.regulations.gov: Follow the instructions for submitting comments.

Mail/Hand Delivery/Courier: Submit written comments to: Arlene Embrey, Trial Attorney, Office of General Counsel, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Michael Post, Acting Chief Privacy Officer, Office of the Chief Information Officer, U.S. Small Business Administration, 409 3rd Street SW, Suite 4000, Washington, DC 20416, or via email to *PrivacyOfficer@sba.gov.*

SUPPLEMENTARY INFORMATION: On March 25, 2025, the President signed Executive Order (E.O.) 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse,* which requires Executive Branch agencies to ''review and modify, as applicable, their relevant system of records notices under the Privacy Act of 1974 to include a 'routine use' that allows for the disclosure of records to the Department of the Treasury for the purposes of identifying, preventing, or recouping fraud and improper payments, to the extent permissible by law.'' On August 20, 2025, OMB issued Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay,* which provides guidance to agencies for implementing the new routine use requirement under E.O. 14249. The memorandum requires agencies to identify systems of records that maintain information ''whose disclosure to Treasury would be relevant and necessary for identifying, preventing, or recouping improper payments by reviewing payment and award eligibility through the Do Not Pay Working System'' and add a new routine use to each identified system to allow such disclosure. See OMB M–25–32, Appendix 1. Accordingly, this notice hereby modifies SBA 21 system of records to replace routine use p. with the following routine use prescribed by OMB:

''AA. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian

tribe) in a state-administered, federally funded program.''

SBA has also modified SBA 21 system of records to replace routine use (g). with the following routine use:

''g. To the public on approved loans in order to inform the public on how taxpayer dollars have been utilized when there is a legitimate public interest in the disclosure of the information and the disclosure would not constitute an unwarranted invasion of personal privacy. This information includes recipient name and address, term and rate of the loan and the amount paid in full or charged off.''

SBA has added a ''Purpose(s) of the System'', ''Security Classification'', and ''History'' to comply with A–108.

SBA has made technical corrections to the following sections: ''System Location'', ''System Manager'', ''Authority for Maintenance of the System'', ''Categories of Individuals Covered By the System'', ''Categories of Records in the System'', ''Routine Uses of Records Maintained in the System'', ''Policies and Practices for Storage of Records'', ''Policies and Practices for Retrieval of Records'', ''Policies and Practices for Retention and Disposal of Records'', and ''Administrative, Technical and Physical Safeguards'', ''Record Access Procedures'', ''Contesting Record Procedures'', ''Notification Procedures''.

SYSTEM NAME AND NUMBER:

Loan System (SBA21).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Headquarters. U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

SYSTEM MANAGER(S):

Associate Administrator for Capital Access; Director, Office of Financial Programs. U.S. Small Business Administration, 409 3rd Street SW, Washington, DC, 20416, 800–827–5722.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 631 *et seq.* (Small Business Act, all provisions relating to loan programs); Coronavirus Aid, Relief, and Economic Security Act, 15 U.S.C. 15 U.S.C. 636(a)(36); American Rescue Plan, Pub. L. 117–12, March 11, 2021, 135 Stat. 4.

PURPOSE(S) OF THE SYSTEM:

To collect financial information used to determine applicants' eligibility and borrower and individual guarantor eligibility for business loans (non-disaster) that are made by third-party lenders and guaranteed by SBA, Restaurant Revitalization Fund awards, Microloan grants, and surety bonds. Additionally, the system is used to collect information to direct small businesses potentially interested in onshoring to the SBA's lending programs, including Lender Match.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (*i.e.,* borrowers, guarantors, principals of businesses named in loan records, awardees, loan agents), throughout the life of SBA's interest in the loan or award. For purposes of this Systems of Records Notice, ''loan agents'' means all ''Agents'' as defined in 13 CFR 103.1(a) that are involved in the business loan process (*e.g.,* loan packagers, brokers, and referral agents).

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and commercial information including credit history, financial information, identifying number or other personal identifier such as name, Social Security number, date of birth, address, telephone number, SBA identifier, loan number, Participating Lender identifier, Participating Lender name, loan information, fees paid to third party agents as set forth in SBA Form 159, compliance and enforcement information on individuals named in business loan and/or awardee files, including but not limited to Loan Agents, throughout the entirety of SBA's interest in the loan.

RECORD SOURCE CATEGORIES:

Subject individuals and businesses, financial institutions, credit reporting agencies, law enforcement agencies and SBA resource partners, including lender or other Federal agencies with whom SBA has a data sharing or similar agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.552a(b) of the Privacy Act, all or a portion of the information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside SBA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- AA. To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.
- a. To SBA Resource Partner, its successors or assigns, (*i.e.,* participating lender, certified development company, micro lender) who initially collected the individual's information for the purpose of making and servicing loans.
- b. To a Congressional office from an individual's record, when that office is inquiring on the individual's behalf and at the request of the individual.
- c. To SBA contractors, grantees, experts, volunteers and interns who have been engaged by SBA to assist in the performance of a service related to this system of records and who need access to the records in order to perform this activity.
- d. To a federal, state, local, territorial, tribal, or foreign law or regulatory enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing a law where a record, either alone or in conjunction with other information, indicates a violation or potential violation of such law, whether criminal, civil, or regulatory in nature.
- e. To qualified investors who have signed a confidentiality agreement related to review of files for the purpose of evaluating, negotiating and implementing the purchase of loans from SBA as a part of SBA's Asset Sales program.
- f. To request information from a Federal, State, local government agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a business loan. This applies to individuals involved in business loans.
- g. To the public on approved loans in order to inform the public on how taxpayer dollars have been utilized when there is a legitimate public interest in the disclosure of the information and the disclosure would not constitute an unwarranted invasion of personal privacy. This information includes recipient name and address, term and rate of the loan and the amount paid in full or charged off.
- h. To 7(a) and 504 lenders and/or participating contractors for purposes of the Loan and Lender Monitoring System.
- i. To the Department of Justice (DOJ) wh any of the following is a party to litigation or has an interest in such

litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case, SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in his or her official capacity; any SBA employee in his or her individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

- j. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or when any of the following is a party to litigation or has an interest in such litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court, adjudicative body or a dispute resolution body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in his or her official capacity; any SBA employee in his or her individual capacity where DOJ has agreed to represent the employee; or The United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.
- k. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security and integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.
- l. To state or Federal regulators or legal authorities for the review of Loan Agent fees and activities and for the review of loans generated by Loan Agents (*e.g.,* for performance and other trends).
- m. To GSA and the public for publication of Loan Agent suspensions, revocations and exclusions under 13 CFR part 103 in the Excluded Parties List System (or successor system).
- n. To state or Federal regulators for compliance purposes, including the use of loan level data in regulatory safety and soundness reviews and related risk management functions pertaining to SBA-guaranteed loans.
- o. To the Department of Housing and Urban Development or other Federal agency that participates in the Credit Alert Verification Reporting System (CAIVRS) for publication by CAIVRS participants of delinquent debt information of persons (including the names of businesses and individuals) delinquent in paying a debt owed to or guaranteed by the SBA (which includes persons who have caused a prior loss under 13 CFR 120.110(q)) on a system to allow searches by participating Government agencies and approved private lenders, consistent with applicable law.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records are in a secured server, and paper records are in locked files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Electronic records are retrieved by individual name, personal identifier such as Social Security numbers, loan number, SBA Identifier, Participating Lender identifier, Participating Lender Name, business name, and business identifier. Paper records are retrieved by individual name and SBA Identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with SBA Standard Operating Procedure 00 41 2, Item Nos. 50:04, 50:08, 50:09, 50:10, 50:11, 50:12, 50:13, 50:19, 50:22, 55:02. Records are retained for the life of SBA's interest in the business loan and/or award and are disposed of according to the reference in the SOP that pertains to a particular type of record and in accordance with record retention schedules set by the National Archives and Records Administration (NARA).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic Records: Access and use of electronic records are limited to individuals authorized by SBA who are acting in their official capacities on a need-to-know basis. Those authorized individuals are granted access to electronic records by SBA through the issuance of User ID and/or passcode, which may be used to amend or review the records. *Paper Records:* Access and use of paper records are limited to individuals authorized by the Agency who are acting in their official capacities on a need-to-know basis. Those authorized individuals are granted access to paper records by SBA through the issuance of keys to locked physical files and/or transmission of copies of the files through secure electronic means using an SBA-issued User ID and/or passcode.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should submit a Privacy Act request to the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.* Individuals must provide their full name, mailing address, personal email address, telephone number, and a detailed description of the records requested. Individuals requesting access must also follow SBA's Privacy Act regulations regarding verification of identity and access to records (13 CFR part 102 subpart B).

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest information contained in records about them should submit a Privacy Act request to the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.* Individuals must provide their full name, mailing address, personal email address, telephone number, and a detailed description of the records requested. Requesting individuals must follow SBA's Privacy Act regulations regarding verification of identity and access to records (13 CFR part 102 subpart B).

NOTIFICATION PROCEDURES:

Individuals may make record inquiries in person at the address listed below or in writing to the Systems Manager through the SBA Chief, Freedom of Information and Privacy Act Office, U.S. Small Business Administration, 409 Third St. SW, Eighth Floor, Washington, DC 20416 or *FOIA@sba.gov.*

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Modification published at 86 FR 23026 (April 30, 2021);

Modification published at 77 FR 61467 (October 9, 2012);

Modification published at 77 FR 15835 (March 16, 2012); 74 FR 14890 (April 01, 2009).

Douglas Robertson,

Deputy Chief Information Officer (Alternate Authorizing Official), Office of the Chief Information Officer, U.S. Small Business Administration.

[FR Doc. 2026–18009 Filed 9–2–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–9274; Summary Notice No.—2026–22]

Petition for Exemption; Summary of Petition Received; Aviation Technician Education Council

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 23, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–9274 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: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

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–2026–9274.

Petitioner: Aviation Technician Education Council.

Section of 14 CFR Affected: § 65.75(c).

Description of Relief Sought: The Aviation Technician Education Council (ATEC) seeks an exemption from § 65.75(c) to permit ATEC individual members who have earned the ATEC General Aviation Maintenance Credential (the ''Credential'') to take the FAA Aviation Mechanic General written knowledge test within 12 months of receiving the Credential. The Credential is awarded to students who (1) complete the Choose Aerospace Aviation Maintenance Curriculum, (2) receive an endorsement from their instructor verifying satisfactory performance and readiness, and (3) pass a comprehensive, proctored examination assessing mastery of the General knowledge elements.

The petitioner asks the FAA to permit a Credential holder to present an unexpired, authenticated ATEC Credential as evidence of eligibility to take the mechanic general written test. This would allow students completing the Choose Aerospace Curriculum, at an organization that does not hold an FAA part 147 aviation maintenance technician school (AMTS) certificate, to take the mechanic general written test without (1) meeting the applicable experience requirements of § 65.77 or (2) presenting an authenticated document from a certificated AMTS that demonstrates satisfactory completion of the general portion of an AMTS' curriculum.

[FR Doc. 2026–18068 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–7670; Summary Notice No.—2026–21]

Petition for Exemption; Summary of Petition Received; GenFams Ltd.

