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DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

7 CFR Parts 210, 215, 220, 225, and 226

[FNS–2025–0013]

RIN 0584–AF06

Simplified Geographic Preference Procurement in Child Nutrition Programs

AGENCY: Food and Nutrition Administration (FNA), Department of Agriculture (USDA).

ACTION: Direct final rule.

SUMMARY: This direct final rule amends geographic preference option language in National School Lunch Program, School Breakfast Program, Special Milk Program for Children, Child and Adult Care Program, and Summer Food Service Program regulations. The changes are customer-focused and intended to simplify program regulations and make them easier to understand. They do not change the meaning of the regulations or their implementation.

DATES: This rule will become effective on November 9, 2026, unless the Department receives written adverse comments on or before October 9, 2026. If written adverse comments within the scope of the rulemaking are received, the Department will publish timely notification of withdrawal of this rule or a portion thereof in the **Federal Register**.

ADDRESSES: The Food and Nutrition Administration, USDA, invites interested persons to submit written comments on this direct final rule. Comments may be submitted in writing by one of the following methods:

- *Federal eRulemaking Portal (preferred):* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Send comments to Community Food Systems Division, Food and Nutrition Administration, USDA, 5601 Sunnyside Avenue, Beltsville, MD 20705.

All written comments submitted in response to this direct final rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNA will make the written comments publicly available on the internet via *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Community Food Systems Division, Food and Nutrition Administration, 5601 Sunnyside Avenue, Beltsville, MD 20705; telephone: 703–305–2054.

SUPPLEMENTARY INFORMATION:

Section I: Background

Purpose of This Direct Final Rule

The National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program for Children (SMP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP) are collectively referred to as the Child Nutrition Programs (CNPs) and offer opportunities for children across the nation to access nutritious, well-balanced meals while supporting local farmers and agriculture. USDA's current geographic preference option regulations provide flexibilities that CNP operators may use to purchase unprocessed foods that are locally grown, caught, or raised; this direct final rule clarifies the existing strategies available through the geographic preference option. This direct final rule reflects Secretary of Agriculture Brooke Rollins' February 2025 commitments to clarify statutory, regulatory, and administrative requirements; create new opportunities to connect America's farmers to nutrition assistance programs; and strengthen strategies to encourage healthy choices, healthy outcomes, and healthy families.[1] *The changes in this direct final rule do not alter the meaning of the regulations or their implementation; rather, they are intended to clarify existing regulatory requirements.*

USDA expects that clearer regulations will help CNP operators use the geographic preference option, resulting in the procurement of more local, unprocessed agricultural products in CNP meals and snacks. This will also support the Make Our Children Healthy Again Strategy Report, which emphasizes the need to improve access to whole, healthy foods in government-funded nutrition programs and ensure the availability of nutritious food for populations in need.[2] Furthermore, this clarification will help local agricultural producers, food vendors, and food processors—many of them small businesses—by increasing market opportunities and sales to CNP operators.

Statutory Authority

Section 4302 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246) amended the National School Lunch Act to direct the Secretary of Agriculture to encourage institutions operating child nutrition programs to purchase unprocessed, locally grown and locally raised agricultural products.[3] Effective October 1, 2008, institutions receiving funds through the child nutrition programs could apply an optional geographic preference for the procurement of unprocessed, locally grown or locally raised agricultural products. This provision applies to institutions operating any of the child nutrition programs, including the NSLP, SBP, SMP, Fresh Fruit and Vegetable Program, CACFP, and SFSP, as well as to purchases made for these programs by the USDA Department of Defense Fresh Fruit and Vegetable Program. The provision also applies to State agencies making purchases on behalf of any of the aforementioned child nutrition program operators.

Description of the Direct Final Rule

With this direct final rule, USDA is clarifying the geographic preference option regulations revised by the 2024

[1] Secretary Rollins' Vision for the Department's 16 Nutrition Programs (February 13, 2025). Available at: *https://www.fns.usda.gov/rollins-statement-nutrition-programs.*

[2] Make America Healthy Again. Commission. *Strategy Report: Make Our Children Healthy Again.* Available at *https://www.whitehouse.gov/wp-content/uploads/2025/09/The-MAHA-Strategy-WH.pdf* page 10.

[3] *The Food, Conservation, and Energy Act of 2008* (Pub. L. 110–246). June 18, 2008. Available at: *https://www.congress.gov/110/plaws/publ246/PLAW-110publ246.pdf.*

final rule titled, *Child Nutrition Programs: Meal Patterns Consistent With the 2020–2025 Dietary Guidelines for Americans* (the ''2024 rule'').[4] The 2024 rule expanded the scope of the geographic preference option by allowing CNP operators to use local (*e.g.,* ''locally grown,'' ''locally raised,'' or ''locally caught'') as a procurement specification (*i.e.,* the written description of a product or service that a vendor must meet to be considered responsive to a solicitation) in addition to using geography as a preference or ''selection criteria,'' as already allowed in solicitations for unprocessed agricultural products purchased for CNP meals and snacks. Prior to the 2024 rule, CNP operators were only allowed to apply local as a preference, now known as a defined scoring advantage. A defined scoring advantage allows CNP operators to preference local products by awarding additional credits or points to unprocessed agricultural products that are locally grown, caught, or raised, during the evaluation of responses to a solicitation. With the 2024 rule, CNP operators may use both geographic preference option strategies:

- Using local as a procurement specification; and/or
- Applying a defined scoring advantage.

The 2024 rule regulatory language maintained that CNP operators, or State agencies purchasing on their behalf, have maximum flexibility to adopt their own definitions of ''local'' and did not prescribe a Federal definition for the purpose of procuring local foods for CNPs. The 2024 rule explanatory language also maintained flexibility for CNP operators by continuing to note that Federal regulations do not prescribe the way that geographic preference (*i.e.,* the defined scoring advantage) may be applied or the amount of preference, such as additional credits or points, that can be given to local products. However, the 2024 rule did not add language to program regulations affirming to CNP operators that this flexibility was available to them.

Since the 2024 rule went into effect, USDA has published both implementation guidance and anticipatory policy guidance to support program operators implementing the provision.[5] This guidance has helped prevent and address many technical assistance questions related to implementation. This direct final rule codifies clarifying aspects from that guidance by removing unnecessary language, clearly outlining geographic preference option strategies, and making nonsignificant copy edits.

This direct final rule:

1. Replaces ''procurement specification'' with ''product specification'' to align with industry terminology.
2. Replaces ''selection criteria'' with ''defined scoring advantage'' to align with policy guidance.
3. Affirms that CNP operators have the flexibility to prescribe the way that a defined scoring advantage is applied and the amount of preference given to a product that meets their definition of local.
4. Reformats the regulatory text to clearly describe how geographic preference strategies may be applied during the procurement process as a product specification, a defined scoring advantage during bid evaluation, or a mix of both strategies.
5. Clarifies that CNP operators may use, but are not limited to, the phrases ''local,'' ''locally grown,'' ''locally raised,'' and ''locally caught'' in their solicitations.
6. Removes the undefined term ''minimally processed'' since all allowable food handling and preservation techniques are specified in the definition of ''unprocessed agricultural products.''
7. For SBP, SMP, CACFP, and SFSP, revises regulations to refer back to NSLP geographic preference option regulations for consistency.

Accordingly, this direct final rule amends 7 CFR 210.21(g), 215.14a(e), 220.16(f), 225.17(e), and 226.22(c) to clarify how to apply the geographic preference option for the procurement of local, unprocessed agricultural products.

This direct final rule is not subject to the requirement to provide notice and an opportunity for public comment because it falls under the good cause exception at 5 U.S.C. 553(b)(B). The good cause exception is satisfied when notice and comment is ''impracticable, unnecessary, or contrary to the public interest.'' As stated before, the changes in this direct final rule do not alter the meaning of the regulations or their implementation; rather, they are intended to clarify existing regulatory requirements. It is unnecessary to provide notice and an opportunity for public comment because there is no change to regulations that impact the public.

If a significant adverse comment applies to a part of the direct final rule and that part can be severed from the remainder of the rule, USDA may adopt as final those provisions of the rule that are not the subject of the significant adverse comment.

Procedural Matters

Regulatory Impact Analysis

This rule is necessary to correct inadequate information in the existing regulatory language that has hitherto been clarified via agency-issued guidance, which is less formal and binding than a rule and may be overlooked by some program operators despite the agency's best efforts to promulgate the information. By formalizing these clarifications in regulation, the government will ensure that all program operators have access to the same information in determining geographic preference.

USDA assessed possible benefits of the final rule, assuming a baseline counterfactual in which the agency continues to clarify geographic preference via guidance. Because the direct final rule merely clarifies existing guidance and codifies available practices, it does not alter the baseline regulatory environment. Formal clarification of ambiguities through edits to the regulatory language may help reach those who were not aware of the guidance, increase Federal government efficiency by removing the need to re-circulate the guidance or provide redundant technical assistance to those who were unaware of the guidance, and reduce administrative burden for program operators who wish to procure local foods. Any such benefits are likely to be minimal, however, because these clarifications were already officially available from USDA to program operators, posted on the agency website and sent via PartnerWeb so all operators have access.

USDA also assessed possible cost impacts. To the extent that these clarifications induce any marginal shift in procurement patterns—which, as noted, we believe unlikely—purchasing decisions by program operators remain bounded by price-reasonableness standards. As a result, any induced substitution toward geographically preferred vendors is expected to be cost-

[4] Child Nutrition Programs: Meal Patterns Consistent With the 2020–2025 Dietary Guidelines for Americans (89 FR 31962, April 25, 2024). Available at: *https://www.federalregister.gov/documents/2024/04/25/2024-08098/child-nutrition-programs-meal-patterns-consistent-with-the-2020-2025-dietary-guidelines-for.*

[5] SP 22–2024, CACFP 08–2024, SFSP 13–2024, *Geographic Preference Expansion Related to the Final Rule titled, Child Nutrition Programs: Meal Patterns Consistent With the 2020–2025 Dietary Guidelines for Americans.* Available at: *https://www.fns.usda.gov/f2s/geographic-preference-expansion.* SP 24–2024, CACFP 10–2024, SFSP 14, 2024 *Geographic Preference Option Questions & Answers.* Available at: *https://www.fns.usda.gov/f2s/geographic-preference-option-qa-memo.*

neutral, generating no incremental costs relative to the baseline.

Executive Order 12866, 13563, and 14192

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is considered an Executive Order 14192 deregulatory action.

This direct final rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been certified that this rule would not have a significant impact on a substantial number of small entities.

While the clarifications made with this rulemaking may help some small businesses increase market opportunities and sales, this direct final rule would not have an impact on small entities because it does not change the meaning of the regulations or their implementation.

Congressional Review Act

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

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and Tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or Tribal governments, in the aggregate, or the private sector, of $146 million or more (when adjusted for inflation; GDP deflator source: Table 1.1.9 at *http://www.bea.gov/iTable*) in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This direct final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments or the private sector of $146 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The SBP, NSLP, SMP, CACFP, and SFSP are listed in the Catalog of Federal Domestic Assistance under SBP No. 10.553, NSLP No. 10.555, SMP No. 10.556, CACFP No. 10.558, and SFSP No. 10.559, respectively, and are subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.) Since the Child Nutrition Programs are State-administered, USDA's FNA Regional Offices have formal and informal discussions with State and local officials, including representatives of Indian Tribal Organizations, on an ongoing basis regarding program requirements and operations. This provides USDA with the opportunity to receive regular input from program administrators and contributes to the development of feasible program requirements.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have Federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13132.

The Department has determined that this rule does not have Federalism implications. This rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a Federalism summary impact statement is not required.

Executive Order 12988, Civil Justice Reform

This direct final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATES** section of the final rule. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

Civil Rights Impact Analysis

USDA has reviewed the direct final rule, in accordance with the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), Section 12403, Civil Rights Analyses, to identify and address any major civil rights impacts the direct final rule may have on specific groups. The promulgation of this direct final rule will expand local food access in all CNPs for all participants. It is unlikely that this direct final rule will have a civil rights impact on State agencies, Program operators, program participants, or food producers as the changes are customer-focused and intended to simplify program regulation language.

USDA will continue engaging with State agencies and Program operators to address any needs and/or challenges associated with the updated geographic preference option regulatory language. In accordance with applicable laws, regulations and directives, USDA will also propose further outreach and mitigation strategies to alleviate any unforeseen impacts, if deemed necessary.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. We are unaware of any Tribal implications of this rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; 5 CFR 1320) requires the Office of Management and Budget (OMB) approve all collections of information by a Federal agency before

they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number.

This rule contains information collections that have been approved by OMB under OMB numbers 0584–0006, 0584–0012, 0584–0055, 0584–0280, and 0584–0005. The rule does not add new information collection requirements, nor does it alter the burden associated with existing requirements.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

7 CFR Part 210

Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Labeling, Reporting and recordkeeping requirements

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 210, 215, 220, 225, and 226 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. In § 210.21, revise paragraph (g) to read as follows:

§ 210.21 Procurement.

* * * * *

(g) *Geographic preference.* (1) School food authorities participating in the Program and State agencies making purchases on behalf of school food authorities, may apply the geographic preference option when procuring local, unprocessed agricultural products. The geographic preference option may be applied using the following strategies, either singly or in combination:

(i) A ''local product specification,'' a written product description in a solicitation that identifies the local area from which the unprocessed agricultural product must originate for a bid to be considered responsive; or

(ii) A ''defined scoring advantage,'' a preference that gives additional credits or points for unprocessed agricultural products from a specified local area during bid evaluation. School food authorities and State agencies making purchases on behalf of school food authorities have the discretion to determine the method for applying a defined scoring advantage and to determine the amount of preference to give to products that meet their definition of local.

(2) In paragraph (g)(1) of this section, ''local'' means products that are locally grown, raised, or caught. School food authorities making the purchase and State agencies making purchases on behalf of school food authorities may use, but are not limited to, terms like ''local,'' ''locally grown,'' ''locally raised,'' and ''locally caught'' in their solicitations and have the discretion to determine the local area to which geographic preference will be applied, so long as there are an appropriate number of qualified firms able to compete.

(3) In paragraph (g)(1) of this section, ''unprocessed agricultural products'' means only agricultural products that retain their inherent character. The following food handling and preservation techniques are not considered to change the inherent character of an agricultural product:

(i) Cooling;

(ii) Refrigerating;

(iii) Freezing;

(iv) Size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding;

(v) Forming ground products into patties without any additives or fillers;

(vi) Drying/dehydration;

(vii) Washing;

(viii) Packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package);

(ix) Adding ascorbic acid or other preservatives to prevent oxidation of produce;

(x) Butchering livestock and poultry;

(xi) Cleaning fish; and

(xii) Pasteurizing milk.

* * * * *

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

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

Authority: 42 U.S.C. 1772 and 1779.

■ 4. In § 215.14a:

■ a. Revise paragraph (e); and

■ b. Remove the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 215.14a Procurement standards.

* * * * *

(e) *Geographic preference.* School food authorities participating in the Program may apply the geographic preference option under § 210.21(g) of this chapter.

PART 220—SCHOOL BREAKFAST PROGRAM

■ 5. The authority citation for part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

■ 6. In § 220.16:

■ a. Revise paragraph (f); and

■ b. Remove the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 220.16 Procurement standards.

* * * * *

(f) *Geographic preference.* School food authorities participating in the Program may apply the geographic preference option under § 210.21(g) of this chapter.

PART 225—SUMMER FOOD SERVICE PROGRAM

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

Authority: Secs. 9, 13 and 14, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a).

■ 8. In § 225.17, revise paragraph (e) to read as follows:

§ 225.17 Procurement standards.

* * * * *

(e) Sponsors participating in the Program may apply the geographic preference option under § 210.21(g) of this chapter.

* * * * *

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

■ 9. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

■ 10. In § 226.22, revise paragraph (c) to read as follows:

§ 226.22 Procurement standards.

* * * * *

(c) *Geographic preference.* Institutions participating in the Program may apply the geographic preference option under § 210.21(g) of this chapter.

Shiela Corley,

Acting Administrator, Food and Nutrition Administration.

[FR Doc. 2026–18337 Filed 9–8–26; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 101 and 264

[CIS No. 2882–26; DHS Docket No. USCIS–2026–0496]

RIN 1615–AD24

Registration of Lawful Permanent Residence for Children Born to Foreign Government Employees in the United States

AGENCY: Department of Homeland Security, U.S. Citizenship and Immigration Services.

ACTION: Interim final rule; request for comments.

SUMMARY: Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) is amending its regulations to permit children born in the United States to ''foreign government employees'' who are not U.S. citizens to register for permanent residence. DHS is also making corresponding changes to Form I–485, Application to Register Permanent Residence or Adjust Status and Form G–325R, Biographic Information (Registration).

DATES: This interim final rule (IFR) is effective on September 4, 2026. This IFR will apply to children born to foreign government employees on or after September 4, 2026; children born to a foreign government employees prior to that date will be treated consistently with the regulations in place at the time of their birth. Comments must be received on or before October 5, 2026. The electronic Federal Docket Management System will accept comments prior to midnight eastern time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this interim final rulemaking package, identified by DHS Docket No. USCIS–2026–0496, through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the website instructions for submitting comments. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the interim final rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the interim final rule and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using *http://www.regulations.gov,* please contact the Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Office of Policy and Strategy, U.S. Citizenship and Immigration Services (USCIS), DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 711.