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 23, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–7670 using any of the following methods:both

- *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: Nia Daniels, (202) 267–7626, 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–2026–7670.
Petitioner: GenFams Ltd.
Sections of 14 CFR Affected: §§ 147.5, 147.13, 147.17, 147.19, and 147.23.
Description of Relief Sought: GenFams, Ltd. (GenFams) seeks an exemption from Title 14 Code of Federal Regulations §§ 147.5, 147.13, 147.17, 147.19, and 147.23 to allow GenFams to operate as an online aviation maintenance technical school under part 147 utilizing online, asynchronous general familiarization training. GenFams proposes to operate without a physical hangar or live training aids (using digital simulations instead), and with an alternative curriculum mapping based on Air Transport Association (ATA) chapters, a modified student-to-instructor ratio of 50:1 for asynchronous courses, and a fully digital quality control system.

[FR Doc. 2026–18067 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–7167; Summary Notice No. 2026–18]

Petition for Exemption; Summary of Petition Received; HeliService USA

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 23, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–7167 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: Sean O'Tormey, 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–2026–7167.
Petitioner: HeliService USA.
Section(s) of 14 CFR Affected: § 135.619.
Description of Relief Sought: Petitioner seeks relief from the requirement to establish and operate a fully staffed operations control center with certified operations control specialists as prescribed in § 135.619. Petitioner seeks relief from § 135.619 as six of their ten aircraft serve in helicopter air ambulance operations with the four remaining aircraft available for helicopter air ambulance operations in a secondary role without advanced planning.

[FR Doc. 2026–18066 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–8185]

Request for Comments on Midway Atoll Airport/Henderson Airfield (MDY); Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: On July 24, 2026, the FAA published a notice seeking public comments regarding Midway Atoll Airport/Henderson Airfield (MDY). The comment period for the notice was scheduled to end on September 8, 2026. The FAA received a request to extend the comment period. The FAA is extending the comment period for the July 24, 2026, notice by 14 days.

DATES: The comment period for the notice published on July 24, 2026, at 91 FR 46823, is extended from September 8, 2026 to September 22, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–8185 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.

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: Raquel Girvin, Western-Pacific Regional Administrator, Office of National Engagement and Regional Administration, 777 S. Aviation Blvd., Suite 150, El Segundo, CA 90245 (424) 405–7000, *9-APL-AWP-RA@faa.gov.*

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 (FOIA), 5 U.S.C. 552, CBI is exempt from public disclosure. If your comments responsive 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. 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 Notice. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this Notice.

SUPPLEMENTARY INFORMATION: On July 24, 2026, the FAA published a notice in the **Federal Register** seeking public comments regarding MDY Airport. The July 24, 2026, notice stated that the comment period would close on September 8, 2026. The FAA received a request to extend the comment period. The FAA is granting an extension of the comment period for the notice through September 22, 2026.

Issued in Washington, DC, on August 31, 2026.

Rebecca S. Cointin,

Acting Assistant Administrator, Office of Policy and Strategic Engagement.

[FR Doc. 2026–18010 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–7360]

Agency Information Collection Activities: Requests for Comments; Clearance for Renewal of Information Collection: Privacy International Civil Aviation Organization (ICAO) Address Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for an information collection renewal. The collection involves an aircraft operator's request for a privacy ICAO address through a web-based application process. The information to be collected is necessary to qualify for the authorized use of the privacy ICAO address services and for monitoring to support continued airworthiness and enforcement activities.

DATES: Written comments should be submitted by 17 September 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: For technical questions concerning this action, contact Mr. Jamal A. Wilson, Surveillance and Broadcast Services, AJM 42, PIA Program Manager at *jamal.wilson@faa.gov* or at (202) 267–4301.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0779

Title: Privacy International Civil Aviation Organization (ICAO) Address Program

Form Numbers: Not applicable

Type of Review: Renewal of an information collection

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on 25 June 2026 (FR Doc. 2026–13035). In 2010, the FAA issued a final rule mandating equipage requirements and performance standards for Automatic Dependent Surveillance-Broadcast (ADS–B) Out avionics on aircraft operating in certain airspace after December 31, 2019. Aircraft operators must be equipped with ADS–B Out to fly in most controlled airspace. Federal Regulations 14 CFR 91.225 and 14 CFR 91.227 contain requirement details. Each registered aircraft is assigned an aircraft registration number and an ICAO 24-bit aircraft address. This is also referred to as a ''Mode S Code'' in some FAA documents and websites, including the FAA Aircraft Registry. Where a 1090- MHz Extended Squitter (1090ES) transponder is required for ADS–B Out compliance, this ICAO 24-bit aircraft address, based on current transponder avionics standards, is openly broadcasted on the 1090 MHz frequency in transponder replies and ADS–B messages. Subsequently, the nature of openly broadcasting makes the identity of the aircraft publicly available. Industry stakeholders have long suggested that FAA develop a process for aircraft operators who seek anonymity such that their aircraft movements and identity cannot be traced or seen by privately owned sensors that monitor the 1090 MHz frequency and combine this with other downlinked ADS–B and Mode S data being disseminated using the internet. The FAA intends to develop a process for operators who wish to mask their aircraft movements and identity for a period while flying within the sovereign airspace of the United States. Participation in the assignment of privacy ICAO Code addresses is voluntary. Only U.S. registered aircraft can be assigned a privacy ICAO aircraft address. No operator can use a privacy ICAO aircraft address for a U.S.-registered aircraft unless that operator is authorized to use a third-party flight

identification for that same aircraft. No unique privacy ICAO address will be assigned to more than one U.S.-registered aircraft at any given time. Once approved, the operator will be assigned a privacy ICAO address. The operator will be required to notify the FAA when their avionics have been loaded with the assigned temporary ICAO 24-bit aircraft address. Owners and operators must verify that the ICAO 24-bit aircraft address (Mode S code) broadcast by their ADS–B equipment matches the assigned privacy ICAO address for their aircraft. Operators can verify what ICAO 24-bit aircraft address is being broadcast by their aircraft by visiting: *https://adsbperformance.faa.gov/PAPRRequest.aspx.* For monitoring privacy ICAO address use, the information will be downloaded by the FAA and entered into the FAA's ADS–B Performance Monitor [Docket No. FAA–2017–1194 published in **Federal Register**, December 20, 2017, as Document Number: 2017–27202].

Respondents: Intended for operators who seek anonymity such that their aircraft movements and identity cannot be easily traced or seen by privately owned sensors that monitor the 1090 MHz frequency. FAA estimates up to 15,000 respondents.

Frequency: Frequency will be occasional based on specific scenarios. An operator can change privacy ICAO aircraft addresses, but no more often than once every 20 days. In the event real-world security concerns become evident, an operator can elect to change their PIA address sooner than 20 days.

Estimated Average Burden per Response: Approximately 15 minutes per application.

Estimated Total Annual Burden: 12,563 hours.

Issued in Washington, DC, on 13 August 2026.

Jamal A. Wilson,

Privacy ICAO Address (PIA) Program Manager, In-Service Performance and Sustainment (AJM–4220), Federal Aviation Administration.

[FR Doc. 2026–18025 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2026–01; Restricted Speed

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

ACTION: Notice of Safety Advisory.

SUMMARY: FRA is issuing Safety Advisory 2026–01 to remind railroads and their employees of the importance of compliance with Federal regulations and railroad operating rules governing restricted speed. This Safety Advisory contains a summary of seven recent train accidents involving failure to operate at restricted speed and makes recommendations to railroads to ensure employee compliance with restricted speed requirements, with particular emphasis on operations in positive train control (PTC) Restricted Mode.

FOR FURTHER INFORMATION CONTACT: Christian Holt, Staff Director, Operating Practices Division, Office of Railroad Safety, FRA, 1200 New Jersey Ave. SE, Washington, DC 20590, (610) 858–3312, *christian.holt@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

While the overall safety of railroad operations has improved in recent years, a series of accidents has highlighted the need for railroads to review, to reemphasize, and to adhere to Federal regulations and railroad operating rules and procedures governing the requirements of restricted speed, including in PTC territory. FRA has reviewed operational testing data which suggests a concerning trend in PTC-governed territory. When restricted speed is in effect, there appears to be a lack of robust, representative testing to ensure compliance with the requirement that train crews be prepared to stop within one-half their range of vision. FRA is concerned that a significant safety gap has emerged due to a misunderstanding of the role of PTC in restricted speed compliance.

For purposes of this Safety Advisory, ''restricted speed'' is defined as ''a speed that will permit a train or other equipment to stop within one-half the range of vision of the person operating the train or other equipment, but not exceeding 20 miles per hour, unless further restricted by the operating rules of the railroad.'' [1] Though terminology varies slightly by railroad, consistent with FRA's definition, railroad restricted speed rules generally require trains to operate at a speed that permits stopping within one-half the range of vision, short of a train, engine, railroad car, roadway workers or equipment fouling the track; an improperly lined switch; or other obstruction. In other words, restricted speed is not a fixed numerical value; it is a dynamic requirement that must be constantly evaluated and adjusted as conditions change. These definitions place the responsibility for determining an appropriate speed squarely on the operating crew.

FRA's recent accident investigations and field observations indicate that, in some cases, train crews are relying on PTC-enforced speed limits in Restricted Mode to meet the requirements of the applicable restricted speed rules. In doing so, crews may fail to account fully for visibility limitations, train length and tonnage, braking characteristics, grade, curvature, and other conditions that materially affect the ability to stop within one-half the range of vision. FRA emphasizes that the requirement to be able to stop within one-half the range of vision is the controlling element of restricted speed and takes precedence over any maximum authorized speed.

Recent Incidents

The following is a list of seven recent collisions, including the date, speed and outcome, that appear to involve a failure to comply with restricted speed operating rules or related signal indications. Information regarding these incidents is based on FRA's preliminary investigations and findings to date.

Date	Speed at time of collision (mph)	Outcome
5/18/26	13	6 freight cars derailed.
1/30/26	27	Moving train (lead locomotive and 2 non-hazmat cars) collided with standing train (2 freight cars).
12/19/25	17	Derailment of passenger equipment resulting in passenger and crew injuries.
12/23/24	30	4 locomotives and 4 freight cars derailed.
12/6/24	20	Moving train derailed 6 freight cars; standing train derailed 12 cars.

[1] 49 CFR 214.7. *See also* § 236.812.

Date	Speed at time of collision (mph)	Outcome
3/2/24	13	3-train collision; moving train struck standing train derailing 3 cars; those cars fouled an adjacent track and were struck by a third train, derailing 3 locomotives and 6 freight cars.
2/22/24	12	Freight train collided with helper train, no derailment.

Discussion

Preliminary investigations indicate that collisions occurring while movements should have been governed by restricted speed frequently result from an interplay of factors rather than a single causal mistake. Those factors often include an excessive reliance on PTC enforcement, failure to reduce speed commensurate with reduced visibility, train-handling characteristics, engineer and conductor distraction, and an overreliance on operational testing of PTC in Restricted Mode to encompass all operating conditions.

FRA reiterates that restricted speed is principally a visual and physical requirement, not merely a numeric speed cap. Operating crews must maintain a vigilant lookout, continuously determine their actual range of vision, and account for train-handling factors, such as train length and tonnage, braking capability (including the relative roles and limitations of dynamic and automatic air brakes), track grade, and curvature, when selecting an appropriate speed. The controlling obligation under restricted speed rules is the ability to stop the movement physically within one-half the distance that the crew can see the track to be clear. Thus, if only 20 car lengths ahead of clear track is visible because of curvature, weather, or darkness, the train must be prepared to stop within 10 car lengths; maximum speed authorized by timetable, rule, or system enforcement is subordinate to that stopping distance requirement. As visibility decreases, the maximum safe speed that permits stopping within one-half the range of vision declines rapidly.

PTC is a safety overlay that, among other things, enforces specified speed limits, preventing certain classes of human-performance errors. Nevertheless, FRA is concerned about the safety implications of overreliance on PTC, particularly when PTC is used in Restricted Mode. In many system configurations, PTC's use in Restricted Mode enforces the upper limit of restricted speed; however, the crew remains responsible for ensuring the train can be stopped within one half their range of vision.

Given the high level of responsibility associated with restricted speed operations, non-compliance with restricted speed requirements can have significant certification consequences and may result in revocation or suspension of locomotive engineer or conductor certification under FRA's regulations. Restricted speed violations are among the most serious operational infractions in the railroad industry because of their strong association with rear-end collisions, sideswipes, injuries, and yard accidents.

Recommended Railroad Action

Considering the above discussion, FRA recommends that railroads:

(1) Review with operating employees the circumstances of the seven collisions identified in this Safety Advisory, and any similar incidents on their own properties, with emphasis on the signal indications or other authorities in effect, visibility conditions, track geometry, and train-handling practices, and on how compliance with restricted speed and related rules appears to have broken down.

(2) Assess the effectiveness of training and rules instruction related to restricted speed, including initial and recurrent training in certification programs, with emphasis on the requirement, under applicable operating rules and Federal regulations, to adjust speed continuously so that the train can be stopped within one-half the range of vision, rather than relying on maximum authorized or system-enforced speeds as the primary element of the rule. FRA recommends that railroads ensure that training includes scenario-based discussion of how visibility, locomotive orientation, train length and tonnage, grade, curvature, and environmental conditions affect stopping distance under restricted speed requirements.

(3) Reinforce through rules, training, and supervisory oversight that PTC, including during its use in Restricted Mode, is an overlay and does not negate or diminish the crew's responsibility to adjust speed based on visibility, obstructed views, and train-handling characteristics to comply with the visual requirements of restricted speed. FRA recommends that railroads ensure employees understand that PTC in use during Restricted Mode does not detect misaligned switches or standing equipment, or provide any visual safeguard, and that tonnage, braking characteristics (dynamic and air), and environmental factors (such as wet leaves, frost, ice, and contaminated rail) must dictate speed adjustments when operating under restricted speed rules, even when PTC permits a higher speed.

(4) Evaluate quarterly and 6-month reviews of operational testing data as required by 49 CFR 217.9, and, as appropriate, increase the level of operational testing concerning the operation of trains on main tracks, sidings, and yard or terminal tracks at restricted speed, including in PTC territory, and when operating in PTC during Restricted Mode. FRA recommends that a representative number of operational tests be conducted on trains following other trains into occupied blocks or sidings, particularly in high-density corridors, and that such tests, where practicable, include review of locomotive event recorder and onboard video data to verify compliance with restricted speed requirements.

(5) Reinforce that all crew members in the controlling locomotive share responsibility for maintaining situational awareness during restricted speed operations and that unnecessary distractions must be eliminated during such operations. FRA recommends that railroads emphasize, in training and supervision, the importance of active communication among crew members regarding signal indications, track conditions, and the location of other trains and equipment, and that any uncertainty regarding conditions ahead should result in a reduction of speed or a stop until the situation is clearly understood.

FRA encourages the railroad industry to take actions consistent with the preceding recommendations, and to take all actions that help ensure the safety of the Nation's railroad employees and the public. Nothing in this Safety Advisory alters any existing regulatory requirements, operating rules, or obligations under Federal law. FRA may modify this Safety Advisory 2026–01, issue additional safety advisories, or take other appropriate actions it deems necessary to ensure the highest level of

safety on the Nation's railroads, including pursuing enforcement or other corrective measures under its rail safety authority.

Issued under authority delegated in 49 CFR 1.89.

John Karl Alexy,

Associate Administrator for Railroad Safety and Chief Safety Officer.

[FR Doc. 2026–17996 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1390]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V LA TRIBILINA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1390 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18076 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1392]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V LAGERTHA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1392 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

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Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(*Authority:* 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18075 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1389]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V MIDLIFE CRISIS

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1389 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

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Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

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Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18077 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1420]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V ROULEUR

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1420 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

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FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

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Will my comments be made available to the public?

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18080 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1393]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V FRANCIS

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1393 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18074 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1391]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V EPONA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1391 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18081 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1388]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V American Honey

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1388 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18078 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1387]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V NALU

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1387 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Ye Tian, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18079 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1354]

Request for Comments on the Renewal of a Previously Approved Information Collection: Generic Clearance of Customer Satisfaction Surveys

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: MARAD invites public comments on its intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0546 (Generic Clearance of Customer Satisfaction Surveys) is used to obtain feedback about customer service delivery. MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before *November 2, 2026.*

ADDRESSES: You may submit comments identified by Docket No. MARAD–2026–1354 through one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be lessened without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Tamelia Bolton, 202–366–4623, Office of Management and Administrative Services, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *Tamelia.Bolton@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance of Customer Satisfaction Surveys.

OMB Control Number: 2133–0546.

Type of Request: Extension without change of a currently approved collection.

Abstract: OMB 2133–0546 (Generic Clearance Customer Satisfaction Surveys) enables MARAD to garner customer and stakeholder feedback in an efficient and timely manner, in accordance with our commitment to improve service delivery. The collected information ensures that users have an effective, efficient, and satisfying experience with the agency's programs. This feedback also provides insight into customer or stakeholder perceptions, identifies issues with service delivery, and focuses attention on areas where communication, training, and/or changes in operations might improve customer service experience. Additionally, this collection will facilitate ongoing, collaborative, and actionable communication between MARAD and its customers and stakeholders. Public feedback is also expected to contribute directly to the improvement of program operations that directly affect the public.

Respondents: Individuals and households, business and organizations, State, local or Tribal government.

Affected Public: Individuals and households, business and organizations, State, local or Tribal government.

Estimated Number of Respondents: 5,900.

Estimated Number of Responses: 5,900.

Estimated Hours per Response: 10–20 mins.

Annual Estimated Total Annual Burden Hours: 1,758.

Frequency of Response: Once per request.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–17999 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0038; Notice 2]

Mercedes-Benz USA, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Mercedes-Benz USA, LLC, (Mercedes-Benz) and Daimler Vans USA, LLC, (Daimler Vans), have determined that certain model year (MY) 2020–2021 VS20 Metris (Platform 447) vans do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.* Daimler Vans filed an original noncompliance report dated March 8, 2022. Mercedes-Benz subsequently petitioned NHTSA on March 31, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of Mercedes-Benz's petition.

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7236.

SUPPLEMENTARY INFORMATION:

I. Overview: Mercedes-Benz and Daimler Vans determined that certain MY 2020–2021 VS20 Metris (Platform 447) vans do not fully comply with paragraph S4.3(d) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.* (49 CFR 571.110).

Mercedes-Benz filed an original noncompliance report dated March 8, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Mercedes-Benz subsequently petitioned NHTSA on March 31, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of Mercedes-Benz petition was published with a 30-day public comment period, on February 17, 2023, in the **Federal Register** (88 FR 10426). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2022–0038.''

II. Vehicles Involved: Approximately 700 MY 2020–2021 VS20 Metris (Platform 447) vans, manufactured between June 2, 2020, and October 12, 2021, are potentially involved.

III. Noncompliance: Mercedes-Benz explains that the subject vehicles are equipped with a vehicle placard that incorrectly states the spare tire size for which the subject vehicles were originally equipped as required by paragraph S4.3(d) of FMVSS No. 110. Specifically, the vehicle placard states that the spare tire size is ''225/55R17C'' when it should be ''205/65R16C.''

IV. Rule Requirements: Paragraph S4.3(d) of FMVSS No. 110 includes the requirements relevant to this petition. Each vehicle, except for a trailer or incomplete vehicle, must show the tire size designation on a placard permanently affixed to the driver's side B-pillar and indicated by the heading's ''size'' or ''original tire size'' or ''original size,'' and ''spare tire'' or ''spare,'' for the tires installed at the time of the first purchase for purposes other than resale. For full size spare tires, the statement ''see above'' may, at the manufacturer's option replace the tire size designation. If no spare tire is provided, the word ''none'' must replace the tire size designation.

V. Summary of Mercedes-Benz's Petition: The following views and arguments presented in this section, ''V. Summary of Mercedes-Benz's Petition,'' are the views and arguments provided by Mercedes-Benz. They do not reflect the views of the Agency. Mercedes-Benz describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mercedes-Benz explains that the subject noncompliance was discovered during an internal audit, and it was ''determined that incorrect spare tire information had been printed on placards due to an error documenting the spare tire size in the printing software used to produce the placards.'' Mercedes-Benz says that it promptly corrected the error in the printing software on November 5, 2021.

According to Mercedes-Benz, the incorrect tire size designation on the vehicle placard ''would have no effect on vehicle safety or operation.'' In the event that a consumer purchased a spare tire with the tire size indicated on the vehicle placard, Mercedes-Benz says that the ''tire would meet all loading and performance requirements for a temporary use spare tire.'' Mercedes-Benz claims that ''the tire specified on the incorrect placard could be substituted for the original spare tire without any adverse safety consequences.'' Mercedes-Benz explains that the misprinted tire size and the spare tire equipped with the subject vehicles ''both would enable the vehicles to be operated within specified performance and loading limits.'' Specifically, Mercedes-Benz says that ''either spare tire is rated to carry loads greater than 1,599 lbs. (for each tire) necessary to prevent overloading'' of the subject vehicles and the recommended inflation pressure is the same for both tires, ''so there is no risk that the placard would cause a customer to under- or over-inflate either tire.''

Mercedes-Benz claims that the noncompliance is inconsequential to motor vehicle safety because the spare tire would only be used ''for a short period of time'' and only until the series tire can be replaced, after which the spare tire would be put back in the vehicle for future use. Mercedes-Benz adds that the owner's manual includes warnings that ''clearly advise the vehicle owner that a spare tire should only be used for a very short time and at speeds of less than 50 mph.''

Furthermore, Mercedes-Benz says replacing the spare tire based on the incorrect size would require the spare tire and rim to be replaced while ''ignoring the correct size plainly displayed on the very tire being replaced.''

Although the tire information placard was misprinted, Mercedes-Benz says the subject vehicles are equipped with the correct size spare tire, and the spare tire is labeled with the correct tire size. Mercedes-Benz states that if a consumer used the misprinted tire information to replace the original spare tire, ''the tire would not fit the original rim,'' therefore, Mercedes-Benz believes the correct tire size of the original spare would be immediately identified.

Mercedes-Benz believes NHTSA's prior decisions on inconsequentiality petitions support the granting of the subject petition. Mercedes-Benz refers to the following decisions of inconsequential noncompliance:

- Chrysler Group, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 78 FR 38443 (June 26, 2013),
- BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 84 FR 26505 (June 6, 2019)
- General Motors, LLC Grant of Petition for Decision of Inconsequential Noncompliance, 84 FR 25117 (May 30, 2019)
- BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 81 FR 62970 (September 13, 2016)
- BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 78 FR 76408 (December 17, 2013)

Mercedes-Benz concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VI. NHTSA's Analysis: In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[1] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[2] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading

[1] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[2] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

NHTSA that the noncompliance is inconsequential to safety.

The purpose of the placard requirements in paragraph S4.3(d) of FMVSS No. 110 is to identify the tire size designation for the tires installed at the time of the first purchase for purposes other than resale.

As described by Mercedes-Benz, due to an error documenting the spare tire size in the printing software, the subject vehicles were equipped with a vehicle placard indicating the incorrect spare tire size.