SUPPLEMENTARY INFORMATION:

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  J. National Environmental Policy Act (NEPA)
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Table of Abbreviations

APA—Administrative Procedures Act
ASC—Application Support Center
CPI–U—Consumer Price Index for All Urban Consumers
CRA—Congressional Review Act
DHS—Department of Homeland Security
DOS—Department of State
E.O.—Executive Order
HSA—Homeland Security Act of 2002
NEPA—National Environmental Policy Act
OMB—Office of Management and Budget
PRA—Paperwork Reduction Act
RFA—Regulatory Flexibility Act
SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996
Secretary—Secretary of Homeland Security
UMRA—Unfunded Mandates Reform Act of 1995
USCIS—U.S. Citizenship and Immigration Services

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects of this interim final rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this interim final rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the interim final rule, explain the reason for any recommended

change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the interim final rule and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2026–0496 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at *http://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received, go to *http://www.regulations.gov,* referencing DHS Docket No. USCIS–2026–0496. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Purpose and Background

A. Purpose of the Regulatory Action

The purpose of this rulemaking is to clarify that certain aliens who are born in the United States but are not United States citizens may register their permanent resident status. This is consistent with Executive Order (E.O.) 14418, Continuing to Protect the Meaning and Value of American Citizenship, 91 FR 51991 (August 6, 2026), which directs the Secretary of Homeland Security (Secretary) to take appropriate action to prevent the issuance of documents recognizing United States citizenship to certain individuals born in the United States, where neither parent of that person is a U.S. citizen and at least one parent meets certain conditions.

B. Background

The Fourteenth Amendment grants United States citizenship at birth to ''all persons born . . . in the United States, and subject to the jurisdiction thereof.'' The Supreme Court has interpreted the words ''subject to the jurisdiction thereof'' to create certain exceptions to birthright citizenship, notably ''children of members of the Indian tribes . . . children born of alien enemies in hostile occupation, and children of diplomatic representatives of a foreign state.'' *See U.S.* v. *Wong Kim Ark,* 169 U.S. 649, 682 (1898); *see also Trump* v. *Barbara,* 609 U.S. ---, 146 S.Ct. 2438, 2456 (2026) (''[A] person is 'subject to the jurisdiction' of the government of the country in which he is physically present . . . unless he falls under one of the familiar exceptions, such as for ambassadors.'').

Since at least the 1940s, the former Immigration and Naturalization Service (INS), and more recently USCIS, have treated children born in the United States to foreign diplomatic officers who do not acquire citizenship at birth as eligible to register lawful permanent residence in the United States. *See Matter of Huang,* 11 I&N Dec. 190 (BIA 1965) (tracing this practice back to ''an opinion dated December 10, 1946, by the General Counsel of the Service''); *Matter of Chu,* 14 I&N Dec. 241 (BIA 1972). In 1982, the former INS published regulations, at 8 CFR 101.3, 101.4, and 264.2, to create a formal procedure for creation of records of lawful permanent residence for individuals born in the United States to foreign diplomatic officers accredited to the United States.[1]

These regulations, which are still in force today, state that a child of a foreign diplomatic officer accredited to the United States is not a U.S. citizen under the Fourteenth Amendment but may voluntarily register as a lawful permanent resident of the United States. To register, the applicant must file Form I–485, Application to Register Permanent Residence or Adjust Status, and establish that he or she has not abandoned his or her residence in the United States. If the application is granted, the applicant is considered a lawful permanent resident as of his or her date of birth.

On August 6, 2026, President Trump issued E.O. 14418, Continuing to Protect the Meaning and Value of American Citizenship. *See* 91 FR 51991. The E.O. identifies certain categories of children born in the United States who do not fall within the rule of birthright citizenship as announced by the Supreme Court in *Barbara.* Among these categories identified in Section 2 of the E.O. are persons who do not have a U.S. citizen parent, and either of their parents is a ''foreign government employee, defined to include: (i) ambassadors; (ii) persons employed by a foreign embassy or consulate who are nationals of that foreign country; (iii) persons employed by a foreign government in an official capacity; and (iv) persons employed by an international organization that possess international-organization immunity.'' *See id.* at Sec. 2(b). The E.O. stipulates that DHS shall not ''issue documents recognizing United States citizenship'' to, or accept documents issued by the State, local, or other governments or authorities purporting to recognize United States citizenship'' for these persons. *See id.*

Given the injunction currently in place in *Casa Inc.* v. *Trump,* No. 8:25–cv–00201 (D. Md Sep. 2, 2026), DHS will not take actions to implement the rule specifically to any member of the certified class, or otherwise conflict with the preliminary injunction, unless and until the government obtains relief from the injunction. If the government obtains timely relief from the injunction, DHS will implement the rule accordingly.

C. Legal Authority

The authority for the Secretary to issue this rule is found in various provisions of the Immigration and Nationality Act (''INA''), 8 U.S.C. 1101 *et seq.* INA section 103(a), 8 U.S.C. 1103(a) authorizes the Secretary to administer and enforce the immigration laws and establish such regulations as the Secretary deems necessary for carrying out such authority. Section 102 of the Homeland Security Act of 2002, 6 U.S.C. 112, among others, vests all functions of all DHS officers, employees, and organizational units in the Secretary and addresses the issuance of regulations by the Secretary.

INA section 101(a)(20), 8 U.S.C. 1101(a)(20) likewise provides authority insofar as the rule relates to persons who are ''lawfully admitted for permanent residence.'' Authority for this rule is furthermore found in INA sections 262 through 266, 8 U.S.C. 1302 through 1306, which govern the registration of aliens and authorize the Secretary to prepare forms for registration and fingerprinting of aliens.

[1] *See* Presumption of Lawful Admission; Registration and Fingerprinting of Aliens in the United States; Creation of Records of Lawful Permanent Resident Status for Aliens Eligible for Presumption of Lawful Admission for Permanent Residence and for Individuals Born Under Diplomatic Status in the United States, 47 FR 940–01 (Jan. 8, 1982); *see also Nikoi* v. *Atty. Gen. of U.S.,* 939 F.2d 1065, 1067 (D.C. Cir. 1991) (describing the regulatory history).

III. Discussion of Interim Final Rule

A. Applicability and Timing

The IFR applies prospectively to children born in the United States on or after the effective date of the IFR and subject to the new provisions of 8 CFR 101.3. Children born in the United States before the effective date of this IFR are not subject to the requirements of this IFR.

B. Definition of Foreign Government Employee

DHS is defining the term ''foreign government employee'' in a manner consistent with E.O. 14418. This definition applies only to foreign government employees who are not U.S. citizens. The definition of ''foreign government employee'' as set out in Section 2(b) of the E.O. includes the following:

- Ambassadors;
- Persons employed by a foreign embassy or consulate who are nationals of that foreign country;
- Persons employed by a foreign government in an official capacity; and
- Persons employed by an international organization that possesses international-organization immunity. *See* 91 FR 51991.

DHS notes that before this IFR, only children of foreign government employees who were also foreign diplomatic officers and not U.S. citizens were excluded from birthright citizenship, and there was no definition of ''foreign government employee'' for the purpose of determining birthright citizenship in the United States in 8 CFR. However, 8 CFR 101.3, prior to this IFR, defined ''foreign diplomatic officer'' in this context as ''a person listed in the State Department Diplomatic List, also known as the Blue List,'' and included:

- Ambassadors, ministers, chargés d'affaires, counselors, secretaries, and attaches;
- Members of the Delegation of the Commission of the European Communities; and
- Individuals with comparable diplomatic status and immunities who are accredited to the United Nations or to the Organization of American States, and other individuals who are also accorded comparable diplomatic status.

Through this IFR, DHS is amending 8 CFR 101.3(a)(2) to define ''foreign government employee'' to mean:

- Foreign diplomatic officers accredited to the United States;[2]
- Persons employed by a foreign embassy or consulate who are nationals of that foreign country;
- Persons employed by a foreign government in an official capacity; and
- Persons employed by an international organization that possess international-organization immunity.

Additionally, DHS is amending 8 CFR 101.3(a)(2) to clarify that the definition of ''foreign government employee,'' except if the foreign government employee falls within the definition under paragraph (a)(2)(i)(1), does not include:

- Personal employees or attendants of foreign government or international organization officials, such as personal assistants, chauffeurs, housecleaners, etc. (*i.e.,* employees hired by individual foreign officials rather than foreign governments);
- Employees of state-owned enterprises in a status other than A or G nonimmigrant visa classifications;
- Third-country nationals working for a foreign government, including at a foreign embassy or consulate;
- Employees of international organizations beyond those international organizations designated by executive order as enjoying immunity in the United States under the International Organizations Immunities Act;
- Contractors of foreign missions, international organizations, or governments in a status other than A or G nonimmigrant visa classifications; and
- Foreign government employees visiting the United States in a personal rather than an official capacity.

DHS notes that ''foreign diplomatic officer'' as defined in 8 CFR 101.3(a) prior to this IFR, is covered under the definition of foreign government employee. *See* new 101.3(a)(2)(i)(A). DHS removes reference to ''the State Department Diplomatic List, also known as the Blue List,'' because the Diplomatic List is no longer published by DOS.[3] As discussed above, the definition of ''foreign government employee'' is broader than the term ''foreign diplomatic officer'' as defined in 8 CFR 101.3(a) prior to this IFR. ''Foreign government employee,'' in addition to including ambassadors like the definition of ''foreign diplomatic officer,'' also refers more extensively to an individual's employment by a foreign government or international organization, whereas ''foreign diplomatic officer'' is defined more narrowly by specific titles and designations, particularly with reference to diplomatic status and immunities. Therefore, absent the changes made by this IFR, a child born in the United States to certain foreign government employees who lacks birthright citizenship would not have previously been eligible to register as a lawful permanent resident. Accordingly, DHS is amending its regulations to extend the opportunity to voluntarily register permanent residence to children born in the United States to a foreign government employee parent when neither parent is a U.S. citizen. *See* new 8 CFR 101.3(b).

C. Subject to the Jurisdiction of the United States

DHS is also clarifying that a child of a foreign government employee is not subject to the jurisdiction of the United States for purposes of birthright citizenship unless at least one parent of the child is a United States citizen. *See* new 8 CFR 101.3(a)(1). When neither parent is a U.S. citizen, the key inquiry is whether a parent was a foreign government employee at the time of the child's birth. Additionally, DHS removed the reference to ''international law'' from the provision because the basis for excluding additional children of foreign government employees from birthright citizenship is not solely international law, but rather an ''extraterritorial fiction.''[4] Furthermore, DHS has removed the term ''child born subject to the jurisdiction of the United States'' previously defined at 8 CFR 101.3(b) as DHS believes the definition provision was overinclusive in that it included all children born in the United States unless their parent was a foreign diplomatic officer.

[2] This includes ambassadors, ministers, chargés d'affaires, counselors, secretaries and attachés of embassies and legations as well as members of the Delegation of the Commission of the European Communities. The term also includes individuals with comparable diplomatic status and immunities who are accredited to the United Nations or to the Organization of American States, and other individuals who are also accorded comparable diplomatic status. Pursuant to 22 CFR 150.2, the question of whether any particular person enjoys diplomatic agent-level immunity and is therefore not subject to the jurisdiction of the United States, or whether they enjoy lesser status-based immunity, on any particular date entails both factual and legal analysis, and is determined by the Department of State, in accordance with relevant international and domestic law. Consistent with existing practice and USCIS guidance, USCIS will continue to seek confirmation from DOS on whether the applicant's parent or parents were foreign diplomatic officers, as defined by DHS regulations, at the time of the child's birth. *See* USCIS Policy Manual, Volume 7, Part O, Chapter 3.

[3] *See https://www.state.gov/office-of-the-chief-of-protocol/diplomatic-list* (last accessed Aug. 24, 2026). The Blue List was last published in the fall of 2020. *See https://2017-2021.state.gov/resources-for-foreign-embassies/diplomatic-list/* (last accessed Aug. 24, 2026).

[4] *See Barbara,* 146 S.Ct. at 2449; *see also* 91 FR 51991.

D. Registration as a Lawful Permanent Resident

Under new 8 CFR 101.3(b), registration as a lawful permanent resident will remain voluntary and will not be required for individuals rendered eligible to register under this regulation. However, a person born in the United States to a foreign government employee who is not a United States citizen is subject to section 262 of the Act, 8 U.S.C. 1302, and must register as an alien when required to do so by the Act, unless he or she has the rights, privileges, exemptions, and immunities which may be claimed by a foreign diplomatic officer. Registration as a lawful permanent resident under this regulation is one method of complying with section 262 of the Act, 8 U.S.C. 1302, but there are other available methods, including by filing Form G–325R, Biographic Information (Registration). *See* 8 CFR 264.1. Children whose parents choose not to register their permanent residence under this regulation may be required to comply with the alien registration requirement by filing Form G–325R, or having their parents file it on their behalf.

E. Conforming Regulatory Changes

DHS is also amending paragraph (d) of section 101.3 to revise a reference ''a nonimmigrant classification under paragraph (15)(A) or (15)(G) of section 101(a) of the Act'' to simply refer to ''a nonimmigrant classification,'' because A and G nonimmigrant visa classifications are primarily applicable to foreign diplomats. Children of other foreign government employees who are born in the United States and do not acquire citizenship at birth may reside in the United States and travel on different types of nonimmigrant visas.

Additionally, DHS is making conforming amendments to 8 CFR 101.4 and 264.2 to replace the term ''foreign diplomatic officer'' with ''foreign government employee'' and to change all references to birth ''under diplomatic status'' to refer instead to birth ''to a foreign government employee.''

F. Form Changes

Along with the amended regulations, DHS is revising forms. DHS is revising Form I–485 to broaden language referring to children ''born under diplomatic status'' and instead refer to children ''born to foreign government employees'' and add instructional language concerning which children of foreign government employees may file Form I–485 to register as lawful permanent residents. DHS is also revising Form G–325R, Biographic Information (Registration) [5] to account for children born in the United States who do not acquire U.S. citizenship at birth and who are subject to 262 of the Act, 8 U.S.C. 1302, but do not register as lawful permanent residents under the amended regulation at 8 CFR 101.3.

IV. Statutory and Regulatory Requirements

A. Administrative Procedure Act (APA)

DHS has issued this IFR without prior notice and comment and delayed effective date because, the regulatory amendments involve a foreign affairs function under 5 U.S.C. 553(a)(1). In addition, DHS is invoking the ''good cause'' exception of the APA. See 5 U.S.C. 553(b)(B). For the same reasons, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

1. Foreign Affairs

This rule is exempt from notice and comment and the delayed effective date because it pertains to the foreign affairs function of the United States. 5 U.S.C. 553(a). An action falls within the exception if it ''clearly and directly'' involves a foreign affairs function.[6] Cases that directly involve the conduct of foreign affairs include rules that regulate foreign diplomats in the United States.[7] In *City of N.Y.* v. *Permanent Mission of India to the U.N.,* the Second Circuit found that a State Department **Federal Register** Notice regarding exemptions from real property taxes imposed by state and local governments validly invoked the foreign affairs exemption because the regulation of diplomatic relations directly involves a foreign affairs function of the United States.[8]

This rule governs the registration of permanent resident status for children born to foreign government employees who previously would have been considered United States citizens at birth. Because these children are born in the United States to foreign government employees, the status of these children has international implications, including likely significant reciprocal consequences for the treatment of children of U.S. diplomatic, government, and international organization employees overseas. In the absence of a rule governing the status of these children, these children may have a difficult time traveling within and outside of the United States with their parents if they do not possess a passport or a visa and may otherwise be subject to removal from the United States. Because this rule regulates the treatment of children of foreign government employees which implicates various diplomatic and international agreements and arrangements between countries, it directly involves a foreign affairs function. In the absence of DHS moving expeditiously to address the status of children of foreign government employees born in the United States, other countries with whom the United States has reciprocal arrangements regarding diplomatic, government, and international organization personnel may change their own rules in a way that adversely affects the ability of U.S. personnel to engage with foreign partners and conduct the work of foreign and international relations. Additionally, because this rule pertains to the status of children born to foreign government employees in the United States, the reliance on the foreign affairs exception is also supported by the DOS Determination: Foreign Affairs Functions of the United States, 90 FR 12200 (Mar. 14, 2025).[9]

2. Good Cause

In addition to the foreign affairs exception, DHS may forgo notice and comment rulemaking when the agency ''for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' *See* 5 U.S.C. 553(b)(B). Likewise, section 553(d)'s requirement of 30-day delayed effective date may be waived by the agency for good cause found and published with the rule. *See* 5 U.S.C. 553(d)(3).

The ''impracticable'' prong of the good cause exception excuses notice and comment in emergency situations.[10] Although the good cause exception is ''narrowly construed and only

[5] See G–325R, Biographic Information (Registration) *https://www.uscis.gov/forms/all-forms/g-325r* (last visited Aug. 27, 2026) and if required attend a biometrics services appointment according to the Alien Registration Form and Evidence of Registration Final Rule (91 FR 39248).

[6] *Capital Area Immigrants' Rights Coal.* v. *Trump,* 471 F. Supp. 3d 25, 53 (D.D.C. 2020) (''to be covered by the foreign affairs function exception, a rule must clearly and directly involve activities or actions characteristic to the conduct of international relations'').

[7] *E.B. et al.* v. *Dep't of State,* Civil Action 19–2856 at 11 (D.D.C. Feb. 4, 2022); *CAIR* v. *Trump,* 471 F. Supp. 3d 25, 54 (D.D.C. 2020).

[8] 618 F.3d 172, 202 (2d Cir. 2010).

[9] ''I hereby determine that all efforts, conducted by any agency of the federal government, to control the status, entry, and exit of people, and the transfer of goods, services, data, technology, and other items across the borders of the United States, constitute a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553, 554.''

[10] *See Nat. Res. Council, Inc.* v. *Evans,* 316 F.3d 904, 911 (9th Cir. 2003) (''Emergencies, though not the only situations constituting good cause, are the most common'').

reluctantly countenanced,'' [11] it is an important safety valve to be used where delay caused by notice and comment would do real harm (even absent an emergency situation).[12] Whether undergoing notice and comment rulemaking is impracticable is based on the particular facts and context present with respect to a specific rulemaking.[13] In this case, DHS finds that engaging in notice and comment rulemaking would be impracticable because as discussed elsewhere in this rule, children born to foreign government employees who do not have a U.S. citizen parent are not U.S. citizens. Therefore, DHS is aiming to put in place a procedure for children born on or after the effective date of this rule to have the ability to voluntarily register as lawful permanent residents as soon as possible in order to ensure that they have a lawful status in the United States.