The spare tire installed on the vehicle (size 205/65R16C) is certified to meet all applicable FMVSSs. It is a temporary spare tire that was designed for the vehicle and meets the vehicle loading requirements. Thus, if the spare wheel and tire assembly is replaced with an FMVSS-compliant 225/55R17C size assembly, it would not have any effect on the safety of the vehicle. Additionally, despite the incorrect placard, a consumer, technician, or salesperson could rely on the size of the spare tire present if the tire is ever replaced, rather than the incorrectly stated spare tire size on the placard. Any attempt to install a 225/55R17C size tire on the rim provided with the vehicle would be unsuccessful because it cannot fit on a 16-inch rim. Therefore, the individual replacing the tire will use the tire size information labeled on the tire being replaced or replace the entire wheel-tire assembly based on the placard information, neither option will decrease safety compared to a compliant vehicle. Therefore, this non-compliance is inconsequential to safety.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA finds that Mercedes-Benz has met its burden of persuasion that the subject FMVSS No. 110 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, Mercedes-Benz's petition is hereby granted, and Mercedes-Benz is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Mercedes-Benz no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Mercedes-Benz notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–18063 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0092; Notice 2]

Premiori LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Premiori, LLC, (Premiori), has determined that certain Premiorri Solazo replacement passenger car tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Premiori filed an original noncompliance report dated June 28, 2022, and amended the report on October 27, 2022. Premiori petitioned NHTSA on July 7, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of Premiori's petition.

FOR FURTHER INFORMATION CONTACT: Jayton Lindley, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (325) 655–0547.

SUPPLEMENTARY INFORMATION:

I. Overview: Premiori determined that certain Premiorri Solazo replacement passenger car tires do not fully comply with paragraphs S5.5(a) and S5.5.1 of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139).

Premiori filed an original noncompliance report dated June 28, 2022, and amended the report on October 27, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Premiori petitioned NHTSA on July 7, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of Premiori's petition was published with a 30-day public comment period, on May 23, 2023, in the **Federal Register** (88 FR 33190). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2022–0092.''

II. Tires Involved: Approximately 8 Premiorri Solazo passenger car tires size 175/65R14 82H, manufactured between February 7, 2021, and April 30, 2021, are potentially involved.

III. Noncompliance: Premiori explains that the noncompliance is due to a mold error in which the subject tires do not have the required DOT symbol and the full or partial tire identification number (TIN) on one of the two sidewalls and therefore, do not comply with paragraph S5.5(a) of FMVSS No. 139. The tires do have the required DOT symbol (and TIN) on the other sidewall.

IV. Rule Requirements: Paragraphs S5.5(a) and S5.5.1 of FMVSS No. 139 include the requirements relevant to this petition. Paragraph S5.5(a) requires each tire to be marked on each sidewall with the symbol DOT, which constitutes a certification that the tire conforms to applicable FMVSSs. Paragraph S5.5.1 requires each tire to be labeled with the TIN required by 49 CFR part 574 on the intended outboard sidewall of the tire. Specifically, either the TIN or partial TIN, containing all characters in the TIN, except for the date code and, at the discretion of the manufacturer, any optional code, must be labeled on the other sidewall of the tire.

V. Summary of Premiori's Petition: The following views and arguments presented in this section, ''V. Summary of Premiori's Petition,'' are the views and arguments provided by Premiori. They do not reflect the views of the Agency. Premiori describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

On or after February 17, 2022, Premiori inspected the molds used for the subject tires. Premiori's investigation found that one (1) of the

four molds that were used for the subject tires did not have the DOT marking or TIN on one sidewall. Premiori provided information showing that the subject tires met all other labeling requirements of S5.5 (a)–(i), including the symbol DOT and a full TIN on one of the two sidewalls. Premiori believes that there are no safety risks associated with the affected tires stated that they have ''taken corrective actions regarding this noncompliance'' and all four (4) tire molds now are fully compliant.

VI. NHTSA's Analysis: The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in an FMVSS is substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[1] Where, as here, the noncompliance involves a labeling failure, the petitioner's burden may still be substantial but may vary depending on the noncompliance at issue.

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[2] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[3] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading NHTSA that the noncompliance is inconsequential to safety.

Arguments that only a small number of vehicles or items of motor vehicle equipment are affected also do not justify granting an inconsequentiality petition.[4] Similarly, mere assertions that only a small percentage of vehicles or items of equipment are likely to exhibit a noncompliance are unpersuasive. The percentage of potential occupants that could be adversely affected by a noncompliance is not relevant to whether the noncompliance poses an inconsequential risk to safety. Rather, NHTSA focuses on the consequence to an occupant who is exposed to the consequence of that noncompliance.[5] The Safety Act is preventive, and manufacturers cannot and should not wait for deaths or injuries to occur in their vehicles before they carry out a recall.[6] Indeed, the very purpose of a recall is to protect individuals from risk.[7]

NHTSA has evaluated the merits of the petition submitted by Premiori and is granting their request for relief from notification and remedy based on the following:

1. Based on its review of the information submitted by Premiori, NHTSA has no basis to believe that the tires do not meet the performance and labeling requirements of FMVSS No. 139, except for the missing symbol DOT and TIN on one sidewall of the affected tires.

2. Although the agency remains concerned that consumers may have more difficulty reading a TIN on the inner sidewall of the tires after the tire is installed on a vehicle, all of the information required for successful registration and identification is present.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA has decided that Premiori has met its burden of persuasion that the subject FMVSS No. 139 noncompliance is inconsequential to motor vehicle safety. Accordingly, Premiori's petition is hereby granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that Premiori no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Premiori notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–18064 Filed 9–2–26; 8:45 am]

BILLING CODE 4910–59–P

[1] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[2] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[3] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[4] *See Mercedes-Benz, U.S.A., L.L.C.; Denial of Application for Decision of Inconsequential Noncompliance,* 66 FR 38342 (July 23, 2001) (rejecting argument that noncompliance was inconsequential because of the small number of vehicles affected); *Aston Martin Lagonda Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 41370 (June 24, 2016) (noting that situations involving individuals trapped in motor vehicles—while infrequent—are consequential to safety); *Morgan 3 Wheeler Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21664 (Apr. 12, 2016) (rejecting argument that petition should be granted because the vehicle was produced in very low numbers and likely to be operated on a limited basis).

[5] *See Gen. Motors Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19900 (Apr. 14, 2004); *Cosco Inc.; Denial of Application for Decision of Inconsequential Noncompliance,* 64 FR 29408, 29409 (June 1, 1999).

[6] *See, e.g., United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977).

[7] *Id.*

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Disclosure of Returns and Return Information by Other Agencies

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. 1545–1757'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–6008.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Disclosure of Returns and Return Information by Other Agencies.

OMB Control Number: 1545–1757.

Regulation Project Number: TD 9036.

Abstract: In general, under the regulations, the IRS is permitted to authorize agencies with access to returns and return information under Internal Revenue Code (IRC) section 6103 to re-disclose returns and return information based on a written request and the Commissioner's approval, to any authorized recipient set forth in IRC section 6103, subject to the same conditions and restrictions, and for the same purposes, as if the recipient had received the information from the IRS directly.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Federal Government, State, Local, or Tribal Government.

Estimated Number of Responses: 6.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 6.

Dated: August 31, 2026.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2026–18012 Filed 9–2–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on the Burden Related to the Advance Notice of Rescission of Health Coverage

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection and 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 and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–2180—Public Comment Request Notice'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202) 317–5746 or via email at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the 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: Advance Notice of Rescission of Health Coverage.

OMB Number: 1545–2180.

Document Number(s): TD 9744.

Abstract: The final regulations require group health plans and health insurance issuers to provide at least 30 days advance written notice before rescinding an individual's health coverage, except in cases involving fraud or an intentional misrepresentation of material fact. This notice gives affected individuals time to understand the proposed rescission, seek replacement coverage if necessary, and pursue any available appeal or other remedies.

Current Actions: There are no changes to the information collection. Adjustments to the burden estimates result from updated estimates on the average number of participants in small plans, an increase in the share of notices assumed to be transmitted electronically, correction to the number of respondents and responses to indicate the burden split equally with the Department of Labor and increases in wage and postage rates. As a result, the number of respondents decreased by 50, the number of responses decreased by 833, and the total annual hour burden decreased by 3 hours compared with the previous submission.

Type of Review: Revision of a currently approved collection.

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: 50.

Estimated Number of Responses: 700.

Estimated Time per Respondent: 20 min.

Estimated Total Annual Burden Hours: 17.

Dated: September 1, 2026.

Ronald J. Durbala,

Tax Analyst.

[FR Doc. 2026–18014 Filed 9–2–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on the Burden Related to the Fuel Tax Guidance and Related Third-Party Disclosure and Recordkeeping Requirements

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection and 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 and recommendations to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email at *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–1915—Public Comment Request Notice'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Ronald J. Durbala, (202) 317–5746 or via email at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the 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: Fuel Tax Guidance and Related Third-Party Disclosure and Recordkeeping Requirements.

OMB Number: 1545–1915.

Document Number(s): Notice 2005–4 (as modified) and TD 9346.

Abstract: This collection covers the third-party disclosure and recordkeeping requirements associated with federal fuel excise tax provisions contained in Notice 2005–4 (as modified by Notices 2005–24, 2005–62, and 2005–80) and Treasury Decision 9346. The collection requires certifications, waivers, notification certificates, reseller statements, and related records that enable taxpayers to substantiate eligibility for fuel tax credits, refunds, reduced tax rates, exemptions, and importer liability relief, and allows the IRS to verify compliance with the applicable excise tax provisions.

Current Actions: This renewal consolidates the notification certificate requirements previously approved under OMB Control No. 1545–1897 into OMB Control No. 1545–1915 to improve the administration of related fuel excise tax information collections. There is no substantive change to the underlying information collection requirements. The increase in the total burden reflects the transfer of an existing approved information collection into this OMB control number rather than the creation of a new reporting or recordkeeping requirement.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 159,088.

Estimated Time per Respondent: 15 min.

Estimated Total Annual Burden Hours: 76,471.

Dated: September 1, 2026.

Ronald J. Durbala,

Tax Analyst.

[FR Doc. 2026–18013 Filed 9–2–26; 8:45 am]

BILLING CODE 4831–GV–P

UNITED STATES SENTENCING COMMISSION

Rules of Practice and Procedure

AGENCY: United States Sentencing Commission.

ACTION: Notice and request for public comment.

SUMMARY: The United States Sentencing Commission is considering promulgating amendments to its Rules of Practice and Procedure. This notice sets forth the proposed amendment to the Commission's Rules and synopsis of the issues addressed by the proposed amendment. This notice also sets forth several issues for comment together with the proposed amendment.

DATES: Written public comment regarding the proposed amendment and issues for comment set forth in this notice should be received by the Commission not later than October 26, 2026. Public comment regarding the proposed amendment received after the close of the comment period may not be considered.

ADDRESSES: There are two methods for submitting public comment.

Electronic Submission of Comments. Comments may be submitted electronically via the Commission's Public Comment Submission Portal at *https://comment.ussc.gov.* Follow the online instructions for submitting comments.

Submission of Comments by Mail. Comments may be submitted by mail to the following address: United States Sentencing Commission, One Columbus Circle, NE, Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs—Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day

of May each year pursuant to 28 U.S.C. 994(p).

Section 995(a)(1) of title 28, United States Code, authorizes the Commission to establish general policies and promulgate rules and regulations as necessary for the Commission to carry out the purposes of the Sentencing Reform Act of 1984. The Commission originally adopted the Rules of Practice and Procedure in July 1997 and amended the Rules in 2001, 2007, and 2016. The Commission is considering promulgating amendments to these rules. In accordance with Rule 1.2 of its Rules of Practice and Procedure, the Commission hereby invites the public to provide comment on the proposed amendment set forth in this notice.

Bracketed text within the proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions on whether the proposed provision is appropriate. Additionally, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

The text of the proposed amendment and related issues for comment are set forth below. Additional information pertaining to the proposed amendment and issues for comment described in this notice may be accessed through the Commission's website at *www.ussc.gov.*

Authority: 28 U.S.C. 995(a)(1); USSC Rules of Practice and Procedure, Rule 1.2.

Carlton W. Reeves,

Chair.

1. Rules of Practice and Procedure

Synopsis of Proposed Amendment: This proposed amendment revises the Commission's Rules of Practice and Procedure. The Rules were issued in 1997 ''for the purpose of more fully informing interested persons of opportunities and procedures for becoming aware of and participating in the public business of the Commission.'' *See* Rule 1.1 of the Commission's Rules of Practice and Procedure. The Commission is undertaking a comprehensive review of its Rules to determine whether any amendments are appropriate to further the Commission's statutory purposes and enhance public engagement with and understanding of the Commission's work. As part of the review, the Commission is examining current practices and considering possible changes to the Rules regarding: (a) what Commission work is conducted in public; (b) what Commission policymaking materials should be made public; (c) how stakeholder and public involvement is structured, including through rules about ex parte communications; and (d) what analyses supporting agency policymaking are conducted and released publicly.

The Commission is publishing this proposed amendment to inform that review. The proposed amendment contains eight parts (Parts A through H). The Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive.

Part A of the proposed amendment would make changes to the introduction (''About the Commission'') of the Rules to closely track the statutory purposes of the Commission set forth in 28 U.S.C. 991(b).

Part B of the proposed amendment would revise Rule 2.2 (Voting Rules for Action by the Commission) to provide that the decision to make an amendment available for retroactive application shall require the affirmative vote of at least five members at a public meeting. It brackets the possibility of adding a provision stating that if there are only four members serving on the Commission, the affirmative vote of four members at a public meeting shall suffice to authorize such action. An issue for comment is also provided.

Part C of the proposed amendment would amend Rules 3.1 (Meetings) and 3.4 (Public Hearings) to allow a representative of the Committee on Criminal Law of the Judicial Conference of the United States and a representative of the Federal Public and Community Defenders to participate in meetings and public hearings of the Commission.

Part D of the proposed amendment sets forth three options for revising the provision of Rule 4.3 (Notice and Comment on Proposed Amendments) that addresses ex parte communications. Issues for comment are also provided.

Part E of the proposed amendment would amend Rule 5.2 (Notice of Priorities) to make the procedure for setting the Commission's policymaking agenda every year more participatory and transparent.

Part F of the proposed amendment would amend Rule 5.3 (Information Relevant to the Amendment Process) to require the public disclosure of (1) meeting materials generated for or given to the commissioners in preparation for a public or nonpublic meeting; (2) written minutes of any public or nonpublic meeting held by the Commission; and (3) any document approved for public release by a majority of members of the Commission. Issues for comment are also provided.

Part G of the proposed amendment would make technical and clerical changes to Rules 3.2 (Public Meetings), 3.3 (Nonpublic Meetings), and 5.4 (Advisory Groups).

Part H of the proposed amendment provides an issue for comment on possible further revisions to the Rules.

(A) Changes to the Introduction to the Rules

Synopsis of Proposed Amendment: The introduction to the Rules was added in 2016 and intended to provide general background concerning the Commission. The current text of this introduction builds upon previous editions of the Commission's *Annual Report,* each of which includes at the beginning a chapter that provides an overview of the Commission (including its purposes and organization). Part A of the proposed amendment would amend the introduction to the Rules to closely track the statutory purposes of the Commission set forth in 28 U.S.C. 991(b).

Proposed Amendment

The undesignated section of the Rules of Practice and Procedure captioned ''About the Commission'' is amended by striking the following:

''The United States Sentencing Commission is an independent agency in the judicial branch of government. Its principal purposes are:

(1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes;

(2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and

(3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues, serving as an information resource for Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public.'';

and inserting the following:

''The United States Sentencing Commission is an independent agency in the judicial branch of government. Its purposes, as set forth by Congress in 28 U.S.C. 991(b), are to:

(1) establish sentencing policies and practices for the Federal criminal justice system that—

(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with

similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.''.

(B) Voting Rules for Commission Action

Synopsis of Proposed Amendment: Rule 2.2 (Voting Rules for Action by the Commission) sets forth the voting rules for action by the Commission. Rule 2.2(a) states that ''[e]xcept as otherwise provided in these rules or by law, action by the Commission requires the affirmative vote of a majority of the members at a public meeting at which a quorum is present.'' Consistent with 28 U.S.C. 995(d), Rule 2.2(a) further provides that ''[a] quorum shall consist of a majority of the members then serving.''

Rule 2.2(b) sets forth more stringent vote requirements for actions related to the promulgation of amendments to the guidelines, policy statements, and official commentary. Consistent with 28 U.S.C. 994(a), Rule 2.2(b) provides that ''[p]romulgation of guidelines, policy statements, official commentary and amendments thereto shall require the affirmative vote of at least four members at a public meeting.'' In addition, Rule 2.2(b) provides that ''[p]ublication for comment of proposed amendments to guidelines, policy statements, or official commentary shall require the affirmative vote of at least three members at a public meeting.''

Rule 2.2(b) also provides that approval of a notice of priorities and the adoption or revision of the minutes of a public meeting ''shall require the affirmative vote, at a public meeting, of a majority of the members then serving.''

Rule 2.2(c) provides that ''[a]ction on other matters may be taken (1) at a nonpublic meeting; or (2) without a meeting by written or oral communication (*e.g.,* by 'notation voting'), and shall be based on the affirmative vote of a majority of the members then serving.''

Rule 2.2(d) sets forth the requirements for the reconsideration of any Commission action. It states that ''[a] motion to reconsider Commission action may be made only by a commissioner on the prevailing side of the vote for which reconsideration is sought, or who did not vote on the matter.'' It also requires that ''[f]our votes are necessary to reconsider a Commission vote on any question on which a four-vote majority is required.''

The Commission is considering whether the voting threshold should be increased for certain Commission actions of heightened significance. Part B of the proposed amendment would amend Rule 2.2(b) to provide that the decision to make an amendment available for retroactive application shall require the affirmative vote of at least five members at a public meeting. It brackets the possibility of adding a provision stating that if there are only four members serving on the Commission, the affirmative vote of four members at a public meeting shall suffice to authorize such action. Part B of the proposed amendment would also make conforming changes to Rule 2.2(d) relating to the votes necessary for the reconsideration of Commission actions.

An issue for comment is also provided.

Proposed Amendment

Rule 2.2(b) is amended by inserting after the paragraph that begins ''Promulgation of guidelines, policy statements, official commentary, and amendments thereto'' the following new paragraph:

''Action to make an amendment available for retroactive application to previously sentenced, imprisoned defendants (*see* 28 U.S.C. 994(u); 18 U.S.C. 3582(c)(2)) shall require the affirmative vote of at least five members at a public meeting. [Provided, however, that if there are only four members serving on the Commission, the affirmative vote of four members at a public meeting shall suffice to authorize such action.]''.

Rule 2.2(d) is amended by striking ''Four votes are necessary to reconsider a Commission vote on any question on which a four-vote majority is required'' and inserting ''If the underlying action requires the affirmative vote of more than a majority of the members then serving, a motion to reconsider the Commission vote on that specific action shall require the same minimum voting threshold''.

Issue for Comment

1. Part B of the proposed amendment would amend Rule 2.2(b) to provide that the decision to make an amendment available for retroactive application shall require the affirmative vote of at least five members at a public meeting. The Commission seeks comment on whether it should increase the voting threshold for any other Commission action. If so, what Commission actions should require an elevated voting threshold, such as a supermajority requirement? What should the voting threshold be for such Commission actions and why? For example, should the Commission require the affirmative vote of at least five members at a public meeting for amendments to the *Guidelines Manual* (or the affirmative vote of four members if there are only four members serving on the Commission) that may result in increasing a term of imprisonment recommended in the guidelines? Should the Commission instead amend the Rules to provide that promulgation of any guideline, policy statement, official commentary, and amendments thereto shall require the affirmative vote of at least five members at a public meeting (or the affirmative vote of four members if there are only four members serving on the Commission)?

(C) Participation in Meetings and Hearings of Representatives From the Committee on Criminal Law and the Federal Public and Community Defenders

Synopsis of Proposed Amendment: Rule 3.1 (Meetings) provides that the ''Chair shall call and preside at Commission meetings.'' It also provides for participation in meetings of commissioners from remote locations. Rule 3.4 (Public Hearings) sets forth provisions relating to how the Commission may convene a public hearing on any matter involving the promulgation of guidelines or any other matter affecting the Commission's business.

The Commission is evaluating whether to expand the involvement of specific judicial branch stakeholders in its meetings and hearings. Part C of the proposed amendment would amend the Rules to allow a representative of the Committee on Criminal Law of the Judicial Conference of the United States and a representative of the Federal Public and Community Defenders to participate in meetings and public hearings of the Commission. Specifically, it would amend Rule 3.1 (Meetings) to allow the attendance of representatives of such institutions in [public meetings and nonpublic briefing sessions of the Commission][all Commission meetings at which Commission staff is present], except for those parts of meetings in which matters not related to policymaking or data are addressed. These representatives would

have access to the same materials relating to policymaking provided to commissioners in preparation for meetings. Additionally, Part C of the proposed amendment would amend Rule 3.4 (Public Hearings) to allow these representatives to participate in public hearings alongside commissioners and, as necessary, ask questions to witnesses.

Proposed Amendment

Rule 3.1 is amended by striking the following:

''The Chair shall call and preside at Commission meetings. *See* 28 U.S.C. 993(a). In the absence of the Chair, the Chair will designate a Vice Chair to preside.

Members may participate in meetings from remote locations by electronic means, including telephone, satellite, and video conference devices.'';

and inserting the following:

''(a) The Chair shall call and preside at Commission meetings. *See* 28 U.S.C. 993(a). In the absence of the Chair, the Chair will designate a Vice Chair to preside.

(b) Members may participate in meetings from remote locations by electronic means, including telephone, satellite, and video conference devices.

(c) One representative designated by the Committee on Criminal Law of the Judicial Conference of the United States, and one representative designated by the Federal Public and Community Defenders, shall be permitted to attend [public meetings and nonpublic briefing sessions of the Commission][all Commission meetings at which Commission staff is present]. These designated representatives may participate in such meetings by engaging in deliberations with commissioners and other meeting participants, requesting information and documents, and presenting relevant information to the Commission. The representatives designated under this paragraph shall not attend any portion of a meeting dedicated to non-policy, non-data, or internal administrative matters (such as approval of budget requests, administrative and personnel issues, decisions on contracts and cooperative agreements, and decisions on litigation and administrative proceedings involving the Commission) or in which the Commission will receive or share information that is inappropriate for public disclosure. In addition, the representatives designated under this paragraph may not vote or make or second motions at meetings.

To facilitate informed participation, the designated representatives shall receive the same meeting materials distributed to commissioners. However, the meeting materials distributed to the designated representatives shall not include, or shall be redacted to prevent disclosure of, information that is not related to policymaking or data, or is inappropriate for public disclosure, including confidential or sensitive information regarding budgetary allocations or appropriations, personnel and staffing matters, and procurement and contract actions. Each designated representative may be accompanied at Commission meetings by one staff member from their respective organization to provide necessary technical, administrative, or advisory support.''.