The good cause exception applies when affording prior notice and comment would be contrary to the public interest. *See* 5 U.S.C. 553(b). This prong is met when the ordinary procedures under the APA—generally presumed to serve the public interest—would in fact harm the interest of the public.[14] The exception is appropriately invoked when the timing and the disclosure requirement of the usual procedures would defeat the purpose of the proposal and harm the public interest.[15] This prong of the good cause exception is closely related to the impracticable prong. As discussed in the context of the foreign affairs exception, undergoing notice and comment rulemaking and a delayed effective date would be contrary to public interest because leaving children of foreign government employees without a clear path to register lawful immigration status in the United States would affect those children and their parents and in turn would likely impact the treatment of similarly situated United States diplomats, government and international organization employees and their children abroad. For these reasons, DHS is invoking the good cause exceptions to forgo notice and comment rulemaking and a delayed effective date.

B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has designated this rule a ''significant regulatory action'' under section 3(f) of E.O. 12866, although not economically significant under section 3(f)(1). Accordingly, the rule has been reviewed by OMB. This rule is not an E.O. 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens.[16]

DHS is updating its regulations to provide a way for additional children who are born in the United States, but are not U.S. citizens, to register as lawful permanent residents. Specifically, this IFR impacts children born in the United States where neither parent is a U.S. citizen and at least one parent is a foreign government employee. This rule amends the existing regulations at 8 CFR 101.3, 101.4, and 264.2 to apply more broadly to children born to certain foreign government employees.

DHS is extending the existing process for registering permanent residence (Form I–485, Application to Register Permanent Residence or Adjust Status) to other children of foreign government employees who lack birthright citizenship. DHS is also making related updates to alien registration requirements to reflect this expanded category. The changes in this rule are discussed in depth above, in Section III—Discussion of Interim Final Rule.

The impacted population of this rule is children born in the United States to certain foreign government employees who would not acquire U.S. citizenship at birth unless at least one parent is a U.S. citizen. This includes children of foreign diplomats, certain embassy or consulate employees, foreign government officials, and employees of international organizations with international-organization immunity. DHS is unable to quantify this new population of individuals who will be impacted by the rule because USCIS has not historically tracked this population as a distinct, structured category. The DOS Office of Foreign Missions reports that the United States hosts more than 124,000 foreign mission members and dependents.[17] However, DHS is unable to use this figure to estimate the population affected by this rule because available data does not identify how many foreign government employees have a U.S. citizen spouse, depart the United States prior to the birth of a child, or depart the United States after the birth of a child and do not return. Accordingly, DHS lacks sufficient information to more accurately estimate the number of U.S. born children who would be affected by this rule. Therefore, DHS discusses the affected population of this rule qualitatively.

The changes in this rule will subject newly affected individuals to immigration-related registration and documentation requirements that would not apply to them under the current regulations. Newly affected individuals may incur costs associated with alien

[11] *See State of New Jersey* v. *EPA,* 626 F.2d 1038, 1045 (D.C. Cir. 1980); see also *Am. Fed. Gov't Emps.* v. *Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981) (''As the legislative history of the APA makes clear, moreover, the exceptions at issue here are not 'escape clauses' that may be arbitrarily utilized at the agency's whim. Rather, use of these exceptions by administrative agencies should be limited to emergency situations . . .'').

[12] *See U.S.* v. *Dean, 604 F.3d 1275, 1379 (11th Cir. 2010); United States Steel Corp.* v. *United States Environmental Protection Agency, 595 F.2d 207, 214 (5th Cir. 1979). See also, Mack Trucks, Inc.* v. *EPA*, 682 F.3d 87, 93–94 (D.C. Cir. 2012), *Jifry* v. *FAA,* 370 F.3d 1174, 1179 (D.C. Cir. 2004).

[13] *See Malek-Marzban* v. *Immigr. & Naturalization Serv.,* 653 F.2d 113, 116 (4th Cir. 1981) (Upholding the agency's finding that notice and comment procedures were impracticable, unnecessary, and contrary to the public interest when swift action was needed to regulate the presence of aliens in light of the urgency of the international crisis.'').

[14] *See Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 95 (D.C. Cir. 2012).

[15] *Nat. Res. Def. Council* v. *Nat'l Highway Traffic Safety Admin.,* 894 F.3d 95, 114 (2d Cir. 2018) (''Of course, since notice and comment are regarded as beneficial to the public interest, for the exception to apply, the use of notice and comment must actually harm the public interest'').

[16] *See* OMB Memorandum M–25–20, *Guidance Implementing Section 3 of Executive Order 14192, titled* ''*Unleashing Prosperity Through Deregulation*'' (Mar. 26, 2025), *https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf.*

[17] See About Us—Office of Foreign Missions, Department of State, *https://2021-2025.state.gov/about-us-office-of-foreign-missions/* (last visited Aug. 31, 2026).

registration requirements using Form G–325R, Biographic Information (Registration)[18] and for those who voluntarily choose to do so, registering as lawful permanent residents using Form I–485.

The newly impacted alien population may incur costs associated with completing and filing Form G–325R. These costs include the time required for a parent or legal guardian to create an online account, gather the necessary information, complete and submit the form, and comply with any applicable biometric requirements. For children under 14 years of age, a parent or legal guardian must ensure that the child is registered and must create an individual USCIS online account and submit Form G–325R on the child's behalf. Individuals must re-register and provide fingerprints within 30 days after reaching the age of 14. USCIS' current estimated time burden for an applicant to complete Form G–325R is 2.5 hours. This time burden is not expected to change as a result of this rule and Form G–325R currently has no filing fee.

DHS calculates the costs to complete and submit Form G–325R as well as the cost to submit the required biometrics as follows. For the affected population, we use the mean hourly wage of all occupations ($33.54).[19] To estimate total compensation, we multiply the mean hourly wage by the compensation to wage ratio for civilian employees (1.46).[20] This results in an estimated mean hourly total compensation of $48.97.[21] The opportunity cost of time to complete Form G–325R is $122.43 at the total compensation rate.[22]

To estimate the costs of submitting biometrics, we consider the time burden to submit biometrics, the time burden to travel to and from an Application Support Center (ASC), and the vehicle costs of traveling to and from an ASC. The estimated time burden to submit biometrics for Form G–325R is 1.17 hours.[23] The estimated opportunity cost of time to submit biometrics is $57.29.[24] The estimated average travel distance to and from an ASC is 50 miles; the expected total travel time is 2.5 hours.[25] The estimated opportunity cost of time to travel to and from an ASC is $122.43.[26] The vehicle costs of traveling to and from an ASC are based on the General Service Administration's per mile reimbursement rate for traveling in a privately owned vehicle—currently $0.76 per mile.[27] The estimated vehicle costs of traveling to and from an ASC are $38.00.[28] The estimated cost to submit biometrics at an ASC is $217.72.[29] The estimated total per person compliance cost to register and submit biometrics for Form G–325R is $340.15.[30]

The rule will also make newly affected individuals eligible to voluntarily file Form I–485 to register as lawful permanent residents. If such an individual is under eighteen years old at the time of filing, his or her parent or legal guardian shall prepare and sign Form I–485 on the applicant's behalf. Individuals who choose this option will incur the applicable filing costs to gather the necessary information, complete and submit the form, and comply with any applicable biometric requirements. USCIS' current estimated time burdens for an applicant to complete Form I–485 are 6.86 hours (paper and PDFi) and 6.09 hours (e-file). These time burdens are not expected to change as a result of this rule.[31]

DHS calculates the total costs to complete and submit Form I–485 as well as submit the required biometrics as follows. For the affected population, we use the mean hourly wage of all occupations ($33.54).[32] To estimate total compensation, we multiply the mean hourly wage by the compensation to wage ratio for civilian employees (1.46).[33] This results in an estimated mean hourly total compensation of $48.97.[34] The opportunity cost of time to complete Form I–485 is $335.93 (paper and PDFi) and $298.23 (e-file) at the total compensation rate.[35]

To estimate the costs of submitting biometrics, we consider the time burden to submit biometrics, the time burden to travel to and from an ASC, and the vehicle costs of traveling to and from an ASC. The estimated time burden to submit biometrics for Form I–485 is 1.17 hours.[36] The estimated opportunity cost of time to submit biometrics is $57.29.[37] The estimated average travel distance to and from an ASC is 50 miles; the expected total travel time is 2.5 hours.[38] The estimated opportunity cost of time to travel to and from an ASC is $122.43.[39] The vehicle costs of traveling to and from an ASC are based on the

[18] See G–325R, Biographic Information (Registration) *https://www.uscis.gov/forms/all-forms/g-325r* (last visited Aug. 27, 2026). Individuals may also be required to attend a biometrics services appointment according to the Alien Registration Form and Evidence of Registration Final Rule (91 FR 39248).

[19] See Bureau of Labor Statistics, U.S. Department of Labor (DOL), ''Occupational Employment and Wages News Release—Occupational Employment and Wages—May 2025'' Table 1. National employment and wage data from the Occupation employment and Wage Statistics survey by occupation, May 2025. All Occupations—Mean Hourly Wage, *https://www.bls.gov/news.release/pdf/ocwage.pdf* (last visited Aug. 28, 2026).

[20] The benefits-to-wage multiplier is calculated as follows: ($49.32 Total Employee Compensation per hour) ÷ ($33.72 Wages and Salaries per hour) = 1.46 (rounded). *See* U.S. Dep't of Labor, Bureau of Labor Statistics, Economic News Release, Employer Cost for Employee Compensation—March 2026, Table 1 (June 12, 2026), *https://www.bls.gov/news.release/pdf/ecec.pdf.* Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group.

[21] Calculation: $33.54 × 1.46 =$48.97 loaded wage rate.

[22] Calculation: 2.5 hours × $48.97 loaded wage rate = $122.43 (rounded) opportunity cost of time to file Form G–325R.

[23] The estimated time burden to file Form G–325R can be found in Supporting Statement A submitted with the revision package to OMB on August 22, 2025 at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-1615-002.*

[24] Calculation: 1.17 hours to submit biometrics * $48.97 loaded wage rate = $57.29 (rounded).

[25] These are the same parameters used in other USCIS rules. See, *e.g.,* ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives,'' 78 FR 536, 578 (Jan. 3, 2013).

[26] Calculation: 2.5 hours to travel to and from an ASC * $48.97 loaded wage rate = $122.43 (rounded).

[27] For use of a privately owned automobile, see General Services Administration, ''Privately Owned Vehicle (POV) Mileage Reimbursement Rate,'' *https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates/pov-mileage-reimbursement* (last updated Jul. 30, 2026).

[28] Calculation: $0.76 cost per vehicle mile * 50 miles to and from an ASC = $38.00 vehicle costs.

[29] Calculation: $38 vehicle costs to travel to and from an ASC + $122.43 opportunity cost of time to travel to and from an ASC + $57.29 opportunity cost of time to submit biometrics = $217.72.

[30] $122.43 opportunity cost of time to complete and submit form + $217.72 costs to submit biometrics at an ASC = $340.15.

[32] See Bureau of Labor Statistics, U.S. Department of Labor (DOL), ''Occupational Employment and Wages News Release—Occupational Employment and Wages—May 2025'' Table 1. National employment and wage data from the Occupation employment and Wage Statistics survey by occupation, May 2025. All Occupations—Mean Hourly Wage, *https://www.bls.gov/news.release/pdf/ocwage.pdf* (last visited Aug. 28, 2026).

[33] The benefits-to-wage multiplier is calculated as follows: ($49.32 Total Employee Compensation per hour) ÷ ($33.72 Wages and Salaries per hour) = 1.46 (rounded). *See* U.S. Dep't of Labor, Bureau of Labor Statistics, Economic News Release, Employer Cost for Employee Compensation—March 2026, Table 1 (June 12, 2026), *https://www.bls.gov/news.release/pdf/ecec.pdf.* Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group.

[34] Calculation: $33.54 × 1.46 =$48.97 loaded wage rate.

[35] Calculation: 6.09 hours × $48.97 loaded wage rate = $298.23 (rounded) opportunity cost of time to file Form I–485 (e-file) and 6.86 hours × $48.97 loaded wage rate = $335.93 (rounded) opportunity cost of time to file Form I–485 (paper and PDFi).

[36] The estimated time burden to submit biometrics for Form I–485 can be found in the form instructions at *https://www.uscis.gov/sites/default/files/document/forms/i-485instr.pdf* (last visited Aug. 28, 2026).

[37] Calculation: 1.17 hours to submit biometrics * $48.97 loaded wage rate = $57.29 (rounded).

[38] These are the same parameters used in other USCIS rules. See, *e.g.,* ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives,'' 78 FR 536, 578 (Jan. 3, 2013).

[39] Calculation: 2.5 hours to travel to and from an ASC * $48.97 loaded wage rate = $122.43 (rounded).

General Service Administration's per mile reimbursement rate for traveling in a privately owned vehicle—currently $0.76 per mile.[40] The estimated vehicle costs of traveling to and from an ASC are $38.00.[41] The estimated cost to submit biometrics at an ASC is $217.72.[42] Form I–485 currently has filing fees of $1,440 paper filing (paper and PDFi) and $1,390 (e-file).[43] DHS estimates that the total per person cost to complete and submit a form including filing fees and submit biometrics for Form I–485 are $1,993.65 (paper and PDFi) and $1,905.95 (e-file).[44] For purposes of this analysis, DHS treats Form G–325R and Form I–485 as alternative pathways for initial registration, although some individuals may later choose to file Form I–485 after registering through Form G–325R.

The benefits of this rule include establishing a consistent regulatory framework for registering lawful permanent resident status of U.S.-born children of foreign government employees. It will provide affected individuals and federal agencies with clearer guidance on citizenship recognition, lawful permanent resident registration, and alien registration requirements. By extending the existing Form I–485 process to the newly impacted alien population, the rule will also provide eligible individuals with an established pathway to voluntarily register as lawful permanent residents.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121 (Mar. 29, 1996), requires Federal agencies to consider the potential impact of regulations on small entities during the development of their rules to determine whether there will be a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. An ''individual'' is not considered a small entity and therefore a rule's impact on individuals is not considered for RFA purposes.[45] *See* 5 U.S.C. 601, 632. In addition, the courts have held that the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates small entities.[46] Consequently, a rule's indirect impacts on a small entity is not considered for RFA purposes.

This rule does not directly regulate small entities and is not expected to have a direct effect on them. The rule regulates individuals, and individuals are not defined as ''small entities'' by the RFA. Based on the information presented above in the RIA and throughout the preamble, DHS certifies that this rule will not have a significant economic impact on a substantial number of small entities.

D. Congressional Review Act (CRA)

The Congressional Review Act (CRA) was included as part of the SBREFA Subtitle E, Public Law 104–121, tit. II, 110 Stat. 847 (Mar. 29, 1996). This IFR is not a major rule as defined under the CRA in 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of $100 million or more. DHS has complied with the CRA's reporting requirements and has sent this rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1).

E. Unfunded Mandates Reform Act of 1995 (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule that includes any Federal mandate that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. *See* 2 U.S.C. 1532(a).

The inflation adjusted value of $100 million in 1995 is approximately $211 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI–U).[47] This rule does not contain such a mandate, because it does not impose any enforceable duty upon any other level of government or private sector entity. Amending regulations in this rule does not result in any expenditures by the State, local, or Tribal governments, or by the private sector. The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA.

F. Executive Order 13132 (Federalism)

This rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E.O. 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This interim final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Family Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Agencies must assess whether the regulatory action: (1) impacts the

[40] For use of a privately owned automobile, see General Services Administration, ''Privately Owned Vehicle (POV) Mileage Reimbursement Rate,'' *https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates/pov-mileage-reimbursement* (last updated Jul. 30, 2026).

[41] Calculation: $0.76 cost per vehicle mile * 50 miles to and from an ASC = $38.00 vehicle costs.

[42] Calculation: $38 vehicle costs to travel to and from an ASC + $122.42 opportunity cost of time to travel to and from an ASC + $57.29 opportunity cost of time to submit biometrics = $217.72.

[43] USCIS, G–1055, Fee Schedule, (Edition 5/29/2026), *https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf* (last visited Aug. 28, 2026), see p. 15–16, Form I–485, Application to Register Permanent Residence or Adjust Status.

[44] Calculation: *Form I–485 (paper and PDFi)* —$335.93 opportunity cost of time to complete and submit form + $217.72 costs to submit biometrics at an ASC + $1,440 filing fee = $1,993.65 *Form I–485 (e-file)* -- $298.23 opportunity cost of time to complete and submit form + $217.72 costs to submit biometrics at an ASC + $1,390 filing fee = $1,905.95.

[45] *See* Public Law 104–121, tit. II, 110 Stat. 847 (5 U.S.C. 601 note). A small business is defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act, 15 U.S.C. 632.

[46] *See* Office of Advocacy, Small Business Administration, ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act'' 22 (Aug. 2017) *https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf.*

[47] *See* DOL, BLS, Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month, *https://data.bls.gov/timeseries/CUUR0000SA0?years_option=all_years* (last visited Aug. 24, 2026). Calculation of inflation: (1) Calculate the average monthly CPI–U for the reference year (1995) and the current year (2025); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100 = [(Average monthly CPI–U for 2025 − Average monthly CPI–U for 1995) ÷ (Average monthly CPI–U for 1995)] × 100 = [(321.943 − 152.383)/152.383] = (169.560/152.383) = 1.113 × 100 = 111.272 percent = 111 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.11 = $211 million in 2025 dollars.

stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) if the regulatory action financially impacts families, are justified; (6) may be carried out by State or local government or by the family; and (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the determination is affirmative, then the Agency must prepare an impact assessment to address criteria specified in the law. DHS has determined that this final rule will not affect family well-being and has not prepared the impact assessment statement.

I. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This interim final rule would not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act (NEPA)

DHS and its components analyze final actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) establish the policies and procedures that DHS and its components use to comply with NEPA, 42 U.S.C. 4321 *et seq.*

NEPA allows Federal agencies to establish categories of actions as categorical exclusions that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment (EA) or environmental impact statement (EIS). See 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect. See Instruction Manual 023–01 at V.B(2)(a)–(c).