Rule 3.4 is amended by inserting after the paragraph that begins ''The Commission may specify the format'' the following new paragraph:

''The representatives of the Committee on Criminal Law of the Judicial Conference of the United States and the Federal Public and Community Defenders, as designated under Rule 3.1(c), shall be permitted to actively participate in such a hearing alongside commissioners and are authorized, as necessary and relevant to the proceeding, to pose questions to any witness called to testify during the hearing. To facilitate informed participation, the designated representatives shall be provided with all written testimony submitted as soon as practicable prior to the commencement of the proceeding.''.

(D) Ex Parte Communications

Synopsis of Proposed Amendment: Rule 4.3 (Notice and Comment on Proposed Amendments) contains a provision relating to ex parte communications. It provides that ''[t]he Commission does not intend to solicit ex parte communications (*i.e.,* communications outside the public comment process) on the merits of a proposed amendment from outside parties.'' The Commission is considering whether to change how the Rules address ex parte communications on the merits of a proposed amendment, during the pendency of the proposed amendment, from outside parties. Three options are provided.

Option 1 would delete the ex parte communications provision currently contained in Rule 4.3. The absence of a formal policy governing ex parte communications in the Rules implies that such communications—whether actively solicited or passively received—are permissible during the pendency of a proposed amendment and exempt from any mandatory disclosure requirements. The absence of a mandatory disclosure requirement would not impede the Commission from voluntarily disclosing any ex parte communications received during the pendency of a proposed amendment.

Option 2 would amend the ex parte communications provision set forth in Rule 4.3 to permit all forms of ex parte communications, including both solicited and unsolicited communications, while requiring public disclosure only of those communications that satisfy a specified standard. It brackets two alternatives for the standard. Option 2 would require that ''[a]ny ex parte communications [that provides significant, material information addressing the merits of a pending proposed amendment][that is of substantial significance and clearly intended to affect the ultimate decision on a pending proposed amendment] be treated as public comment and disclosed accordingly.'' Option 2 would define the term ''ex parte communication'' as ''any written or oral communication by an outside party to an individual member of the Commission, or to the members collectively, concerning the substance of a proposed amendment to the guidelines, policy statements, or commentary that is not transmitted through the formal public comment process.'' Option 2 also brackets the possibility of adding a provision excluding from the definition of ex parte communications ''any communication with: (1) members of Congress, congressional staff, and legislative branch agencies; (2) members of the Federal Judiciary (including the Judicial Conference of the United States and its committees); (3) United States Probation Officers; (4) the Federal Bureau of Prisons; (5) the Criminal Division of the United States Department of Justice; and (6) representatives of the Federal Public and Community Defenders.''

Option 3 would amend the ex parte communications provision set forth in Rule 4.3 to permit all forms of ex parte communications, including both solicited and unsolicited communications, while requiring public disclosure of all such communications. It would provide the same definition of ''ex parte communication'' as Option 2. In addition, like Option 2, Option 3 brackets the possibility of adding a provision excluding from the definition of ex parte communications ''any communication with: (1) members of Congress, congressional staff, and legislative branch agencies; (2) members of the Federal Judiciary (including the Judicial Conference of the United States and its committees); (3) United States Probation Officers; (4) the Federal

Bureau of Prisons; (5) the Criminal Division of the United States Department of Justice; and (6) representatives of the Federal Public and Community Defenders.''

Issues for comment are also provided.

Proposed Amendment

[Option 1 (No Provision Addressing Ex Parte Communications)

Rule 3.4 is amended by striking ''The Commission does not intend to solicit ex parte communications (*i.e.,* communications outside the public comment process) on the merits of a proposed amendment from outside parties.''.]

[Option 2 (Permitting Ex Parte Communications But Subject to Certain Disclosure Requirements Based on a Standard)

Rule 3.4 is amended by striking the following:

''The Commission does not intend to solicit ex parte communications (*i.e.,* communications outside the public comment process) on the merits of a proposed amendment from outside parties.'';

and inserting the following:

''Any ex parte communication [that provides significant, material information addressing the merits of a pending proposed amendment][that is of substantial significance and clearly intended to affect the ultimate decision on a pending proposed amendment] shall be treated as public comment and its contents (including a record of the date and the substance of the communication) shall be disclosed accordingly as soon as practicable after the communication. For purposes of this provision, an 'ex parte communication' means any written or oral communication by an outside party to an individual member of the Commission, or to the members collectively, concerning the substance of a proposed amendment to the guidelines, policy statements, or commentary that is not transmitted through the formal public comment process. [This definition does not include any communication with: (1) members of Congress, congressional staff, and legislative branch agencies; (2) members of the Federal Judiciary (including the Judicial Conference of the United States and its committees); (3) United States Probation Officers; (4) the Federal Bureau of Prisons; (5) the Criminal Division of the United States Department of Justice; and (6) representatives of the Federal Public and Community Defenders.]''.]

[Option 3 (Permitting Ex Parte Communications But Subject to Disclosure)

Rule 3.4 is amended by striking the following:

''The Commission does not intend to solicit ex parte communications (*i.e.,* communications outside the public comment process) on the merits of a proposed amendment from outside parties.'';

and inserting the following:

''All ex parte communications shall be treated as public comment and their contents (including a record of the date and the substance of any such communication) shall be disclosed accordingly as soon as practicable after the communication. For purposes of this provision, an 'ex parte communication' means any written or oral communication by an outside party to an individual member of the Commission, or to the members collectively, concerning the substance of a proposed amendment to the guidelines, policy statements, or commentary that is not transmitted through the formal public comment process. [This definition does not include any communication with: (1) members of Congress, congressional staff, and legislative branch agencies; (2) members of the Federal Judiciary (including the Judicial Conference of the United States and its committees); (3) United States Probation Officers; (4) the Federal Bureau of Prisons; (5) the Criminal Division of the United States Department of Justice; and (6) representatives of the Federal Public and Community Defenders.]''.]

Issues for Comment

1. Part D of the proposed amendment provides options for amending Rule 4.3 (Notice and Comment on Proposed Amendments) to address ex parte communications on the merits of a proposed amendment to the *Guidelines Manual,* during the pendency of the proposed amendment, from outside parties. The Commission seeks comment on whether it should adopt a provision relating to ex parte communications that applies more broadly to other Commission actions that require a notice-and-comment rulemaking procedure, such as proposed priorities and amendments to the Rules of Practice and Procedure.

2. Option 2 would amend the ex parte communications provision set forth in Rule 4.3 to permit all forms of ex parte communications, including both solicited and unsolicited communications, while requiring public disclosure only of those communications that satisfy a specified standard. It brackets two alternatives for the standard. Option 2 would require that any ex parte communications [that provides significant, material information addressing the merits of a pending proposed amendment][that is of substantial significance and clearly intended to affect the ultimate decision on a pending proposed amendment] be treated as public comment and disclosed accordingly. The Commission seeks comment on which, if any, of the bracketed alternatives for the standard should the Commission provide to require public disclosure of ex parte communication. Should the Commission provide a different standard? If so, what standard should the Commission provide, and why?

3. Both Options 2 and 3 would require public disclosure of some or all ex parte communications. Both options would require that such communications shall be treated as public comment and their contents (including a record of the date and the substance of any such communication) shall be disclosed accordingly as soon as practicable after the communication. The Commission invites comment regarding the specific elements and substantive content that should be included in the disclosure of ex parte communications.

4. Rulemaking decisions at the Commission are made solely by the voting members of the Commission. Consequently, both Options 2 and 3 would define ex parte communications strictly in relation to individual voting members of the Commission or such members collectively. Communications directed to Commission staff are excluded from this classification. The Commission seeks comment on whether the definition of ex parte communications should also apply to communications directed to Commission staff.

(E) Increasing Transparency and Participation in the Commission's Work Agenda-Setting

Synopsis of Proposed Amendment: The Sentencing Reform Act of 1984 states that guideline amendments may be submitted to Congress during a window that opens once each year. *See* 28 U.S.C. 994(p). Accordingly, Rule 5.2 (Notice of Priorities) establishes a three-step procedure for setting the Commission's policymaking agenda on an annual basis. First, the Commission publishes for comment a set of ''proposed priorities'' for future Commission inquiry and possible action, including areas for possible amendments to guidelines, policy statements, and commentary. Second,

the Commission receives and considers comment from the public on the proposed priorities. Finally, the Commission selects and publishes a set of ''final priorities.''

Part E of the proposed amendment would revise these steps to make agenda-setting at the Commission more participatory and transparent. Under revised Rule 5.2, the Commission would open its agenda-setting process by soliciting proposed priorities from the public, stakeholders, Commission staff, and commissioners themselves. After publishing all those proposals on its website, the Commission would open its annual planning session by soliciting further information about the proposals at a public hearing. Next, the Commission would—during the nonpublic portion of the planning session—deliberate over (and, if necessary, refine) the proposed priorities to craft an agenda that best fulfills the Commission's statutory purposes as set forth at 28 U.S.C. 991(b). Finally, the Commission would—during a public meeting at the end of the annual planning session—vote to adopt a list of final priorities as the Commission's policymaking agenda.

Part E of the proposed amendment aims to achieve its stated goals in several ways. First, by having all groups (both internal and external to the Commission) propose and justify policymaking priorities in an open fashion, the revised Rule 5.2 would allow the public to better understand and shape the scope of the Commission's potential agenda. Second, by enumerating relevant statutory duties and powers, the revised Rule 5.2 would help the public grasp all the ways the Commission can make policy. Third, by requiring the Commission to use its statutory purposes as the criteria for selecting final priorities, the revised Rule 5.2 would allow the public to understand that the Commission determines its policymaking agenda by looking to Congressional intent for priorities for future Commission inquiry and possible action.

Proposed Amendment

Rule 5.2(a) is amended by striking the following:

''The Commission shall publish annually in the **Federal Register**, and make available to the public, a notice of the proposed priorities for future Commission inquiry and possible action, including areas for possible amendments to guidelines, policy statements, and commentary. Any such notice shall include an invitation to, and deadline for, the submission of written public comment on the proposed priorities.

Subsequent to the deadline for comment on the proposed priorities, the Commission shall publish in the **Federal Register**, and make available to the public for inspection, a notice of priorities for Commission inquiry and possible action.'';

and inserting the following:

''No later than [March][April][May] each year, the Commission shall publish a notice in the **Federal Register** requesting the public to submit proposed priorities to inform future Commission inquiries and potential policymaking actions. Submissions received pursuant to this notice may request the Commission to exercise any of its statutory duties or powers, including holding hearings or other events, collecting or publishing information, undertaking or funding research, issuing instructions to probation officers, conducting training programs for persons connected with the sentencing process, providing recommendations to Congress, and amending guidelines, policy statements, and commentary. *See* 28 U.S.C. 994–995. Proposed priorities may be submitted by individual commissioners, Commission staff, Commission advisory groups, stakeholders in the criminal justice system, and any member of the public. The period for submitting proposed priorities shall be at least [30][45][60] days. Within seven days after closing of the submission period, the Commission shall make available to the public all submitted proposed priorities on its website.''.