With this interim final rule, DHS is amending the regulations that permit children born in the United States to ''foreign diplomatic officers'' to register as lawful permanent residents by extending the same treatment to children born in the United States to parents who are ''foreign government employees.''

NEPA allows Federal agencies to establish categorical exclusions (CATEXs) for activities that experience has shown do not, individually or cumulatively, have a significant effect on the human environment. DHS's NEPA implementing procedures, including Appendix A of the Instruction Manual, list DHS's categorical exclusions. *See* Instruction Manual 023–01, Appendix A. DHS has reviewed the rule and finds that the rule is categorically excluded under CATEX A3. CATEX A3 pertains to the promulgation of rules that are, among others, strictly administrative or procedural in nature and those that interpret or amend an existing regulation without changing its environmental effect. This final rule amends existing regulations to expand the population of children born in the United States that may register as lawful permanent residents. These children are not considered United States citizens. This change is strictly administrative in nature and does not change the environmental effect of the existing regulation.

The rule is not part of a larger federal action and does not present extraordinary circumstances that create the potential for a significant environmental effect.

Accordingly, DHS finds that the rule clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures, and no further NEPA analysis is required.

K. Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3512, DHS must submit to Office of Management and Budget (OMB), for review and approval, any reporting requirements inherent in a rule, unless they are exempt. This rule requires the use of Form I–485, Application to Register Permanent Residence or Adjust Status, and Form G–325R, Biographic Information (Registration). Consistent with 5 CFR 1320.13, USCIS submitted a request for emergency authorization of the required changes for a period of 6 months, for the revised information collections. Table 1 below lists the information collections that are part of this rulemaking.

TABLE 1—INFORMATION COLLECTIONS

OMB control No.	Form No.	Form name	Type of PRA action
1615–0023	I–485	Application to Register Permanent Residence or Adjust Status.	Revision of a Currently Approved Collection.
1615–0166	G–325R	Biographic Information (Registration)	Revision of a Currently Approved Collection.

USCIS Form I–485 (OMB Control Number 1615–0023)

DHS revised Form I–485, Application to Register Permanent Residence or Adjust Status, to broaden language referring to children ''born under diplomatic status'' and instead refer to children ''born to foreign government employees'' and add instructional language concerning which children of foreign government employees may file Form I–485 to register as lawful permanent residents. DHS has reported an increase in the estimated number of annual respondents to capture the newly affected alien population who may file this information collection.

USCIS Form G–325R (OMB Control Number 1615–0166)

DHS revised Form G–325R, Biographic Information (Registration), to account for children born in the United States who do not acquire U.S. citizenship at birth and who are subject to 262 of the Act, 8 U.S.C. 1302, but do not register as lawful permanent residents under the amended

regulations at 8 CFR 101.3 and 8 CFR 264.2. DHS has reported an increase in the estimated number of annual respondents to capture the newly affected alien population who may file this information collection.

List of Subjects

8 CFR Part 101

Immigration.

8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, DHS amends chapter I of title 8 of the Code of Federal Regulations as follows:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

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

Authority: 8 U.S.C. 1103, 8 CFR part 2.

■ 2. Revise § 101.3 to read as follows:

§ 101.3 Creation of record of lawful permanent resident status for persons born to foreign government employees in the United States.

(a) *Person born to a foreign government employee —(1) Status of person.* A person born in the United States to a foreign government employee is not subject to the jurisdiction of the United States for purposes of birthright citizenship, unless at least one parent of the person is a United States citizen. That person is not a United States citizen under the Fourteenth Amendment to the Constitution. Such a person may be considered a lawful permanent resident at birth.

(2) *Definition of foreign government employee.* (i) ''Foreign government employee'' means:

(A) A foreign diplomatic officer accredited to the United States. This includes ambassadors, ministers, chargés d'affaires, counselors, secretaries and attachés of embassies and legations as well as members of the Delegation of the Commission of the European Communities. The term also includes individuals with comparable diplomatic status and immunities who are accredited to the United Nations or to the Organization of American States, and other individuals who are also accorded comparable diplomatic status;

(B) A person employed by a foreign embassy or consulate who is a national of that foreign country not covered in paragraph (a)(2)(i)(A) of this section;

(C) A person employed by a foreign government in an official capacity not covered in paragraphs (a)(2)(i)(A) and (B) of this section; and

(D) A person employed by an international organization that possesses international-organization immunity not covered in paragraph (a)(2)(i)(A) of this section.

(ii) Except if the foreign government employee falls within the definition under paragraph (a)(2)(i)(A) of this section, the definition of ''foreign government employee'' does not include:

(A) Personal employees or attendants of foreign government or international organization officials who are not employed by the foreign government, including personal assistants, chauffeurs, or housecleaners;

(B) Employees of state-owned enterprises in a status other than A or G nonimmigrant classifications;

(C) Third-country nationals working for a foreign government, including at a foreign embassy or consulate;

(D) Employees of international organizations beyond those international organizations designated by executive order as enjoying immunity in the United States under the International Organizations Immunities Act;

(E) Contractors of foreign missions, international organizations, or governments in a status other than A or G nonimmigrant classifications; and

(F) Foreign government employees visiting the United States in a personal rather than an official capacity.

(b) *Voluntary registration as lawful permanent resident of person born to foreign government employee.* Registration as a lawful permanent resident under this regulation is voluntary. However, a person born in the United States who is not a United States citizen is subject to section 262 of the Act and must register as an alien when required to do so by the Act, unless he or she has the rights, privileges, exemptions, and immunities which may be claimed by a foreign diplomatic officer. Persons who are required to register as an alien may do so either under this regulation and § 264.2 of this chapter (if otherwise eligible) or under § 264.1 of this chapter.

(c) *Retention of lawful permanent residence.* To be eligible for lawful permanent resident status under paragraph (a) of this section, an alien must establish that he/she has not abandoned his/her residence in the United States. One of the tests for retention of lawful permanent resident status is continuous residence, not continuous physical presence, in the United States. Such a person will not be considered to have abandoned his/her residence in the United States solely by having been admitted to the United States in a nonimmigrant classification after a temporary stay in a foreign country or countries on one or several occasions.

■ 3. Revise § 101.4 to read as follows:

§ 101.4 Registration procedure.

The procedure for an application for creation of a record of lawful permanent residence and a Permanent Resident Card, Form I–551, for a person eligible for presumption of lawful admission for permanent residence under § 101.1 or § 101.2 or for lawful permanent residence as a person born in the United States to a foreign government employee under § 101.3 is described in § 264.2 of this chapter.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

■ 3. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1302–1305; 8 CFR part 2.

■ 4. Amend § 264.2 by revising paragraphs (a), (c)(2), (g), and (h)(2) to read as follows:

§ 264.2 Application for creation of record of permanent residence.

(a) *Jurisdiction.* An applicant who believes that he/she is eligible for presumption of lawful admission for permanent residence under § 101.1 or § 101.2 of this chapter or for lawful permanent residence as a person born in the United States to a foreign government employee under § 101.3 of this chapter shall submit his/her application for creation of a record of lawful permanent residence on Form I–485 in accordance with the instructions on the form and paragraph (c) of this section. The applicant must be physically present in the United States at the time of submission of his/her application.

* * * * *

(c) * * *

(2) *Lawful permanent residence as a person born in the United States to a foreign government employee.* An applicant who believes that he/she is eligible for lawful permanent residence as a person born in the United States to a foreign government employee under § 101.3 of this chapter shall submit the following:

* * * * *

(g) *Decision.* The decision regarding creation of a record of lawful permanent residence for an alien eligible for presumption of lawful admission for permanent residence or for a person born in the United States to a foreign

government employee will be made by the district director having jurisdiction over the applicant's place of residence.

(h) * * *

(2) *Lawful permanent residence as a person born in the United States to a foreign government employee.* If the application is granted, the applicant's permanent residence will be recorded as of his/her date of birth.

* * * * *

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–18345 Filed 9–4–26; 4:15 pm]

BILLING CODE 9111–97–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2701

Government in the Sunshine Act Regulations; Technical Amendments

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Federal Mine Safety and Health Review Commission is issuing a final rule to make nomenclature changes to reflect that the Commission's Government in the Sunshine Act Regulations are administered by the Commission's Office of the General Counsel. Accordingly, references in the regulation to the Office of the Executive Director are removed and replaced with the Office of the General Counsel.

DATES: Effective September 9, 2026.

FOR FURTHER INFORMATION CONTACT: Rory P. Smith, Attorney-Advisor, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Ave NW, Suite 1400N, Washington, DC 20004, (202) 525–8649.

SUPPLEMENTARY INFORMATION: This document amends two final rules in the Commission's Government in the Sunshine Act Regulations at 29 CFR part 2701. The amendment is made to reflect that pursuant to agency practice, correspondence related to the Sunshine Act are directed to and handled by the Commission's Office of the General Counsel. Accordingly, references to the ''Executive Director'' are corrected to refer to the ''General Counsel''.

Because this amendment deals with agency management and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(a)(2) and (b)(3)(A).

List of Subjects in 29 CFR Part 2701

Sunshine Act.

Accordingly, 29 CFR part 2701 is corrected by making the following correcting amendments:

PART 2701—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

■ 1. The authority citation for part 2701 continues to read as follows:

Authority: Sec. 113, Federal Mine Safety and Health Act of 1977, Pub. L. 95–165 (30 U.S.C. 823).

§ 2701.4 [Amended]

■ 2. In § 2701.4, remove the words ''Executive Director'' and add in their place the words ''General Counsel''.

§ 2701.5 [Amended]

■ 3. In § 2701.5, remove the words ''Executive Director'' and add in their place the words ''General Counsel''.

Dated: September 4, 2026.

Rory P. Smith,

Attorney-Advisor, Federal Mine Safety and Health Review Commission.

[FR Doc. 2026–18353 Filed 9–8–26; 8:45 am]

BILLING CODE 6735–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2026–1140]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Fort Pierce, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the A1A North Causeway bridge, across the Atlantic Intracoastal Waterway, mile 964.8, near Fort Pierce, FL. The drawbridge is under demolition, and the bascule spans have been permanently removed from the waterway in August 2026. The operating regulation is no longer applicable or necessary.

DATES: This rule is effective September 9, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov*. Type the docket number (USCG–2026–1140) in the ''SEARCH'' box and click ''SEARCH''. In the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Juan C. Martinez, Bridge Management Specialist, Southeast Coast Guard District; telephone 571–608–9442, email *Juan.C.Martinez@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code
FL Florida

II. Background Information and Regulatory History

The Coast Guard is issuing this final rule under the authority in 5 U.S.C. 553(b)(B). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because A1A North Causeway bridge, that once required draw operations in 33 CFR 117.261, is under demolition and the bascule spans were permanently removed from the waterway in August 2026. Therefore, the regulation is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action is inconsequential to the industry and does not have any impact on the public.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge is under demolition and the bridge's bascule spans were permanently removed from the waterway, and this rule merely requires an administrative change to the Federal Register, in order to remove a regulatory requirement that is no longer applicable or necessary. The removal of the bascule spans has already taken place, and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The A1A North Causeway bridge is under demolition, and the bascule spans

were permanently removed from the waterway in August 2026. The elimination of this drawbridge necessitates the removal of the drawbridge operation regulation, 33 CFR 117.261(d), that pertains to the former drawbridge.

The purpose of this rule is to remove the paragraph of 33 CFR 117.261 that refers to the A1A North Causeway bridge at mile 964.8, from the Code of Federal Regulations since it governs a drawbridge that is under demolition and will be removed from the waterway.

IV. Discussion of Final Rule

The Coast Guard is removing the regulation in 33 CFR 117.261 related to the draw operations for A1A North Causeway bridge since it is under demolition and no longer a drawbridge. The change removes the paragraph of the regulation governing the A1A North Causeway bridge since the bascule spans were permanently removed from the waterway. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the A1A North Causeway bridge, which is under demolition and no longer a drawbridge. This change does not affect waterway or land traffic. This change does not affect, nor does it alter the operating schedules in 33 CFR 117.261 that govern the remaining active drawbridges on the Atlantic Intracoastal Waterway.

V. 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this 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

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 01.4.

■ 2. Amend § 117.261 by removing and reserving paragraph (d).

Dated: August 31, 2026.

Adam A. Chamie,

Rear Admiral, U.S. Coast Guard, Commander, Southeast Coast Guard District.

[FR Doc. 2026–18364 Filed 9–8–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0996]

Safety Zone; Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel Chicago, IL, on the Chicago River (South Branch) and Chicago Sanitary and Ship Canal for the Tough Cup XII Regatta on September 19, 2026. This action is intended to provide for the safety of life on navigable waterways during a crew regatta event. During the enforcement period listed below, entry into,

transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 CFR 165.930 will be enforced for the Chicago River (South Branch) regulated area in § 165.930(a)(3) and the Chicago Sanitary and Ship Canal regulated area in § 165.930(a)(2) from 7:00 a.m. through 2:00 p.m. on September 19, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Kyle Goetz, Marine Safety Unit Chicago, U.S. Coast Guard; telephone 630–986–2155, email: *D09-SMB-MSUChicago-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone regulation in 33 CFR 165.930 for a crew regatta event from 7:00 a.m. through 2:00 p.m. on September 19, 2026. The regulated area for this event is the Chicago River (South Branch) specified in § 165.930(a)(3) starting at Mile Marker 322 near the South Loomis Street Bridge, and the Chicago Sanitary and Ship Canal specified in § 165.930(a)(2) up to the South Pulaski Road Bridge at Mile Marker 318.

All vessels must obtain permission from the Captain of the Port (COTP) Lake Michigan, or designated on-scene representative to enter, move within, or exit this safety zone during the enforcement time listed in this notice of enforcement. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the COTP Lake Michigan or designated representative. Upon being hailed by siren, radio, flashing light or other means, the operator of a vessel must proceed as directed.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via Broadcast Notice to Mariners. The COTP Lake Michigan may be reached by contacting the Coast Guard Sector Lake Michigan Command Center at (833) 900–2247. An on-scene designated representative may be reached via VHF–FM Channel 16.

R.N. Macon,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2026–18369 Filed 9–8–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–1047; FRL–13227–02–R2]

Air Plan Approval; New York; Interstate Transport Requirements for the 2010 SO_2 NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving a State Implementation Plan (SIP) submitted by the State of New York for purpose of demonstrating that the State satisfies the interstate transport requirements, also known as the ''good neighbor'' provision of the Clean Air Act (CAA), for the 2010 1-hour sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS). Under the good neighbor provision, each State's implementation plan must contain adequate provisions prohibiting the interstate transport of air pollution in amounts that will either contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in any other State. This action is being taken in accordance with the requirements of the Clean Air Act.

DATES: This final rule is effective on October 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2025–1047. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, telephone number: (212) 637–3711, email address: *Lin.Stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this final rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple abbreviations and terms in this final rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here: CAA, Clean Air Act; CBI, Confidential Business Information; CFR, Code of Federal Regulations; EPA, Environmental Protection Agency; FR, Federal Register; GHG, Greenhouse Gas; NAAQS, National Ambient Air Quality Standards; SIP, State Implementation Plan.

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I. Executive Summary

A. What action is the EPA taking?

The EPA is approving the Prong 1 and Prong 2 portions of the infrastructure SIP submission submitted by the State of New York on October 3, 2013, addressing interstate transport for the 2010 1-hour SO_2 NAAQS. The EPA determines that emissions from New York will not contribute significantly to nonattainment in, or interfere with maintenance of, any other State with respect to the 2010 SO_2 NAAQS.

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

The EPA finds that New York's SIP contains adequate provisions addressing the requirements of CAA section 110(a)(1) and (2), including CAA section 110(a)(2)(D)(i)(I), for the 2010 SO_2 NAAQS.

II. Background

On April 10, 2026 (91 FR 18341), the EPA published a notice of proposed rulemaking that proposed to approve a State Implementation Plan (SIP) revision submitted by the State of New York on October 3, 2013, for purposes of addressing the requirements of CAA section 110(a)(1) and (2), including CAA section 110(a)(2)(D)(i)(I) for the 2010 SO_2 NAAQS. New York stated in its SIP submittal that the State has no nonattainment areas for SO_2, which was corroborated by the air quality modeling and monitoring information available at the time of submittal.[1] New York also affirmed that it would continue to

[1] As discussed in the proposal to this action (91 FR 18341), a portion of the St. Lawrence County is now a NAA for the 2010 SO_2 NAAQS.

enforce all SIP measures and nonattainment new source review (NNSR) requirements of new or modified stationary sources in order to mitigate the interstate transport of SO_2.

III. Summary of New York's Submittal

The specific details of New York's SIP submittal are not restated in this final action. For this detailed information, the reader is referred to the EPA's April 10, 2026, proposed rulemaking.[2]

IV. The EPA's Evaluation of New York's Submittal

The rationale for the EPA's approval action is explained in the EPA's proposed rulemaking and is not restated in this final action. For this detailed information, the reader is referred to the EPA's April 10, 2026, proposed rulemaking.[3]

V. Comments the EPA Received on Its Proposed Action

The EPA provided a 30-day review and comment period for the April 10, 2026, proposed rule. The comment period ended on May 11, 2026. During the 30-day public comment period, the EPA received two comments in response to the Agency's April 10, 2026, proposed rulemaking on New York's SIP revision submittal. After reviewing the comments, the EPA has determined that the comments are outside the scope of our proposed action or fail to identify any material issue necessitating a response. More specifically, these comments did not raise issues relevant to the EPA's proposed action, and, therefore, the Agency is not required to provide a specific response to this/these comments. Therefore, we are finalizing our action as proposed. The specific comments may be viewed under Docket ID Number EPA–R02–OAR–2025–1047 on the *https://www.regulations.gov* website.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[4] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

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

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur dioxide, Transport, Reporting and recordkeeping requirements.

Michael Martucci,

Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. In § 52.1670, the table in paragraph (e) is amended by adding an entry for ''Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 Primary NAAQS'' at the end of the table to read as follows.

§ 52.1670 Identification of Plan.

* * * * *

(e) * * *

[2] 91 FR 18341 (April 10, 2026).

[3] 91 FR 18341 (April 10, 2026).