Rules 5.2 is amended—

by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), respectively;

and by inserting after paragraph (a) the following new paragraph (b):

''(b) No later than [June][July][August] each year, the Commission shall hold a planning session to, among other things, prepare an annual policymaking agenda. The planning session shall include: (1) a public hearing wherein commissioners, Commission staff, Commission advisory groups, the Department of Justice, the Federal Public and Community Defenders, the Committee on Criminal Law of the Judicial Conference of the United States, and others may present and discuss proposed priorities; (2) a nonpublic meeting wherein commissioners deliberate over and, if necessary, refine proposed priorities; and (3) a public meeting wherein members of the Commission vote to adopt a list of priorities as the Commission's policymaking agenda. In determining its final priorities, the Commission shall adopt those priorities that, viewed collectively, best further the Congressional purposes listed at 28 U.S.C. 991(b).''.

(F) Information Relevant to the Amendment Process

Synopsis of Proposed Amendment: Rule 5.3 (Information Relevant to the Amendment Process) provides that data, reports, and other information prepared by Commission staff to inform the Commission's fulfillment of priorities and consideration of potential amendments might be made publicly available. The Commission is considering whether it should make publicly available additional information relevant to the amendment process.

For example, before every Commission meeting (public or nonpublic), commissioners receive a compilation of materials prepared by Commission staff addressing the topics on the agenda for that meeting. Meeting materials include data reports, memoranda discussing policy, legal opinions from the Office of the General Counsel, draft proposed amendments to the *Guidelines Manual,* contracts, requests for cooperative agreements, documents relating to litigation and administrative proceedings involving the Commission, budget requests, draft data reports, documents relating to Commission personnel, and documents relating to advisory groups. The Commission is considering whether some of these materials, as they relate to the Commission's priorities and amendment process, should be publicly disclosed.

In addition, the Commission already publishes on its website the minutes of public meetings after their approval by the Commission at a public meeting. The Commission is considering whether a written record of nonpublic meetings should be also prepared and made publicly available.

Part F of the proposed amendment would amend Rule 5.3 to require the public disclosure of (1) meeting materials generated for or given to the commissioners in preparation for a public or nonpublic meeting; (2) written minutes of any public or nonpublic meeting held by the Commission; and (3) any document approved for public release by a majority of members of the Commission. The revised rule would also provide that any document authorized for public release shall not include, or shall be redacted to prevent disclosure of, information that is inappropriate for public disclosure,

including commissioner deliberations, legal opinions, and any other confidential, privileged, or personal information.

Part F of the proposed amendment also includes conforming changes to Rules 2.2 (Voting Rules for Action by the Commission), 3.5 (Live Webcasts and Written Records), and 6.2 (Availability of Materials for Public Inspection; Office of Legislative and Public Affairs).

Issues for comment are also provided.

Proposed Amendment

Rule 5.3 is amended by striking the following:

''To fulfill Commission priorities and inform consideration of potential amendments, the Staff Director shall direct the preparation of relevant data, reports, and other information for consideration by the Commission. Upon authorization by the Staff Director, the Office of Legislative and Public Affairs shall make the data, reports, and other information available to the public as soon as practicable.'';

and inserting the following:

''(a) To fulfill Commission priorities and inform consideration of potential amendments, the Staff Director shall direct the preparation of relevant data, reports, and other information for consideration by the Commission. Upon authorization by the Staff Director, the Office of Legislative and Public Affairs shall make the data, reports, and other information available to the public as soon as practicable.

(b) To ensure transparency, facilitate public observation, and promote meaningful public engagement, the following documents shall be made available to the public and maintained on the Commission's website as provided below.

(1) A public notice of any public or nonpublic meeting, the meeting agenda, and any document, briefing, or information relevant to Commission's priorities or the amendment process generated for or given to the commissioners in preparation for such a meeting shall be made available to the public [at least [seven days] prior to the scheduled date of the meeting][no later than [seven days] following the adjournment of the meeting].

(2) The written minutes of any public or nonpublic meeting held by the Commission shall be made publicly available no later than [fourteen days] following the adjournment of the meeting. The minutes of each meeting shall contain a list of all participants in attendance, a summary of the topics discussed that are relevant to the Commission's priorities or the amendment process, and a record reflecting the final vote of each member on any action taken by the Commission.

(3) Any other document approved for public release by the affirmative vote of a majority of the members then serving shall be made available to the public as soon as practicable.

(c) Documents authorized for public release pursuant to this rule shall not include, or shall be redacted to prevent disclosure of, information that is inappropriate for public disclosure, including commissioner deliberations, legal opinions, and any other confidential, privileged, or personal information.''.

Rule 2.2(b) is amended by striking ''Adoption or revision of the minutes of a public meeting shall require the affirmative vote, at a public meeting, of a majority of the members then serving.''.

Rule 2.2(c) is amended by striking ''Such matters include the approval of budget requests, administrative and personnel issues, decisions on contracts and cooperative agreements, decisions on workshops and training programs, decisions on publishing reports and making recommendations to Congress, decisions to hold hearings and call witnesses, decisions on litigation and administrative proceedings involving the Commission, decisions relating to the formation and membership of advisory groups, the approval pursuant to 28 U.S.C. 994(w) of a statement of reasons form, notices of proposed priorities, extensions of public comment periods, notices of proposed amendments to these rules, approval of technical and clerical amendments to these rules, and decisions to hold a nonpublic meeting'' and inserting: ''Such matters include the adoption or revision of the minutes of public and nonpublic meetings, the approval of budget requests, administrative and personnel issues, decisions on contracts and cooperative agreements, decisions on workshops and training programs, decisions on publishing reports and making recommendations to Congress, decisions to hold hearings and call witnesses, decisions on litigation and administrative proceedings involving the Commission, decisions relating to the formation and membership of advisory groups, the approval pursuant to 28 U.S.C. 994(w) of a statement of reasons form, notices of proposed priorities, extensions of public comment periods, notices of proposed amendments to these rules, approval of technical and clerical amendments to these rules, and decisions to hold a nonpublic meeting''.

Rule 3.5 is amended in the heading by striking ''Live Webcasts and Written Records'' and inserting ''Live Webcasts and Written Records of Public Meetings and Public Hearings''.

Rule 6.2 is amended by striking ''approved minutes of Commission public meetings'' and inserting ''approved minutes of Commission public and nonpublic meetings''.

Issues for Comment

1. Part F of the proposed amendment would add a new provision at Rule 5.3(b)(1) requiring the public release of ''[a] public notice of any public or nonpublic meeting, the meeting agenda, and any document, briefing, or information relevant to Commission's priorities or the amendment process generated for or given to the commissioners in preparation for such a meeting.'' Commission meeting materials sometimes include preliminary, working drafts of proposed amendments for commissioner discussion.

The Commission seeks comment on what meeting materials relevant to the Commission's priorities or the amendment process should be publicly released. Should the Commission publicly release additional or different documents from the ones listed in Rule 5.3(b)(1)? Should the Commission make available to the public preliminary drafts of proposed amendments regardless of whether such working documents ultimately advance to the formal amendment process? What are the advantages and disadvantages of publicly releasing working drafts of potential proposed amendments?

2. The current Rules of Practice and Procedure contain provisions relating to the preparation and public release of written minutes of public meetings. *See* Rules 2.2(b), 3.5, 6.2, and 6.3 of the Commission's Rules of Practice of Procedure. Part F of the proposed amendment would add a new provision at Rule 5.3(b)(2) requiring the preparation and public release of written minutes of nonpublic meetings held by the Commission that includes a summary of the topics discussed that are relevant to the Commission's priorities or the amendment process.

The Commission invites comment on whether to establish a practice of preparing and disclosing to the public written records of its nonpublic meetings. If so, what should be the scope of such written records? Should their scope be strictly limited to disclosing information relevant to the Commission's priorities and the amendment process, as provided in the proposed amendment? Alternatively,

should the scope encompass other topics discussed at nonpublic meetings, provided that confidential, privileged, or personal information is strictly excluded from disclosure? If so, what topics of discussion should be included in such a public written record? Should the Commission rules require a comprehensive written record of all topics discussed in nonpublic meetings, while disclosing to the public only the sections pertinent to the Commission's priorities or amendment process?

The Commission further invites comment concerning the specific format, structure, and level of detail that written records of nonpublic meetings should assume. What should be the content of such records? For example, should they only include a summary of topics discussed and record of final voting on actions taken by the Commission? Should they also include wide-raging items, such as other decisions made, tasks assigned, and follow-up actions agreed upon? To what extent should the written record of a nonpublic meeting differ from the conventional structure of the minutes of public meetings (*i.e.,* documents containing list of participants attending, actions items, topics discussed, voting results, and actions taken)? For example, should the Commission only release to the public a summary of the meeting, a list of topics discussed, or a detailed agenda?

3. The Commission requests comment on whether, rather than establishing a standard practice of preparing and publicly disclosing written records of all nonpublic meetings, it should limit public disclosure to records of specific action matters that may be taken at nonpublic meetings (such as decisions to publish reports or make recommendations to Congress) contingent upon an explicit request by a voting member of the Commission. Should the Commission instead amend the Rules to provide that the decisions on any such matter shall be made at a public meeting upon an explicit request by a voting member of the Commission?

(G) Clerical Changes

Synopsis of Proposed Amendment: Part G of the proposed amendment would make several technical and clerical changes throughout the Rules. First, it would amend the general reference to Rule 3.3 (Nonpublic Meetings) in the first paragraph of Rule 3.2 (Public Meetings) to provide a more specific reference to the applicable provisions of Rule 3.3 relating to meeting with outside parties. Second, it would amend subdivision (1) of Rule 3.3 relating to actions on matters that do not require a public meeting to clarify and reflect the longstanding practice of how Commission interacts with staff at nonpublic meetings. Finally, it would amend Rule 5.4 (Advisory Groups) to add the Sentence Impact Advisory Group to the list of the standing advisory groups and to reflect the change in name of the Victims' Rights Advisory Group.

Proposed Amendment

Rule 3.2 is amended by striking ''Rule 3.3'' and inserting ''Rule 3.3(3)–(5)''.

Rule 3.3 is amended by striking ''To receive information from, and participate in discussions with, Commission staff or any person designated by an *ex officio* Commissioner as support staff for that Commissioner'' and inserting ''To meet with Commission staff or any person designated by an *ex officio* Commissioner as support staff for that Commissioner on any matter''.

Rule 5.4 is amended by striking ''the Practitioners Advisory Group, the Probation Officers Advisory Group, the Tribal Issues Advisory Group, and the Victims Advisory Group'' and inserting ''the Practitioners Advisory Group, the Probation Officers Advisory Group, the Sentence Impact Advisory Group, the Tribal Issues Advisory Group, and the Victims' Rights Advisory Group''.

(H) Further Revisions to the Commission's Rules of Practice and Procedure

Issue for Comment: The Commission is publishing this proposed amendment to inform its comprehensive review of the Rules of Practices and Procedure. The proposed amendment contains seven parts (Parts A through G) that would make specific changes throughout the Rules and provides issues for comment relating to those proposed changes.

The Commission seeks comment on whether it should further revise its Rules of Practice and Procedure. In particular, the Commission invites the public to propose additional or different amendments to the Rules that are appropriate to advance the Commission's statutory purposes, foster public engagement with the Commission, augment public comprehension of the Commission's work, and improve the Commission's practices and processes. Commenters are encouraged to identify specific rules that should be amended, provide precise text of proposed amendments to the Rules, recommend overarching structural reforms to the Rules, and suggest actionable measures to improve the operational efficiency and transparency of the Commission's internal processes.

[FR Doc. 2026–17994 Filed 9–2–26; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Requests for Applications; Practitioners Advisory Group

AGENCY: United States Sentencing Commission.

ACTION: Notice.