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

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISION

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA approval date	Explanation
* *	*	*	* *	* *
Section 110(a)(2) infrastructure requirements for the 2010 1-hour SO_2 Primary NAAQS.	State-wide	10/03/2013	9/9/2026, 91 FR [insert **Federal Register** page where the document begins].	• This action addresses the following elements: CAA section 110(a)(2)(D)(i)(I) prong 1 and 2.

■ 3. Amend § 52.1675 by adding paragraph (f) to read as follows:

§ 52.1675 Control strategy and regulations: Sulfur oxides.

* * * * *

(f) The portion of the SIP revision submitted on October 3, 2013, addressing Clean Air Act section 110(a)(2)(D)(i)(I) (prongs 1 and 2) for the 2010 SO_2 Primary NAAQS is approved.

[FR Doc. 2026–18324 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0788; FRL–13249–02–R5]

Air Plan Approvals; Indiana; Prong 4 (Visibility) for the 2015 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is approving a portion of Indiana's State Implementation Plan (SIP) submission regarding the infrastructure requirements in Clean Air Act (CAA) section 110 for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each State's air quality management program are adequate to meet the State's responsibilities under the CAA. The EPA finds that Indiana's infrastructure submission fulfills CAA requirements for a State's SIP to contain adequate provisions prohibiting emissions that will interfere with required visibility protection measures in any other State's SIP. The EPA proposed to approve this action on April 10, 2026, and received no adverse comments.

DATES: This final rule is effective on October 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0788. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 886–6524, email address: *rau.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Acronyms

CAA Clean Air Act
CBI Confidential Business Information
EPA U.S. Environmental Protection Agency
LADCO Lake Michigan Air Directors Consortium
NAAQS National Ambient Air Quality Standards
PBI Proprietary Business Information
RPO Regional Planning Organization
SIP State Implementation Plan

I. Executive Summary

A. What action is the EPA taking?

The EPA is finalizing an approval of Indiana's November 2, 2018, interstate transport infrastructure SIP submission as satisfying the requirements related to visibility protection contained in CAA section 110(a)(2)(D)(i)(II), also known as Prong 4, for the 2015 ozone NAAQS.

B. What is the legal authority and requirements?

The EPA proposed to approve Indiana's submission into the SIP on April 10, 2026, 91 FR 18347. In this action, EPA is finalizing an approval of Indiana's submittal as meeting the visibility protection requirements of CAA section 110(a)(2)(D)(i)(II) for the 2015 ozone NAAQS.

II. Background

On November 2, 2018, Indiana submitted an infrastructure SIP revision for the 2015 ozone NAAQS addressing the fourth component of CAA section 110(a)(2)(D)(i)(II), also known as ''Prong 4.'' Prong 4 requires that a State's SIP contain adequate provisions prohibiting any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will interfere with measures required to be included in the applicable SIP for any other State to protect visibility.

Indiana is a member of the Lake Michigan Air Directors Consortium (LADCO) regional planning organization (RPO) and participated in the RPO's regional approach to identifying emission reduction measures necessary to make reasonable progress towards the national visibility goal in LADCO Class I areas. That process also included consultations with States in other RPOs. Indiana responded to requests from non-LADCO States and another RPO to consider additional measures to address visibility impairment in Class I areas outside the LADCO States.

III. CAA Section 110(a)(2)(D)(i)(II)—Visibility Protection

CAA section 110(a)(2)(D)(i)(II), Prong 4, requires SIPs to contain adequate provisions to prohibit emissions in amounts that will interfere with measures required to be included in the applicable implementation plan for any other state under part C of the Act to protect visibility. The EPA issued guidance on infrastructure SIPs in a September 13, 2013, memorandum titled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements

under Clean Air Act sections 110(a)(1) and 110(a)(2)'' (''2013 Guidance''). The 2013 Guidance states that these Prong 4 requirements can be satisfied by approved SIP provisions that the EPA has found to adequately address any contribution of that State's sources that impact the visibility program requirements in other States.[1]

The 2013 Guidance lays out how a State's infrastructure SIP may satisfy Prong 4. In the second planning period, confirmation that a State has a fully approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 will satisfy the requirements of Prong 4.[2] A fully approved regional haze SIP [3] will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

In the second planning period, the EPA's Regional Haze regulations under 40 CFR 51.308(f) require that a State consider the emission reduction measures identified by other States as being necessary to make reasonable progress towards meeting the national visibility goal in Class I Federal areas. Specifically, the regulations require a State to include in its Regional Haze SIP all measures agreed to during that process or measures that will provide equivalent visibility improvement (*See* 40 CFR 51.308(f)(2)(ii)). Thus, in meeting the requirements of 40 CFR 51.308(f), an approved regional haze SIP meeting the requirements of 40 CFR 51.308(f)(2)(ii) will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility and will, therefore, satisfy Prong 4.

III. Summary of Public Comments and the EPA's Responses

The EPA received one comment during the comment period for the proposed rule. The commenter did not object to the EPA's proposed action, but rather suggested that the EPA include additional information supporting the determinations of the proposal in the final rule. EPA has provided this additional information in the background section of this final action, and we are finalizing our action as proposed.

The commenter stated, ''EPA should strengthen the final rule in three ways.'' A synopsis of each comment is given before the response. The comment letter is included in the docket for this rulemaking.

Comment: The commenter suggests that the EPA identify the specific findings from the regional haze plan approval that it believes satisfy prong 4. The commenter contends that the proposal does not explain which findings from the January 26, 2026, approval demonstrate that Indiana emissions will not interfere with the visibility protection measures required in other States' SIPs.

Response: In the proposed rule, the EPA confirms that Indiana has a fully approved regional haze SIP meeting the requirements of 40 CFR 51.308 to satisfy Prong 4. According to the 2013 Guidance, a State's infrastructure SIP may satisfy Prong 4 for any relevant NAAQS through an air agency's confirmation that the State has a fully approved regional haze SIP meeting the requirements of 40 CFR 51.308. Since second implementation period SIPs became due, a ''fully approved regional haze SIP'' would necessarily include fully approved first and second implementation period regional haze SIPs. Therefore, simply confirming the EPA's approval of Indiana's second implementation period regional haze plan satisfies the requirement.

The Regional Haze Rule's consultation requirement of 40 CFR 51.308(f)(2)(ii) requires a State to consult with other States that also have emissions that are reasonably anticipated to contribute to visibility impairment in each Class I area. The EPA's approval of Indiana's second implementation period regional haze plan confirms it has engaged in consultation to consider the emission reduction measures identified by other States for their sources as being necessary to make reasonable progress in the mandatory Class I Federal area (*See* 91 FR 3057, January 26, 2026).

Comment: The commenter suggests that the EPA explain the sequencing of the EPA's approvals of Indiana's 2015 ozone standard infrastructure SIP submission made on November 2, 2018. As the Prong 4 portion of the submittal was not included in the EPA's June 29, 2022, approval, the commenter suggests that the EPA state what changed and why that change is sufficient to resolve the previously open Prong 4 issue.

Response: This is the third EPA rulemaking on Indiana's November 2, 2018, submission addressing the 2015 ozone NAAQS. First, the EPA approved most elements of Indiana's submission on November 2, 2022 (87 FR 66091), which addressed the applicable infrastructure requirements in CAA section 110(a)(1) and (2) for the 2015 ozone NAAQS related to the interstate transport element preventing significant deterioration of air quality from CAA section 110(a)(2)(D)(i)(II) (''Prong 3''). The proposed rule details the background, including an analysis of each element (*See* 87 FR 38693, June 29, 2022). In this rulemaking, EPA did not act on the other interstate transport elements, Prongs 1, 2, and 4.

Second, the EPA acted on the Prongs 1 and 2 interstate transport elements. On February 13, 2023 (88 FR 9336), the EPA disapproved the CAA section 110(a)(2)(D)(i)(I) elements for Indiana and other States. Prongs 1 and 2 require that each State's SIP contain adequate provisions to prohibit emissions from within the State from significantly contributing to nonattainment or interfering with maintenance of the NAAQS in other States. The EPA found that a portion of Indiana's submission did not meet the State's interstate transport obligations, because it did not contain the necessary provisions to eliminate emissions that would contribute significantly to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other State. The proposed rulemaking further details the analysis used in evaluating each State's interstate transport provision for the 2015 ozone NAAQS implementation plan submission, including Indiana (*See* 87 FR 9838, February 22, 2022).

Third, the EPA is approving the Prong 4 element of CAA section 110(a)(2)(D)(i)(II), with this rule. The EPA finds that Indiana's infrastructure submission fulfills CAA requirements for a State's SIP to contain adequate provisions prohibiting emissions that will interfere with required visibility protection measures in any other State's SIP. The 2013 Guidance confirms a State's infrastructure SIP may satisfy Prong 4 [4] for any relevant NAAQS

[1] 2013 Guidance at pages 32 through 33. A copy of this guidance can be found in the docket of this rulemaking.

[2] The EPA acknowledges that in the 2013 Guidance, we indicated that the EPA may find it appropriate to supplement the guidance regarding the relationship between regional haze SIPs and prong 4 after second implementation period SIPs become due, which occurred on July 31, 2021. After a review of the 2013 Guidance and the second implementation period regional haze requirements, the EPA maintains the interpretation that a fully approved regional haze SIP satisfies prong 4 requirements in the second implementation period.

[3] Since second implementation period SIPs became due, a ''fully approved regional haze SIP'' would necessarily include fully approved first and second implementation period regional haze SIPs.

[4] In the 2013 Guidance, we indicate that it may be appropriate to supplement the guidance regarding the relationship between regional haze SIPs and Prong 4 after second implementation period SIPs become due, which occurred on July 31, 2021. After a review of the 2013 Guidance and

Continued

through the States's confirmation that it has a fully approved regional haze SIP [5] meeting the requirements of 40 CFR 51.308. The EPA approved Indiana's regional haze plan for the second implementation period (*See* 91 FR 3057, January 26, 2026).

Comment: The commenter suggests that the EPA make the administrative record easier to audit for ordinary readers. The commenter contends that if the Agency's conclusion depends almost entirely on Indiana's regional haze plan approval, then the final rule should include a short summary showing how the plan's interstate visibility findings relate to this Prong 4 determination.

Response: Electronic dockets make the supporting documents readily available to readers. The referenced documents are in the docket for this rulemaking.

As noted in the proposed rule and the previous comment response, a State having a fully approved regional haze plan for the second implementation period will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility and will, therefore, satisfy Prong 4. By meeting the statutory and regulatory requirements of the regional haze program, including the interstate consultation requirements in 40 CFR 51.308(f)(2)(ii), Indiana's SIP adequately prohibits emissions from within the State that would interfere with visibility protection measures in any other State's SIP. Thus, now that the EPA has approved Indiana's regional haze plan for the second implementation period, Indiana satisfies the requirements of CAA section 110(a)(2)(D)(i)(II) relating to visibility protection for the 2015 ozone NAAQS, allowing the Prong 4 element of the infrastructure submission to be approved.

IV. What action is the EPA taking?

The EPA is approving Indiana's November 2, 2018, interstate transport infrastructure SIP submission as satisfying the requirements related to visibility protection contained in CAA section 110(a)(2)(D)(i)(II), also known as Prong 4, for the 2015 ozone NAAQS.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

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

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

Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Sulfur oxides.

Dated: August 24, 2026.

Anne Vogel,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, the table in paragraph (e) is amended by removing the two entries for ''Section 110(a)(2) Infrastructure Requirements for the 2015 Ozone NAAQS'' adding in their place an entry for ''Section 110(a)(2) Infrastructure Requirements for the 2015 Ozone NAAQS'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

the second implementation period regional haze requirements, the EPA maintains the interpretation that a fully approved regional haze SIP satisfies Prong 4 requirements in the second implementation period.

[5] Since second implementation period SIPs became due, a ''fully approved regional haze SIP'' would necessarily include fully approved first and second implementation period regional haze SIPs.

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
* *	*	* *	* *
Section 110(a)(2) Infrastructure Requirements for the 2015 Ozone NAAQS.	11/2/2018	9/9/2026, 91 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS].	All CAA infrastructure elements have been approved except (D)(i)(I) Prongs 1 and 2, which are disapproved.
* *	*	* *	* *

* * * * *

[FR Doc. 2026–18334 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2025–0046]

RIN 2127–AM62

Federal Motor Vehicle Safety Standard No. 213a; Child Restraint Systems—Side Impact Protection; Federal Motor Vehicle Safety Standard No. 213; Child Restraint Systems, Federal Motor Vehicle Safety Standard No. 213b; Child Restraint Systems; Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; grant of petitions for rulemaking and other amendments.

SUMMARY: This final rule amends the safety standards for child restraint systems (CRSs). NHTSA is amending Federal motor vehicle safety standard (FMVSS) No. 213a, ''Child restraint systems—side impact protection,'' to exempt school bus CRSs from the standard's requirements as long as they meet specified labeling requirements; to delay the compliance date from June 30, 2025 to December 5, 2026; to amend the dummy selection requirements so that the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI–12MO) will not be used to test forward-facing CRSs; and to amend positioning procedures for that dummy. The first two of these amendments are in response to petitions from CRS manufacturers. NHTSA is also amending FMVSS No. 213, ''Child restraint systems'' and FMVSS No. 213b, ''Child restraint systems; Mandatory applicability beginning December 5, 2026,'' to exclude school bus CRSs from the requirements to provide attachments for connection to the vehicle's child restraint anchorage system and to change certain labeling requirements to reflect how school bus child restraints are used.

DATES:

Effective date: The effective date of this final rule is October 9, 2026.

Compliance date: The revised compliance date for FMVSS No. 213a is December 5, 2026. The compliance date for the updated labeling requirements in FMVSS No. 213 adopted by this final rule is December 8, 2026. The compliance date for the updated labeling requirements in FMVSS No. 213b is December 5, 2026. Optional early compliance with FMVSS Nos. 213, 213a, and 213b is permitted. The incorporation by reference of certain material listed in this rule was approved by the Director of the Federal Register as of June 24, 2003 and December 5, 2023.

Reconsideration date: If you wish to petition for reconsideration of this rule, your petition must be received by October 26, 2026.

ADDRESSES: Petitions for reconsideration of this final rule must refer to the docket number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Note that all petitions received will be posted without change to *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket, go to *www.regulations.gov,* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Cristina Echemendia, Office of Crashworthiness Standards (email: *Cristina.Echemendia@dot.gov*). For legal issues, you may contact John Piazza, Office of Chief Counsel (email: *John.Piazza@dot.gov*). You can reach these officials by phone at 202–366–1810. Address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This final rule amends three different safety standards: FMVSS No. 213, ''Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b;'' FMVSS No. 213b, ''Child restraint systems; Mandatory applicability beginning December 5, 2026;'' and FMVSS No. 213a, ''Child restraint systems—side impact protection.'' FMVSS Nos. 213, 213a, and 213b set out most of the agency's safety requirements for CRSs.

NHTSA published a notice of proposed rulemaking (NPRM) preceding this final rule on May 30, 2025.[1] This final rule adopts all the proposals in the NPRM. NHTSA received 15 comments to the NPRM with wide support for the proposals. Two commenters (Graco and Dorel) opposed the proposed delay in the compliance date of FMVSS No. 213a.

Specifically, this final rule amends the side impact standard (FMVSS No. 213a) by:

- Exempting school bus CRSs from the side impact requirements in FMVSS No. 213a because these requirements

[1] 90 FR 23009.

were not designed to apply to school buses, which do not pose the type of side-impact crash risks the standard was designed to address.

- Delaying the compliance date of FMVSS No. 213a from June 30, 2025 to December 5, 2026 to enable small manufacturers [2] to complete validation and conformance testing at oversubscribed third-party test facilities.
- Amending the dummy selection criteria in FMVSS No. 213a regarding the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI–12MO) [3] so that it will not be used to test forward-facing CRSs for side impact requirements in FMVSS No. 213a. NHTSA makes this change because the rulemaking prohibits CRS manufacturers from recommending forward-facing CRSs for children weighing less than 12 kg (26.5 pounds) and the CRABI–12MO represents a smaller child.
- Amending the positioning procedures for the CRABI–12MO to reflect that the dummy would no longer be tested with forward-facing CRSs.

This final rule also amends FMVSS No. 213, ''Child restraint systems'' and FMVSS No. 213b ''Child restraint systems; Mandatory applicability beginning December 5, 2026,'' by:

- Excluding school bus CRSs from the requirements to provide attachments for connection to the vehicle's child restraint anchorage system because school bus CRSs are designed to be mounted to the seat back and seat pan, and school bus seats do not generally include anchorage systems.[4]
- Amending the S5.5.2(g)(1)(ii) label statement requirement to be consistent with how school bus CRSs are installed.
- Making technical corrections to the regulatory text in FMVSS No. 213 S5.9(a) and 49 CFR 571.5 related to references to certain documents previously incorporated by reference.

II. Background

This final rule amends three different safety standards: FMVSS No. 213, ''Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b;'' FMVSS No. 213b, ''Child restraint systems; Mandatory applicability beginning December 5, 2026;'' and FMVSS No. 213a, ''Child restraint systems—side impact protection.'' FMVSS No. 213, established in the 1970s, sets out requirements for CRSs including requirements for frontal impact protection. FMVSS No. 213b, established in December 2023, updates aspects of FMVSS No. 213 and is set to replace FMVSS No. 213 on December 5, 2026. FMVSS No. 213a, established in June 2022, sets forth side impact protection requirements for CRSs.

On May 30, 2025, NHTSA published a notice of proposed rulemaking (NPRM) (90 FR 23009) in response to three petitions for reconsideration that NHTSA is treating as petitions for rulemaking.[5] The NPRM proposed to exempt school bus CRSs from the side impact requirements and to delay the compliance date of FMVSS No. 213a. The NPRM also proposed to amend the dummy selection criteria in FMVSS No. 213a so that the CRABI–12MO would not be used to test forward-facing CRSs. The NPRM also proposed updates to FMVSS No. 213 and 213b to exclude school bus CRSs from requirements to provide attachments for connection to a vehicle's child restraint anchorage system and to amend a label requirement for school bus CRSs so the label reflects the attachment type (seat back mount) these CRSs use to attach to the school bus seat.

On July 2, 2025, NHTSA published a notice of enforcement discretion (90 FR 28909) that announced a temporary pause on NHTSA's enforcement of the applicability of FMVSS No. 213a for CRSs produced on or after June 30, 2025 and until the date of publication of any rule finalizing NHTSA's May 30, 2025 proposal.

There were fifteen (15) comments to the NPRM. Four comments were from individual CRS manufacturers—Dorel Juvenile Group, Inc. (Dorel); Graco Children's Products, Inc. (Graco); IMMI; and BESI, Inc. (BESI). One comment was submitted jointly by six CRS manufacturers with relatively small market share—Baby Trend, Babyark, Diono, Doona (Traveler Innovations Ltd), KidsEmbrace, and WAYB—and one consulting firm (DECA Consulting).[6] Eight comments were from private citizens, and two comments were from pupil transportation organizations: National Association of State Directors of Pupil Transportation Services (NASDPTS) and National Association of Pupil Transportation (NAPT). The NPRM generally received wide support from commenters except for two commenters opposing the delay in FMVSS No. 213a compliance date. Details of the comments and NHTSA's response are provided in the following sections.

III. Amendments to Side Impact Requirements (FMVSS No. 213a)

A. Exempt School Bus CRSs From Side Impact Requirements

In the NPRM, the agency proposed to exclude school bus CRSs from side impact requirements in FMVSS No. 213a. This proposal was in response to IMMI [7] and BESI [8] petitions that requested NHTSA amend FMVSS No. 213a so that this type of restraint would not be subject to the side impact protection standard.

IMMI described in its petition its school bus CRS product named the ''Student Transportation Add-on Restraint'' (STAR), which consists of a harness attached to a rigid seat base that provides fixed anchorage points for the harness's lap belt and crotch strap. IMMI explained that because the purpose of the STAR is to secure safely the child to the school bus seat, there is no shell component in this restraint to provide protection for side impact collisions. IMMI stated that ''due to the nature of its design, [STAR] is not capable of meeting the newly established side impact requirements of FMVSS 213a.'' It also explained what it viewed as the advantages of the product and noted that NHTSA has included this type of CRS in its training materials. IMMI and BESI each stated that unless school bus CRSs are excluded from side impact requirements, it would have to stop production of these CRSs (for the U.S. market) and that this would affect Head Start programs that require the use of child restraint systems in school bus transportation of their students.

[2] In the context of this final rule a ''small manufacturer'' is referring to CRS manufacturers with smaller market share which do not typically have their own lab to develop their products.

[3] 49 CFR part 572, subpart R—CRABI 12-Month-Old Infant, Alpha Version.

[4] As defined in FMVSS No. 225, ''Child restraint anchorage systems,'' a child restraint anchorage system means a vehicle system that is designed for attaching a child restraint system to a vehicle at a particular designated seating position, consisting of: (a) Two lower anchorages meeting the requirements of § 571.225 S9; and (b) A tether anchorage meeting the requirements of § 571.225 S6.

[5] NHTSA received three petitions for reconsideration of the October 2024 (89 FR 81836) final rule responding to petitions for reconsideration of the December 2023 final rule (88 FR 84514) establishing FMVSS No. 213b, ''Child restraint systems; Mandatory applicability beginning December 5, 2026.'' However, the three petitions for reconsideration did not request any amendments to the October 2024 final rule and instead requested amendments to FMVSS No. 213a. Because the requests were outside the scope of the October 2024 final rule, and in accordance with NHTSA's regulations, the agency decided to treat the three petitions for reconsideration as new petitions for rulemaking.

[6] Six of these commenters (Baby Trend, Babyark, Diono, Doona, KidsEmbrace, and Deca Consulting) were also among the group of CRS manufacturers and the consulting firm who petitioned for an extension in lead time for FMVSS No. 213a. In this notice, we refer to the signatories to the jointly submitted comment as the ''Small CRS Manufacturers Group.''

[7] NHTSA–2024–0058–0003.

[8] NHTSA–2024–0058–0004.

Comments

Twelve commenters—IMMI, BESI, NASDPTS, NAPT, and eight private citizens [9]—supported the proposal to exclude school bus CRSs from FMVSS No. 213a requirements. No commenter opposed the proposal.

Agency Response

This final rule excludes school bus CRSs from the side impact requirements. As noted in the NPRM, school bus CRSs should be excluded because of practicability concerns about the ability of the school bus CRS to meet the proposed requirements and because school bus CRSs serve a niche market where the needs cannot be met by any other type of CRS. NHTSA also recognizes that the side impact crash environment of a school bus is significantly different from the simulated side impact test in FMVSS No. 213a, which simulates a near-side impact of a small passenger car. Accordingly, NHTSA corrects this inconsistency in FMVSS No. 213a and amends the applicability of the CRS side impact standard to exempt explicitly all school bus CRSs.

B. Exclude the CRABI–12MO From Testing Forward-Facing CRSs and Make Corresponding Amendments to the Dummy Positioning Procedures

Child restraint systems must meet the performance requirements in FMVSS Nos. 213, 213a, and 213b when tested dynamically with specific anthropomorphic test devices (test dummies). FMVSS Nos. 213a and 213b specify testing with the CRABI–12MO for CRSs recommended for children weighing 5 kilograms (kg) (11 pounds) to 13.6 kg (30 pounds) and specify a 3-year-old dummy—the Hybrid III 3-year-old dummy [10] for 213b and Q3s [11] for 213a—for testing CRSs recommended for children weighing greater than 13.6 kg (30 pounds) but not greater than 18 kg (40 pounds).[12] However, FMVSS No. 213b states that the CRABI–12MO will not be used to test forward-facing CRSs because recent updates to FMVSS No. 213 and 213b now require that forward-facing CRSs cannot be recommended for children weighing less than 12 kg (26.5 pounds). Therefore, testing a forward-facing CRS to the requirements of FMVSS No. 213a with a 10 kg (22 pounds) CRABI–12MO would not be appropriate, as the dummy's weight is not within the recommended weight range of forward-facing CRSs. The NPRM therefore proposed to exclude forward-facing CRSs from being tested with the CRABI–12MO in the side impact test to align dummy selection specified in FMVSS No. 213a for the side impact test with that in FMVSS No. 213b for the frontal impact test. NHTSA proposed to add a sentence in S7.1(a) to state that the CRABI–12MO dummy will not be used to test forward-facing CRSs.

Comments

Four CRS manufacturers (BESI, IMMI, Dorel and Graco) and a private citizen (Michelle Summers) supported the proposal to remove the requirement to test with the CRABI–12MO in forward-facing car seats during 213a testing. No commenter opposed the proposal.

Agency Response

This final rule amends FMVSS No. 213a so that the CRABI–12MO is not used to test a forward-facing child restraint system recommended for children weighing greater than 5 kg (11 pounds) but not greater than 13.6 kg (30 pounds), or for children whose height is greater than 650 millimeters but not greater than 870 millimeters. NHTSA believes CRSs should be tested with the same size test dummies in both the frontal impact and side impact tests to minimize burden on CRS manufacturers. NHTSA also believes that a requirement to test a CRS in a configuration that the agency prohibits CRS manufacturers from recommending is unnecessary and burdensome.

The agency is also finalizing its proposal to delete paragraphs S9.1(c) and (d) in FMVSS No. 213a because those sections contain positioning information relating to testing forward-facing CRSs with the CRABI–12MO, which are no longer relevant given the amendments described above. NHTSA is also amending S9.1(b). Currently, that section describes how to position the CRABI–12MO in a ''forward-facing'' child restraint system. Instead, S9.1(b) will now indicate how to position the CRABI–12MO dummy in CRSs used rear-facing using the same procedure in FMVSS No. 213b for consistency between the standards. For completeness, the update also includes the rotation plane required for positioning the dummy's arm.

C. Delay the Compliance Date From June 30, 2025 to December 5, 2026

The petition for rulemaking from the group of CRS manufacturers [13] requested a delay of the June 30, 2025 compliance date of the CRS side impact standard, FMVSS No. 213a, to prevent ''significant market disruption resulting from a reduced availability of child restraint systems and higher costs than necessary for those that are available.'' The petitioners argued that the extension is needed because of ''inconsistent results within individual labs and lab to lab variation,'' and the limited ''availability of compliance lab sled time'' to develop their products to certify compliance with the new standard. CRS manufacturers with smaller market share (such as the petitioners) do not typically have their own lab to develop their products and are dependent on commercial compliance lab sled time. The petitioners suggested that the agency consider moving the FMVSS No. 213a compliance date to December 5, 2026 to match the compliance date of FMVSS No. 213b. In the NPRM, NHTSA proposed to grant the petition to delay the compliance date of FMVSS No. 213a to December 5, 2026.

Comments

Five commenters—IMMI, BESI, a group of six CRS manufacturers and one consulting company (the Small CRS Manufacturers Group), and 2 private citizens—supported the proposal to delay the FMVSS No. 213a compliance date to December 5, 2026. Two CRS manufacturers—Dorel and Graco—opposed it. Dorel and Graco are CRS manufacturers with a larger share of the market and have their own test labs, which facilitates product development because they are not as dependent on commercial lab sled time for their development work.

Specifically, the Small CRS Manufacturers Group commented that they would need to cease the production of certain models and delay production of other models if the compliance date was not delayed, resulting in reduced availability of child restraints in the market. This group added that variance in their sled test outcomes resulted in the need to test the CRS designs in multiple laboratories. The Small CRS Manufacturers Group further explained that increased demand for CRS sled testing has caused delays in test lab availability, which in turn lengthened the development

[9] Kimberly Loughlin, Jimmy Lacy, Susan Shutrump, Wilson Barnes, Jacob Whilhite, Judy Korn, Michelle Summers and an anonymous route coordinator for special needs students.

[10] 49 CFR Part 572, subpart P—3-year-Old Child Crash Test Dummy, Alpha Version.

[11] 49 CFR Part 572, subpart W—Q3s Three-Year-Old Child Test Dummy.

[12] FMVSS Nos. 213 and 213b have additional different sized dummies for evaluating frontal impacts.

[13] BabyTrend, Babyark, DECA Consulting, Diono, Doona, KidsEmbrace, Peg Perego, and Safe Traffic System.

timeline for compliant designs. These commenters stated that delaying the compliance date to December 5, 2026, would provide the necessary time to complete development and validation of the new CRS designs, while preventing market disruption that could reduce availability of compliant CRSs or increase costs to consumers.

In contrast, Dorel opposed delaying the FMVSS No. 213a compliance date. Dorel stated that the arguments from the ''relatively small car seat manufacturers'' (petitioners) that there would be a significant market disruption resulting in reduced availability of CRSs were ''without merit.'' Dorel explained that it, together with several other manufacturers, sell most car seats in the U.S. and have already begun selling FMVSS No. 213a–compliant CRSs for several months. Dorel also claimed that even some of the petitioners have FMVSS No. 213a compliant CRSs in the market already. Dorel concluded that the market disruption claimed by the petitioners ''is not supported by the evidence.'' Dorel also added that the petitioner's concerns on variability would not be solved by the delay in compliance date and stated that only additional research would help identify the sources of variation.

Similarly, Graco did not support a delay of the FMVSS No. 213a compliance date because, Graco stated, most manufacturers already updated their products to meet the new side impact requirements. Graco explained that shortly after the final rule was published, retailers expressed their desire to carry only FMVSS No. 213a-certified products by the compliance date. Graco added that retailers have been purchasing FMVSS No. 213a certified CRSs since the fall of 2024 and that retailers have been discontinuing purchases of products not meeting the side impact standard. Graco argued that a shortage of products does not and will not exist because the ''absence of the petitioner's products has already been accounted for by retailer purchasing decisions.'' Graco also added that since belt positioning boosters would not need to meet FMVSS No. 213a, there would be no shortage of belt positioning boosters in the market.

Graco also stated that the compliance date delay would ''punish in the marketplace those companies that invested in compliance to the provisions of FMVSS No. 213a under the original three-year schedule.'' Graco explained that since the new dummy selection criteria indicates CRSs recommended for 13.6 kg (30 pounds) or more would be tested with the Q3s dummy, FMVSS No. 213a compliant rear-facing only CRSs already have updated product instructions, labels, marketing and promotional materials to reflect a 30 pounds maximum weight limit. Graco added that the compliance date delay would allow non-FMVSS No. 213a compliant products to continue selling infant carriers for children weighing more than 30 pounds, which some consumers may choose instead, even though they are not FMVSS No. 213a compliant. Graco also argued that granting the extension would ''forgo some or all of the societal benefits of injury prevention.'' [14]

Dorel also asked for a clarification on footnote 26 in the NPRM that states: ''It would be permissible for manufacturers to recommend a seat for forward-facing use for a subset of children weighing between 10 kg (22 pounds) and 13.6 kg (30 pounds)—namely, children weighing less than 12 kg (26.5 pounds)—but NHTSA has decided not to specify the CRABI–12MO for testing CRS designated for forward-facing . . .''

Agency Response

After considering the comments, NHTSA has decided to delay the compliance date of FMVSS No. 213a to December 5, 2026. When considering the impacts resulting from the delay in the compliance date, NHTSA takes into account the entirety of the CRS market. The agency considered the potential negative impacts to small manufacturers that may result in long-term impacts to market competition if some are forced to exit the market should an extension not be granted. Similarly, the agency considered the negative impacts to those manufacturers that are already complying with the requirement, but also noted that those manufacturers may gain a competitive advantage during the extension in lead time. Overall, the agency concluded that the negative impacts to the market would be greater in the case that delay in the compliance date was not granted.

NHTSA is mindful of the disparate effect of regulations on small and large manufacturers. Small manufacturers, such as the petitioners, may find it more costly and time consuming to comply with the regulation due to lack of their own testing facilities. This can potentially lead small manufacturers to exit the CRS market, resulting in reduced competition and consumer options. The agency considered the potential burden that small manufacturers may face when developing and testing their products to meet the FMVSS No. 213a requirements by the original compliance date of June 30, 2025. Rather than creating specific requirements for these small CRS manufacturers to relieve regulatory burden, the agency decided to extend the lead time afforded to all CRS manufacturers. The delay in compliance date provided in this final rule would ease the burden on small manufacturers and make it less likely that they would be forced to exit the CRS market, thereby helping to preserve competition and consumer choice in the CRS market without significant loss in safety benefits. The costs and benefits of this final rule are further discussed in section V.

The agency has also concluded that CRS manufacturers whose products are already in compliance with FMVSS No. 213a would not be negatively impacted by this final rule. The agency acknowledges that several CRS manufacturers have expended time and resources to meet the requirements of FMVSS No. 213a by the original compliance date of June 30, 2025. Furthermore, many of those manufacturers have demonstrated voluntary early compliance to FMVSS No. 213a. Those manufacturers that would continue to comply with the requirement even under the extended time before the new compliance date will provide a societal benefit through the safety benefits realized by their improved CRSs. These manufacturers may also gain a competitive advantage relative to those manufacturers that do not comply with the standard during the extended time. As noted by Graco, manufacturers that are not yet certifying their applicable CRSs to FMVSS No. 213a are unable to sell their products to bigger retailers that require the certification. These manufacturers may still be able to sell their products in some retail stores or directly to the consumer but would miss the advantages of larger retail stores. Caregivers in the process of purchasing a child restraint may prefer CRSs that have additional safety features, such as FMVSS-certified side impact protection, to enhance crash protection to their children. With respect to Graco's argument that a delay in the compliance date would punish the manufacturers that are already complying with the side impact requirements because CRS

[14] Graco also argued that, if NHTSA extended the compliance date, it would happen after the mandatory compliance date (June 30, 2025) for FMVSS No. 213a. As explained earlier in this document, on July 2, 2025 NHTSA published a notice of enforcement discretion announcing a temporary pause on the enforcement of the applicability of FMVSS No. 213a for CRSs produced on or after June 30, 2025 until the date of publication of any rule finalizing NHTSA's May 30, 2025 proposal.

manufacturers that do not have CRSs that meet FMVSS No. 213a (or FMVSS No. 213b) requirements can still market their infant carriers (rear-facing CRSs) for children weighting over 30 pounds, NHTSA reviewed the available infant carriers in the current market and the vast majority are already recommending infant carriers for children weighing 30 pounds or less. There is a small number of infant carriers recommended for children weighing 35 pounds or less. However, due to the small number of such models and because these models are from small manufacturers, those volumes would not likely be significant enough to disadvantage bigger manufacturers that are already complying with FMVSS No. 213a.[15]

Regarding Dorel's request to clarify footnote 26 in the NPRM, NHTSA clarifies that the footnote is incorrect. The footnote should have stated ''It would be permissible for manufacturers to recommend a seat for forward-facing use for a subset of children weighing between 10 kg (22 pounds) and 13.6 kg (30 pounds)—namely, children weighing *more* than 12 kg (26.5 pounds)—but NHTSA has decided not to specify the CRABI–12MO for testing CRS designated for forward-facing use for such children to simplify the requirements.''

IV. Amendments to Frontal Impact Requirements (FMVSS Nos. 213 and 213b) and 49 CFR 571.5

The NPRM proposed to exclude ''school bus CRSs'' from the FMVSS Nos. 213 and 213b S5.9(a) requirements for CRSs to provide lower anchor attachments. These attachments are unnecessary for school bus CRSs because these CRSs attach to the school bus seat using a seat back mount. The NPRM also proposed to amend the labeling requirements in S5.5.2(g)(1)(ii) of FMVSS Nos. 213 and 213b regarding how to secure the CRS to the vehicle. Because the requirement lists the ''child restraint anchorage system'' or ''vehicle belt'' as methods to attach the CRS to the vehicle, NHTSA proposed to adopt a requirement specific for school bus CRSs that states that the school bus child restraint is secured to the school bus seat using the child restraint's seat back mount instead of the ''child restraint anchorage system or vehicle belt'' because those methods of attachment are not applicable when using school bus CRSs.