SUMMARY: In view of upcoming vacancies in the voting membership of the Practitioners Advisory Group, the United States Sentencing Commission hereby invites any individual who is eligible to be appointed to one of the vacancies to apply. The voting memberships covered by this notice are six circuit memberships (for the Fourth Circuit, the Seventh Circuit, the Eighth Circuit, the Ninth Circuit, the Eleventh Circuit, and the District of Columbia Circuit). An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section below.

DATES: Application materials for voting membership of the Practitioners Advisory Group should be received not later than October 26, 2026.

ADDRESSES: An applicant for voting membership of the Practitioners Advisory Group should apply by sending a letter of interest and a resume to the Commission by electronic mail or regular mail. The email address is *pubaffairs@ussc.gov.* The regular mail address is United States Sentencing Commission, One Columbus Circle NE, Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs—PAG Membership.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597. More information about the Practitioners Advisory Group is available on the Commission's website at *www.ussc.gov/advisory-groups.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o)

and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Practitioners Advisory Group is a standing advisory group of the United States Sentencing Commission established pursuant to 28 U.S.C. 995 and Rule 5.4 of the Commission's Rules of Practice and Procedure. Under the charter for the advisory group, the purpose of the advisory group is (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. 994(o); (2) to provide to the Commission its views on the Commission's activities and work, including proposed priorities and amendments; (3) to disseminate to defense attorneys, and to other professionals in the defense community, information regarding federal sentencing issues; and (4) to perform other related functions as the Commission requests. The advisory group consists of not more than 17 voting members, each of whom may serve not more than two consecutive three-year terms. Of those 17 voting members, one shall be Chair, one shall be Vice Chair, 12 shall be circuit members (one for each federal judicial circuit other than the Federal Circuit), and three shall be at-large members.

To be eligible to serve as a voting member, an individual must be an attorney who (1) devotes a substantial portion of his or her professional work to advocating the interests of privately-represented individuals, or of individuals represented by private practitioners through appointment under the Criminal Justice Act of 1964, within the federal criminal justice system; (2) has significant experience with federal sentencing or post-conviction issues related to criminal sentences; and (3) is in good standing of the highest court of the jurisdiction or jurisdictions in which he or she is admitted to practice. Additionally, to be eligible to serve as a circuit member, the individual's primary place of business or a substantial portion of his or her practice must be in the circuit concerned. Each voting member is appointed by the Commission.

In view of the upcoming vacancies in the voting membership of the Practitioners Advisory Group, the Commission invites any individual who is eligible to be appointed to a voting membership covered by this notice to apply by sending a letter of interest and a resume to the Commission as indicated in the **ADDRESSES** section above. The voting memberships covered by this notice are six circuit memberships (for the Fourth Circuit, the Seventh Circuit, the Eighth Circuit, the Ninth Circuit, the Eleventh Circuit, and the District of Columbia Circuit).

Authority: 28 U.S.C. 994(a), (o), (p), 995; USSC Rules of Practice and Procedure 2.2(c), 5.4.

Carlton W. Reeves,

Chair.

[FR Doc. 2026–18007 Filed 9–2–26; 8:45 am]

BILLING CODE 2210–40–P

UNITED STATES SENTENCING COMMISSION

Final Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2026, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2027. After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2027. Other factors, such as legislation requiring Commission action, may affect the Commission's ability to complete work on any or all identified priorities by May 1, 2027. Accordingly, the Commission may continue work on any or all identified priorities after that date or may decide not to pursue one or more identified priorities. The Commission previously published a notice of proposed policy priorities for the amendment cycle ending May 1, 2027. *See* 91 FR 35802 (June 12, 2026).

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

The Commission has identified the following priorities for the amendment cycle ending May 1, 2027:

(1) In anticipation of the 40th anniversary of the *Guidelines Manual* and two decades of experience with advisory guidelines, the Commission intends to undertake an evaluation of the guidelines and federal sentencing practices in light of the Commission's mission set forth in the Sentencing Reform Act, the statutory purposes of sentencing in 18 U.S.C. 3553(a)(2), and relevant legal developments that have occurred in the past four decades. As part of this priority, the Commission may use regional public hearings, symposiums, roundtable discussions, conferences, and other tools to solicit input on the Commission's work from various stakeholders, including judges, Congress, the Executive Branch, Federal Public Defenders, victims, sentenced individuals, and others.

(2) In anticipation of the 30th anniversary of the Commission's Rules of Practice and Procedure, the Commission expects to undertake a comprehensive review of the Rules and consider whether any amendments to such Rules may be appropriate to further the agency's statutory purposes and enhance public engagement with and understanding of the Commission's work. As part of the priority, the Commission expects to review current practices and consider possible changes regarding: (a) what Commission work is conducted in public; (b) what Commission policymaking materials should be made public; (c) how stakeholder and public involvement is structured, including through rules about ex parte communications; and (d) what analyses supporting agency policymaking are conducted and released publicly.

(3) Consideration of any amendments that may be warranted in response to any legislation or case law developments.

(4) Resolution of circuit conflicts as warranted, pursuant to the Commission's authority under 28 U.S.C. 991(b)(1)(B) and *Braxton* v. *United States,* 500 U.S. 344 (1991).

(5) Consideration of other miscellaneous issues coming to the Commission's attention.

Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 2.2, 5.2.

Carlton W. Reeves,

Chair.

[FR Doc. 2026–17998 Filed 9–2–26; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0418]

Agency Information Collection Activity: Department of Veterans Affairs Acquisition Regulation Provision 852.209–70

AGENCY: Office of Procurement, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Office of Procurement (OOP), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

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

ADDRESSES: Comments must be submitted through *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Forrest Browne, 202–632–9677, *Forrest.Browne@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OOP invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OOP's functions, including whether the information will have practical utility; (2) the accuracy of OOP'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation Provision 852.209–70.

OMB Control Number: 2900–0418. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection.)

Type of Review: Extension without change of a currently approved collection.

Abstract: This Paperwork Reduction Act (PRA) submission seeks renewal without changes of Office of Management and Budget (OMB) approval No. 2900–0418 for collection of information for the Department of Veterans Affairs Acquisition Regulation (VAAR) provision 852.209–70. Performance of VA's mission requires the use of contractors. VAAR provision 852.209–70, Organizational Conflicts of Interest implement section 8141 of the 1989 Department of Defense Appropriation Act, Public Law 100–463, 102 Stat. 2270–47 (1988). VAAR 809.507–1, Solicitation provisions, and VAAR provision 852.209–70, Organizational Conflicts of Interest, require offerors on solicitations for management support and consulting services to advise, as part of the firm's offer, whether or not award of the contract to the firm might involve a conflict of interest or potential conflict of interest, and, if so, to disclose all relevant facts regarding the conflict or potential conflict. The information is used by the contracting officer to determine whether or not to award a contract to the firm or, if a contract is to be awarded despite a potential conflict, whether or not additional contract terms and conditions are necessary to mitigate the conflict.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 102 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: 1 per solicitation.

Estimated Number of Respondents: 102.

(Authority: 44 U.S.C. 3501 *et seq.*)

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18028 Filed 9–2–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Thursday,

No. 170 September 3, 2026

Part II

The President

Executive Order 14423—Establishing the United States Space Academy

Federal Register
Vol. 91, No. 170
Thursday, September 3, 2026

Presidential Documents

Title 3—

The President

Executive Order 14423 of August 28, 2026

Establishing the United States Space Academy

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* Space is a critical domain for American national security, economic growth, scientific discovery, and technological innovation. American superiority in space depends on the strength, skill, and character of those who explore, secure, and build the industries critical to it. To continue to lead the world in space exploration and technology, while securing and defending our national interests in space, the Nation must prepare the next generation of astronauts, scientists, engineers, operators, entrepreneurs, civil servants, and warfighters and ensure that they are capable of advancing American interests in space. Achieving this goal requires us to recruit, train, and retain America's best and brightest from across the Nation.

Therefore, it is my Administration's policy to strengthen the Nation's space workforce by expanding opportunities to educate and develop the next generation of leaders across the space domain.

Sec. 2. *Establishment and Composition of the Presidential Commission on the United States Space Academy.* (a) There is hereby established the Presidential Commission on the United States Space Academy (Commission). The Administrator of the National Aeronautics and Space Administration (NASA) shall serve as Chair of the Commission. The Assistant to the President for Science and Technology (APST) and the Assistant to the President for Economic Policy (APEP) shall serve as Vice Chairs of the Commission. The Deputy Administrator of NASA shall serve as Executive Director.

(b) In addition to the Chair, Vice Chairs, and Executive Director, the Commission shall include the following officials or their designees:

(i) the Secretary of War;

(ii) the Assistant to the President and Chief of Staff;

(iii) the Director of the Office of Management and Budget;

(iv) the Assistant to the President for National Security Affairs;

(v) the Secretary of the Air Force; and

(vi) other full-time or permanent part-time employees of the Federal Government invited to join the Commission, at the discretion of the Chair, in consultation with the Vice Chairs.

Sec. 3. *Duties.* (a) The Commission shall advise and assist the President regarding proposals to establish the United States Space Academy (Space Academy), a proposed NASA-led Federal academy dedicated to combining rigorous technical education with leadership development, discipline, and a durable commitment to public service. The Space Academy will develop a professional corps of civically grounded leaders prepared to advance American interests within the space domain.

(b) Within 120 days of the date of this order, the Commission shall submit to the President through the APST and the APEP a report proposing key details for the establishment of the Space Academy. The report shall include recommendations regarding:

(i) a governance framework for the Space Academy, including the appropriate organizational structure, authorities, accreditations, and relationships

among relevant executive departments and agencies (agencies). Among the frameworks considered, the Commission shall evaluate the option of establishing the Space Academy within NASA, including actions necessary to implement such a structure;

(ii) an academic and leadership curriculum, including recommendations for degree programs, experiential training, and development programs;

(iii) service obligations for graduates, including service in the Armed Forces and civilian Federal service and the conditions under which such obligations should be fulfilled;

(iv) prerequisites for applicants, including citizenship status, security clearances, and government employment or military status;

(v) the process for selection of the permanent physical location of the Space Academy appropriate for the chosen governance framework;

(vi) administrative actions that may be taken under existing legal authorities to advance the objectives of establishing a Space Academy, including opportunities for pilot programs, partnerships, and other preparatory initiatives;

(vii) legislative actions necessary to implement the Commission's recommendations;

(viii) coordination with existing Federal education programs, partnerships, and agreements; and

(ix) an implementation strategy for the establishment of the Space Academy, including timelines, sequencing of administrative and legislative actions, and opportunities to use existing Federal authorities and programs.

(c) The Chair may establish working groups composed of representatives from agencies, as necessary to support the Commission. Such working groups may consult with experts from academia and industry, and with other stakeholders, as necessary to support the work of the Commission. Any such working groups shall report directly to the Commission, and the Commission shall deliberate on any working-group recommendations before it may adopt them.

(d) Following approval by the President, and any necessary legislative action, the Administrator of NASA shall, in coordination with the heads of relevant agencies, implement the approved recommendations of the Commission, consistent with applicable law and available fiscal resources.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

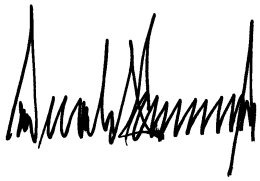
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the National Aeronautics and Space Administration.



THE WHITE HOUSE,
August 28, 2026.

[FR Doc. 2026–18141
Filed 9–2–26; 11:15 am]
Billing code 7510–13–P

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Vol. 91, No. 170

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