Comments

Eleven commenters—2 CRS manufacturers (IMMI and BESI), NASDPTS, NAPT and 7 private citizens [16]—supported the proposal to exclude school bus CRSs from the requirement to provide lower anchorage attachments in FMVSS Nos. 213 and 213b. No commenter opposed the proposal.

Agency Response

NHTSA is amending FMVSS Nos. 213 and 213b to exclude ''school bus CRSs'' from the S5.9(a) requirements and amending S5.5.2(g)(1)(ii) so that the required labeling statement reflects that school bus CRSs are attached using a seat back mount. In addition, to align with the installation methods used to test CRSs under FMVSS Nos. 213 and 213b, the updated labeling requirement in section S5.5.2(g)(1)(ii) will allow manufacturers to indicate either a seat back mount or a seat back and seat pan mount as acceptable installation options for school bus child restraints.

NHTSA is also making two technical corrections to the regulatory text related to paragraph S5.9 in FMVSS Nos. 213 and 213b. First, paragraph S5.9(a) in FMVSS No. 213b references NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2021, (March 2023), which is incorporated by reference in 571.5(k)(6). The final rule corrects the formatting of the title of this document in 571.5(k)(6). Second, paragraph S5.9 in FMVSS No. 213 references (among other things) ''Drawing Package SAS–100–1000, Standard Seat Belt Assembly with Addendum A.'' As S5.9 notes, this document is incorporated by reference in § 571.5(k)(2). For clarification, NHTSA is amending S5.9 to add the phrase ''Seat Base Weldment'' to the title of this document.

V. Costs and Benefits

Due to the change in compliance date, some of the benefits and costs associated with meeting the requirement of FMVSS No. 213a will be delayed. The NPRM estimated a cost savings to consumers of approximately $10.58 million assuming all CRS manufacturers would delay compliance with FMVSS No. 213a to December 5, 2026. However, because Dorel and Graco have noted in their comments that most of their applicable products are now compliant with FMVSS No. 213a, NHTSA is revising the estimated cost savings to reflect our revised assumption that 100 percent of applicable CRSs from large manufacturers, 50 percent of CRSs from medium-size manufacturers, and 0 percent of CRSs from small manufacturers will be certified to FMVSS No. 213a prior to the compliance date of December 5, 2026. The revised estimates also assume that the large, medium and small manufacturers have a 60 percent, 30 percent, and 10 percent market share, respectively.

The revised analysis estimates that the cost savings to consumers resulting from a delay in the compliance date for FMVSS No. 213a from June 30, 2025 to December 5, 2026 is approximately $2.65 million. When discounting at three and seven percent, this final rule would result in cost savings to society of approximately $2.59 million and $2.53 million, respectively. Because most large CRS manufacturers are already certifying their products to FMVSS No. 213a and these CRSs account for most CRSs currently sold by large retailers, a great portion of the benefits estimated for the June 2022 final rule (annually 3.7 lives saved and 40.9 serious injuries prevented) would still be realized. The delay in the compliance date provided in this final rule would ensure small manufacturers are not forced to exit the CRS market, thereby preserving competition and consumer choice in the CRS market without significant loss in safety benefits. The full analysis of these cost savings is docketed along with this final rule.[17]

Similar to the cost savings from the extended lead time of the compliance date discussed above, exempting school bus CRSs from the side impact requirements may result in a cost savings for manufacturers, as it is likely that school bus CRS manufacturers that could not comply with FMVSS No. 213a by June 30, 2025 would have had to stop manufacturing school bus CRSs. Exempting school bus CRSs from compliance with FMVSS No. 213a would ensure that school bus CRS manufacturers can continue to manufacture their products after June 30, 2025. There are potential safety benefits by exempting school bus child restraint systems from side impact protection requirements and lower anchorages attachment requirements by ensuring these products can continue to be sold to head start programs and daycares.

[15] We note that the standard does not limit infant carriers from being recommended for children over 30 pounds. However, the standard does require the infant carrier to be tested with the Q3s dummy if it is recommended for children over 30 pounds.

[16] Kimberly Loughlin, Jimmy Lacy, Susan Shutrump, Wilson Barnes, Jacob Whilhite, Judy Korn, Michelle Summers.

[17] The Final Regulatory Evaluation (FRE) of FMVSS No. 213a; Child Restraint Systems—Side Impact Protection will be docketed along with this final rule.

Removing the requirement to test CRSs in forward facing mode with the CRABI–12MO for side impact protection, would have no impacts on safety but would reduce yearly testing costs by approximately $1.29 million.[18]

Finally, exempting school bus CRSs from compliance with the FMVSS Nos. 213 and 213b lower anchorages attachment requirements will likely result in a cost savings. If the agency did not adopt this amendment, school bus CRSs would need to be equipped with hardware that would allow the school bus CRSs to attach to the lower anchorages in a motor vehicle other than a school bus. This would be unnecessary, as school bus CRSs are not designed for use in other types of motor vehicles. In addition, FMVSS Nos. 213 and 213b have a requirement that school bus CRSs must be labeled to inform the consumer that school bus CRSs are for use only in school buses. Accordingly, the agency believes there would be some cost savings associated with exempting school bus CRSs from this unnecessary attachment requirement. However, the agency is unable to estimate those cost savings. Exempting school bus CRSs from this lower anchorage attachment requirement is not expected to impact safety because school bus CRSs are attached to the school bus seat using the school bus CRS seat back mount. Therefore, there is no change in the safety benefits associated with this amendment in the final rule.

VI. Incorporation by Reference

The following materials appear in the amendatory text of this final rule and have already been approved for the locations in which they appear:

- Drawing Package SAS–100–1000, Standard Seat Belt Assembly with Addendum A, Seat Base Weldment (approved June 24, 2003);
- Drawing Package, ''NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2003'' (approved June 24, 2003); and
- NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2021 (March 2023) (approved December 5, 2023).

This final rule makes no changes to the IBR material.

[18] There are currently 48 convertible CRS models, 60 all-in-one CRS models and 21 combination CRS models. Each forward-facing convertible, combination and all-in-one CRS would no longer be tested using the CRABI–12MO in a forward-facing configuration. The cost of a side impact sled test is estimated at $5,000. Therefore, the temporary additional test cost is estimated to be $1,290,000 (129 CRS Models X $5000 X 2 test installation configurations with CRABI–12MO in forward-facing mode).

VII. Effective Date and Compliance Date

The Administrative Procedure Act requires a 30-day delay in effective date for final rules unless an exception applies. *See* 5 U.S.C. 553(d). The amendments in this final rule become effective October 9, 2026.

As explained earlier, this final rule delays the compliance date for FMVSS No. 213a to December 5, 2026 to preserve competition and consumer choice in the CRS market without significant loss in safety benefits.

The compliance date for the updated labeling requirements in FMVSS No. 213 adopted by this final rule is 90 days after the effective date of the final rule. The compliance date for the updated labeling requirements in FMVSS No. 213b is December 5, 2026; this is the same as the date that CRSs must be certified to the new standard. NHTSA notes that the NPRM proposed that the compliance date for the updates to the labeling requirements in FMVSS Nos. 213 and 213b to be the same as the effective date of the final rule. However, manufacturers of school bus child restraints may need additional time to make the necessary updates to the labels to comply with the updated labeling requirements. Therefore, the final rule provides 90 days for compliance with the updated labeling requirements in FMVSS No. 213. Because the compliance date for FMVSS No. 213b is December 5, 2026, there is already sufficient time for manufacturers to comply with the updated labeling requirements in 213b.

NHTSA is permitting optional early compliance with FMVSS Nos. 213, 213a, and 213b to facilitate early adoption of CRS designs and consumer information that would enhance child passenger safety. If early compliance is chosen by a manufacturer for a CRS model, the CRS model must meet all applicable requirements in FMVSS No. 213, including the amendments to FMVSS No. 213 made by this final rule, or meet all applicable requirements in FMVSS No. 213b, including the updates made in this final rule. The manufacturer also has the option to comply early (before December 5, 2026) with FMVSS No. 213a side impact requirements, including the updates made in this final rule and likewise must meet all applicable requirements in FMVSS No. 213a.

VIII. Regulatory Notices and Analyses

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

NHTSA has considered the impact of this rule under Executive Order (E.O.) 12866 and E.O. 14192. This final rule is not considered to be significant, and NHTSA has considered the cost savings of the final rule under the principles of these executive orders. Please refer to Section V, Costs and Benefits, for this discussion. This final rule is an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations and small governmental jurisdictions), unless the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Agencies must also provide a statement of the factual basis for this certification.

I certify that this rulemaking action will not have a significant economic impact on a substantial number of small entities. Small businesses are defined using the North American Industry Classification System (NAICS) code. One of the criteria for determining size, as stated in 13 CFR 121.201, is the number of employees in the firm. While there is no separate NAICS code for child restraint manufacturers, there are three other categories that could be appropriate: ''Motor Vehicle Seating and Interior Trim'' Category (NAICS 336360, 1500 employees); ''All Other Motor Vehicle Parts Manufacturing'' category (NAICS 336390, 1000 employees); and ''All Other Transportation Equipment Manufacturing'' category (NAICS 336999, 1000 employees). In the Final Regulatory Impact Analysis for the side impact protection final rule,[19] NHTSA determined that none of the CRS manufacturers would be classified as small businesses based on the lowest employee threshold in effect at that time for these three NAICS categories (500 employees). Since that time the NAICS thresholds have been increased from the threshold of 500 employees. Even if any of these CRS manufacturers would be classified as small businesses under the

[19] Docket NHTSA–2022–0051.

current SBA business size thresholds, NHTSA has determined that this rule will not have a significant economic impact on any CRS manufacturer. In this deregulatory rule responding to petitions for reconsideration of an earlier rulemaking, NHTSA amends FMVSS No. 213a, ''Child restraint systems—side impact protection'' to exempt school bus CRSs that meet specified labeling requirements from the standard; to delay the compliance date from June 30, 2025 to December 5, 2026; to amend the dummy selection requirements so that the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI–12MO) will not be used to test forward-facing CRSs; and to amend in a corresponding manner positioning procedures for that dummy. NHTSA also amends FMVSS No. 213, ''Child restraint systems'' and FMVSS No. 213b, ''Child restraint systems; Mandatory applicability beginning December 5, 2026,'' to exclude school bus CRSs from the requirements to provide lower anchorage attachments for connection to a vehicle's child restraint anchorage system and to change certain labeling requirements to reflect how school bus child restraints are used. NHTSA has determined that the rule will likely result in cost savings to CRS manufacturers.

Federalism

NHTSA has examined this final rule pursuant to E.O. 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. This final rule would not have ''substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.''

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision stating that, if NHTSA has established a standard for an aspect of motor vehicle or motor vehicle equipment performance, a State may only prescribe or continue in effect a standard for that same aspect of performance if the State standard is identical to the Federal standard.[20] It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' [21] Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

NHTSA rules can also preempt State law if complying with the FMVSS would render the motor vehicle manufacturers liable under State tort law. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted.[22]

Pursuant to E.O. 13132, NHTSA has considered whether this final rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (*e.g.,* the language and structure of the regulatory text) and objectives of this final rule and finds that this final rule, like many NHTSA rules, prescribes only a minimum safety standard. Accordingly, NHTSA does not intend that this final rule preempt State tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by this final rule. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard finalized in this document. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Executive Order 12988 (Civil Justice Reform)

When promulgating a regulation, agencies are required under E.O. 12988 to make every reasonable effort to ensure that the regulation, as appropriate: (1) specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

NHTSA has reviewed this rulemaking and determined that this rulemaking action conforms to the applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform. The issue of preemption is discussed above in connection with E.O. 13132 (Federalism). NHTSA believes that this final rule specifies clearly the changes made to FMVSS Nos. 213, 213a, and 213b, defines any necessary key terms, and provides a clear legal standard for manufacturers to follow. The amendments do not take effect retroactively. NHTSA notes further that there is no requirement that an individual submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

Executive Order 13609 (Promoting International Regulatory Cooperation)

E.O. 13609, ''Promoting International Regulatory Cooperation,'' promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

NHTSA participates in the negotiation and development of technical standards for Safety Glazing in the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonization of Vehicle Regulations (WP.29). As a signatory member, NHTSA is obligated to initiate rulemaking to incorporate safety requirements and options specified in Global Technical Regulations (GTRs) if the U.S. votes in the affirmative to establish the GTR. No GTR for child restraint systems has been developed at this time.

NHTSA has analyzed this rule under the policies and agency responsibilities

[20] 49 U.S.C. 30103(b)(1).

[21] 49 U.S.C. 30103(e).

[22] *See Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

of E.O. 13609 and has determined this rulemaking will have no effect on international regulatory cooperation.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this rulemaking pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Pursuant to 49 CFR 1.81, the Secretary has delegated the ''functions'' under NEPA to the Administrators ''as they relate to the matters within the primary responsibility of each Operating Administration.'' NHTSA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are actions identified in an agency's NEPA procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). This rulemaking amends FMVSS No. 213a, ''Child restraint systems—side impact protection,'' to exempt school bus CRSs from the standard's requirements as long as they meet specified labeling requirements; to delay the compliance date from June 30, 2025 to December 5, 2026; and to provide that the Child Restraint Air Bag Interaction twelve-month-old (CRABI)–12MO test dummy will not be used to test forward-facing CRSs. The first two of these amendments are in response to petitions from CRS manufacturers. NHTSA is also amending FMVSS No. 213, ''Child restraint systems'' and FMVSS No. 213b, Child restraint systems; Mandatory applicability beginning December 5, 2026, to exclude school bus CRSs from the requirements to provide attachments for connection to the vehicle's child restraint anchorage system. This rulemaking is categorically excluded pursuant to 23 CFR 771.118(c)(4) (Planning and administrative activities that do not involve or lead directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand). NHTSA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Paperwork Reduction Act

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), a Federal agency must request and receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule does not establish or modify any information collection requirements as defined by OMB in 5 CFR part 1320.

Unfunded Mandates Reform Act (UMRA)

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of regulatory actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $184 million (the value equivalent of $100 million in 1995, adjusted for inflation to 2024) or more in any one year. This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments, or the private sector of $206 million or more in any one year. Thus, the analytical requirements of the UMRA do not apply to this action.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113), ''all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.'' Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) developed or adopted by voluntary consensus standards bodies, such as the International Organization for Standardization (ISO) and the Society of Automotive Engineers (SAE). The NTTAA directs this agency to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards. There are no voluntary consensus standards developed by voluntary consensus standards bodies pertaining to this final rule.

Executive Order 13175

E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. NHTSA has assessed the impact of this rule on Indian tribes and determined that this rule does not have tribal implications that require consultation under E.O. 13175.

E-Government Act Compliance

NHTSA is committed to complying with the E-Government Act, 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. The E-Government Act of 2002 (Pub. L. 107–347, sec. 208, 116 Stat. 2899, 2921, Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, NHTSA has not conducted a privacy impact assessment.

Plain Language Requirement

E.O. 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

NHTSA has considered these questions and attempted to use plain language in promulgating this final rule. Please inform the agency if you can suggest how NHTSA can improve its use of plain language.

Privacy Act

Petitions for review of the final rule will be placed in the docket. Anyone is able to search the electronic form of all

documents 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, see *https://www.transportation.gov/privacy.* To see the list of DOT's systems of records notices, please visit *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.*

Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading at the beginning of this document may be used to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Motor vehicles, Incorporation by reference.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 571.5 by revising paragraph (k)(6) to read as follows:

§ 571.5 Matter incorporated by reference.

* * * * *

(k) * * *

(6) Parts List and Drawings—NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2021—Child Frontal Impact Sled, March 2023; into § 571.213b.

* * * * *

■ 3. Amend § 571.213 by:

■ a. Revising paragraphs S5(g), S5.5.2(g)(1)(ii), and S5.9(a); and

■ b. In paragraph S6.1.1(a)(1)(ii), removing the text ''(consisting of drawings and a bill of materials)''.

The revisions read as follows:

§ 571.213 Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b.

* * * * *

S5 * * *

(g) Each add-on child restraint system manufactured for use in motor vehicles, that is recommended for children in a weight range that includes weights up to 18 kg (40 pounds), or for children in a height range that includes heights up to 1100 millimeters, shall meet the requirements in this standard and the additional side impact protection requirements in Standard No. 213a (§ 571.213a). Excepted from Standard No. 213a are harnesses, school bus child restraint systems, and car beds.

* * * * *

S5.5.2 * * *

(g) * * *

(1) * * *

(ii) Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt. [For school bus child restraint systems, the preceding statement does not apply.] [For car beds, harnesses, and belt positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional.] [For belt-positioning seats, the second part of the statement regarding attachment by the vehicle belt does not apply.] [School bus child restraint systems manufactured on or after December 8, 2026 must use the following statement: Secure this school bus child restraint using the child restraint's (insert the words ''seat back mount'' or ''seat back and seat pan mount'' as appropriate).]

* * * * *

S5.9 * * *

(a) Each add-on child restraint system other than a car bed, harness, school bus child restraint system, and belt-positioning seat, shall have components permanently attached to the system that enable the restraint to be securely fastened to the lower anchorages of the child restraint anchorage system specified in Standard No. 225 (§ 571.225) and depicted in Drawing Package SAS–100–1000, Standard Seat Belt Assembly with Addendum A, Seat Base Weldment or in Drawing Package, ''NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2003'' (both incorporated by reference, see § 571.5). The components must be attached by use of a tool, such as a screwdriver. In the case of rear-facing child restraints with detachable bases, only the base is required to have the components.

* * * * *

■ 4. Amend § 571.213a by:

■ a. Revising paragraph S3;

■ b. In paragraph S4, adding, in alphabetical order, a definition for ''school bus child restraint system'';

■ c. Revising paragraphs S7.1(a) and S9.1(b); and

■ d. Removing paragraphs S9.1(c) and S9.1(d).

The addition and revisions read as follows:

§ 571.213a; Child restraint systems—Side Impact Protection—Mandatory applicability beginning December 5, 2026.

* * * * *

S3 Application. This standard applies to add-on child restraint systems that are either recommended for use by children in a weight range that includes weights up to 18 kilograms (40 pounds) regardless of height, or by children in a height range that includes heights up to 1100 millimeters regardless of weight, except for car beds, school bus child restraint systems, and harnesses.

S4 * * *

* * * * *

School bus child restraint system means an add-on child restraint system (including a harness) manufactured and sold only for use on school bus seats that has a label conforming with S5.3.1(b) of FMVSS No. 213b (§ 571.213b).

* * * * *

S7.1 * * *

(a) A child restraint that is recommended by its manufacturer in accordance with S5.5 of Standard No. 213 (§ 571.213) for use either by children in a specified mass range that includes any children having a mass greater than 5 kilograms but not greater than 13.6 kilograms, or by children in a specified height range that includes any children whose height is greater than 650 millimeters but not greater than 870 millimeters, is tested with a CRABI 12-month-old test dummy conforming to 49 CFR part 572 subpart R, provided, however, that the CRABI 12-month-old dummy is not used to test a forward-facing child restraint system.

* * * * *

S9.1 * * *

(b) When testing child restraint systems rear-facing, extend the dummy's arms vertically upwards and then rotate each arm downward in the plane parallel to the dummy's midsagittal plane toward the dummy's lower body until the arm contacts a surface of the child restraint system or the SISA. Ensure that no arm is restrained from movement in other than the downward direction, by any part of the system or the belts used to anchor the system to the SISA sliding seat.

* * * * *

■ 5. Amend § 571.213b by revising S5(b)(2), S5.5.2(g)(1)(ii), and S5.9(a) to read as follows:

§ 571.213b; Child restraint systems; Mandatory applicability beginning December 5, 2026.

* * * * *

S5 * * *

(b) * * *

(2) Each add-on child restraint system manufactured for use in motor vehicles, that is recommended for children in a weight range that includes weights less than 18 kg (40 pounds) regardless of height, or for children in a height range that includes heights less than 1100 millimeters (mm) regardless of weight, shall meet the requirements in this standard and the applicable side impact protection requirements in Standard No. 213a (§ 571.213a). Excepted from Standard No. 213a are harnesses, school bus child restraint systems, and car beds.

* * * * *

S5.5.2 * * *

(g) * * *

(1) * * *

(ii) Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt. [For school bus child restraint systems, the preceding statement does not apply.] [For car beds, harnesses, and belt positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional.] [For belt-positioning seats, the second part of the statement regarding attachment by the vehicle belt does not apply.] [School bus child restraint systems must use the following statement instead: Secure this school bus child restraint using the child restraint system's (insert the words ''seat back mount'' or ''seat back and seat pan mount'' as appropriate).]

* * * * *

S5.9 * * *

(a) Each add-on child restraint system other than a car bed, harness, school bus child restraint system, and belt-positioning seat, shall have components permanently attached to the system that enable the restraint to be securely fastened to the lower anchorages of the child restraint anchorage system specified in Standard No. 225 (§ 571.225) and depicted in NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA–213–2021 (March 2023) (incorporated by reference, see § 571.5). The components must be attached by use of a tool, such as a screwdriver. In the case of rear-facing child restraint systems with detachable bases, only the base is required to have the components. For child restraints manufactured on or after January 8, 2028, all components provided to attach the add-on child restraint or the detachable base (in the case of a rear-facing child restraint with a detachable base) to the lower anchorages of the child restraint anchorage system shall be permanently marked with the pictogram in figure 15 to this section.

* * * * *

Issued under authority delegated in 49 CFR 1.95.

Jonathan Morrison,

Administrator.

[FR Doc. 2026–18380 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066, RTID 0648–XG028]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2026 total allowable catch (TAC) of Pacific ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 4, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan (FMP) for Groundfish of the BSAI prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2026 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 214 metric tons by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator, Alaska Region, NMFS, has determined that this directed fishing allowance has been or will be reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access sector fishery to prevent exceeding this sector's allocation of Pacific ocean perch in the WAI. While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch directed fishing in the WAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific ocean perch harvest in the WAI for vessels participating in the BSAI trawl limited access sector only became available as of September 3, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 4, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–18391 Filed 9–4–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 173
Wednesday, September 9, 2026

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1210

[Doc. No. AMS–SC–25–0008]

Watermelon Research and Promotion Plan; Realignment; Withdrawal of Proposed Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Agricultural Marketing Service (AMS) is withdrawing a proposed rule, published in the **Federal Register** on September 19, 2025, that proposed adjusting the Watermelon Research and Promotion Plan (Plan) by realigning several production districts and reducing the number of importers on the National Watermelon Promotion Board (Board) from nine to seven. USDA found the calculation used to justify the change in the number of importers to be legally insufficient and is therefore withdrawing the proposed rule.

DATES: As of September 9, 2026, the proposed rule published on September 19, 2025, at 90 FR 45155, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Alexandra Caryl, Branch Chief, Mid-Atlantic Region Branch, Market Development Division, Specialty Crop Program, AMS, USDA, STOP 0244, 1400 Independence Avenue SW, Room 1406–S, Washington, DC 20250–0244; telephone: (202) 720–8805; or email: *Alexandra.Caryl@usda.gov,* or William Hodges, Marketing Specialist, Mid-Atlantic Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, STOP 0244, 1400 Independence Avenue SW, Room 1406–S, Washington, DC 20250–0244; telephone: (443) 571–8456; or email: *William.Hodges2@usda.gov.*

SUPPLEMENTARY INFORMATION: This withdrawal is issued under the Watermelon Research and Promotion Plan (7 CFR part 1210), which is authorized by the Watermelon Research and Promotion Act (7 U.S.C. 4901–4916) (Act). The Board administers the Plan and is comprised of 30 members, including 10 producers, 10 handlers, nine importers, and one public member.

This action withdraws a proposed rule published in the **Federal Register** on September 19, 2025 (90 FR 45155), that would have adjusted several production districts under the Plan for producer and handler representation on the Board and reduced the number of importer seats on the Board from nine to seven.

Section 1210.320(c) of the Plan requires the Board to review the districts to determine whether realignment of the districts is necessary at least every five years, giving consideration to: (1) The most recent three years USDA production reports or Board assessment reports if USDA production reports are unavailable; (2) Shifts and trends in quantities of watermelon produced, and (3) Other relevant factors.

Section 1210.320(d) of the Plan specifies that importer representation shall be proportionate to the annual average percentage of assessments paid by importers, except that at least one representative of importers shall serve on the Board. When reviewing importer membership, § 1210.320(e) of the Plan provides that every five years the Secretary shall evaluate the average annual percentage of assessments paid by importers during the three-year period preceding the date of the evaluation and adjust, to the extent practicable, the number of importer representatives on the Board. In the proposed rule, the calculation that served as the basis to reduce the number of importers seats was based on the ratio of current importer seats to current domestic seats. The calculation supported reducing the number of importer seats from nine to seven, though the percentage of total assessments paid by importers during the reviewed period (2021–2023) went up 4% from the Board's previous review in 2020.

After further reviewing the calculations used to determine the realignment of the Board as recorded in the proposed rule, the USDA has found the methodology of those calculations to be flawed, resulting in an underestimation of importer seats. Therefore, the USDA believes the only viable option is to withdraw the proposed rule. AMS will engage with the watermelon industry on next steps for realigning the Board's membership, consistent with the Act and the Plan. Accordingly, the proposed rule to realign the National Watermelon Promotion Board by amending the Plan, that was published in the **Federal Register** on September 19, 2025 (90 FR 45155), is hereby withdrawn.

List of Subjects in 7 CFR Part 1210

Administrative practice and procedure, Advertising, Agricultural research, Consumer protection, Marketing agreements, Reporting and recordkeeping requirements, Watermelon.

Authority: 7 U.S.C. 4901–4916 and 7 U.S.C. 7401.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–18313 Filed 9–4–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8800; Project Identifier MCAI–2025–00175–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 and A350–1041 airplanes. This proposed AD was prompted by reports of failure of hydraulic engine driven pumps (EDPs) of the standard EDP–06. This proposed AD would require, depending on airplane configuration, modifying the hydraulic monitoring and control application (HMCA), accomplishing applicable concurrent requirements, revising the existing airplane flight manual (AFM), and replacing affected parts. This proposed AD would also prohibit the installation

of affected parts and prohibit the installation of certain HMCA software. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 26, 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–2026–8800; 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–2026–8800.
- 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: Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5134; email: *aaron.t.nguyen@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–2026–8800; Project Identifier MCAI–2025–00175–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 Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5134; email: *aaron.t.nguyen@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 2026–0074, dated April 8, 2026 (AD 2026–0074) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and A350–1041 airplanes. The MCAI states that occurrences were reported of failure of hydraulic EDPs of the standard EDP–06. The consequent high friction and subsequent damage to the EDP could lead to overheating the EDP case drain (CD).

The FAA is proposing this AD to address failure of hydraulic EDPs of the standard EDP–06. The unsafe condition, if not addressed, could result in high friction and subsequent damage to the EDP that could lead to overheating the EDP CD. Repeated overheating may result in uncontrolled heat transfer to the fuel tank, creating a potential ignition hazard, while simultaneously degrading pump performance and potentially leading to loss of hydraulic function, which may lead to the loss of critical systems.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8800.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0074, dated April 8, 2026, specifies procedures for, depending on airplane configuration, modifying the wiring of the HMCA, updating the HMCA (SW) to S6.0, accomplishing applicable concurrent requirements (*i.e.,* doing modifications to install avionics system upgrades), revising the existing AFM by incorporating the applicable AFM documentary unit revision, and replacing affected parts with approved parts. EASA AD 2026–0074 also prohibits the installation of affected parts and prohibits the installation of HMCA SW S5.0 or earlier on any airplane.

EASA AD 2026–0074 also notes that accomplishing the modification specified in paragraph (1) of its AD is acceptable for compliance with paragraph (3) of EASA AD 2018–0178, dated August 23, 2018 (which corresponds to paragraph (h) of FAA AD 2018–19–19, Amendment 39–19419 (83 FR 48203, September 24, 2018)).

EASA AD 2026–0074 also notes that accomplishing the modification specified in paragraph (6) of its AD is acceptable for compliance with paragraph (4) of EASA AD 2018–0178, dated August 23, 2018 (which corresponds to paragraph (g) of FAA AD 2019–03–08, Amendment 39–19560 (84 FR 6067, February 26, 2019)).

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 2026–0074 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Compliance With AFM Revisions

EASA AD 2026–0074 requires operators to ''inform all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. Section 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM.

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 2026–0074 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2026–0074 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 2026–0074 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 2026–0074. Material required by EASA AD 2026–0074 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8800 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 84 work-hours × $85 per hour = $7,140	Up to $9,228 *	Up to $16,368	Up to $589,248.

* The FAA has received no definite data on the parts costs for the replacement of affected parts with approved parts.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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–2026–8800; Project Identifier MCAI–2025–00175–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 26, 2026.

(b) Affected ADs

This AD affects AD 2018–19–19, Amendment 39–19419 (83 FR 48203, September 24, 2018) (AD 2018–19–19); and AD 2019–03–08, Amendment 39–19560 (84 FR 6067, February 26, 2019) (AD 2019–03–08).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and A350–1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2026–0074, dated April 8, 2026 (EASA AD 2026–0074).

(d) Subject

Air Transport Association (ATA) of America Code, 29; Hydraulic power.

(e) Unsafe Condition

This AD was prompted by reports of failure of hydraulic engine driven pumps (EDPs) of the standard EDP–06. The FAA is issuing this AD to address failure of EDPs of the standard EDP–06. The unsafe condition, if not addressed, could result in high friction and subsequent damage to the EDP that could lead to overheating the EDP case drain. Repeated overheating may result in uncontrolled heat transfer to the fuel tank, creating a potential ignition hazard, while simultaneously degrading pump performance and potentially leading to loss of hydraulic function, which may lead to the loss of critical systems.

(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 2026–0074.

(h) Exceptions to EASA AD 2026–0074

(1) Where EASA AD 2026–0074 refers to February 26, 2025 (the effective date of EASA AD 2025–0035), this AD requires using the effective date of this AD.

(2) Where EASA AD 2026–0074 refers to July 30, 2025 (the effective date of EASA AD 2025–0139), this AD requires using the effective date of this AD.

(3) Where EASA AD 2026–0074 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where paragraph (4) of EASA AD 2026–0074 specifies to ''implement the AFM DU revision, as defined in this AD'', this AD requires replacing that text with ''revise the existing AFM to incorporate the information in the AFM DU revision, as defined in this AD''.

(5) Where paragraph (4) of EASA AD 2026–0074 specifies to ''inform all flight crews and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(6) Where paragraph (9) of EASA AD 2026–0074 specifies that ''Installing HMCA SW standard later than S6.0 on an aeroplane, in accordance with Airbus approved instructions, is an acceptable method to comply with the requirements of paragraph (1) of this AD for that aeroplane'', this AD requires replacing that text with ''Installing HMCA SW standard later than S6.0 on an airplane, 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), is an acceptable method to comply with the requirements of paragraph (1) of this AD for that airplane. If approved by the DOA, the approval must include the DOA-authorized signature''.

(7) Where paragraph (10) of EASA AD 2026–0074 specifies that ''Modification of an aeroplane by installing EDP approved later than EDP P/N 53098–07, eligible for installation in accordance with approved Airbus maintenance instructions, is an acceptable method to comply with the requirements of paragraph (6) of this AD for that aeroplane'', this AD requires replacing that text with ''Modification of an airplane by installing EDP approved later than EDP P/N 53098–07, eligible for installation, is an acceptable method to comply with the requirements of paragraph (6) of this AD for that airplane''.

(8) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0074.

(i) Terminating Action for AD 2018–19–19 and AD 2019–03–08

Accomplishing the modification specified in paragraph (1) of EASA AD 2026–0074 terminates the requirements of paragraph (h) of AD 2018–19–19.

Accomplishing the modification specified in paragraph (6) of EASA AD 2026–0074 terminates the requirements of paragraph (g) of FAA AD 2019–03–08.

(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 DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (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: Aaron Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5134; email: *aaron.t.nguyen@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 2026–0074, dated April 8, 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 September 3, 2026.

Brian Knaup,

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

[FR Doc. 2026–18375 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8797; Project Identifier MCAI–2025–01338–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This proposed AD

was prompted by reports of fuel leakage near rib 6 during production pressure testing. An investigation found oversized holes in a certain outboard shear-tie. This proposed AD would require an inspection of the fasteners and fastener holes at rib 6 for discrepancies and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 26, 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–2026–8797; 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 Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2026–8797.
- 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: Isabel Saltzman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@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–2026–8797; Project Identifier MCAI–2025–01338–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 Isabel Saltzman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–39, dated August 7, 2025 (Transport Canada AD CF–2025–39) (also referred to as the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–2A12 airplanes. The MCAI states that reports of fuel leakage near rib 6 were found during production pressure testing. An investigation found five oversized holes upon the removal of the doubler on rib 6 close to stringer 8L. The oversized holes were found in the outboard shear-tie between stringers 8L and 9L, attaching rib 6 to the lower skin of the wing. A fatigue analysis of oversized holes in the inboard and outboard shear-ties between stringers 8L and 9L attaching rib 6 to the skin of the wing indicated the potential for crack formation. This condition, if not addressed, could lead to failure of shear-ties, resulting in the loss of redundant structure and the consequent loss of structural integrity of the airplane.

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–2026–8797.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–39 specifies procedures for conducting an inspection of the fasteners at rib 6 for discrepancies (any gaps under the nuts or evidence of nut loosening), and of the fastener holes for discrepancies (oversizing, elongation, ovalization, and cracking), and applicable on-condition actions. On-condition actions include repair and reinstalling fasteners.

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 Transport Canada AD CF–2025–39 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Compliance Time That Specifies a Calendar Date

Transport Canada AD CF–2025–39 includes a compliance time that specifies a calendar date. In determining this compliance time, a fatigue analysis was done based on usage from the fleet leader of the affected aircraft. To ensure that the unsafe condition was addressed based on the original calculated compliance time, the compliance time was adjusted, and the usage was set from the issuance date of Bombardier Service Bulletin 700–57–7525, dated October 26, 2022, *i.e.,* within 1,400 flight cycles from October 26, 2022. The FAA is adopting this same compliance time.

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 Transport Canada AD CF–2025–39 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–39 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–39 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8797 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hours × $85 per hour = $850	$0	$850	$11,050

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 ACTIONS

Labor cost	Parts cost	Cost per product
39 work-hours × $85 per hour = $3,315	$635	$3,950

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

Authority for This Rulemaking

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

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

Regulatory Findings

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:

Bombardier, Inc.: Docket No. FAA–2026–8797; Project Identifier MCAI–2025–01338–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 26, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated

in any category, as identified in Transport Canada AD CF–2025–39, dated August 7, 2025 (Transport Canada AD CF–2025–39).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fuel leakage near rib 6 during production pressure testing. An investigation found oversized holes in a certain outboard shear-tie. Fatigue analysis of those oversized holes indicated the potential for crack formation. The FAA is issuing this AD to address the failure of shear-ties. The unsafe condition, if not addressed, could result in the loss of redundant structure and the consequent loss of 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 paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–39.

(h) Exception to Transport Canada AD CF–2025–39

(1) Where Transport Canada AD CF–2025–39 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–39 specifies to ''Inspect and if required rework the fasteners and fastener holes at Rib 6, in accordance with Section 2.B of the Accomplishment Instructions of Bombardier Service Bulletin (SB) 700–57–7525 Revision 01, dated 13 January 2025 or later revisions approved by the Chief, Continuing Airworthiness, Transport Canada'', this AD requires replacing that text with ''Inspect in accordance with Section 2.B of the Accomplishment Instructions of Bombardier Service Bulletin (SB) 700–57–7525 Revision 01, dated 13 January 2025 or later revisions approved by the Chief, Continuing Airworthiness, Transport Canada. If any discrepancy (gap under a nut; evidence of nut loosening; oversized, elongated, or ovalized hole; or cracking) is detected, the discrepancy must be repaired before further flight using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier's Transport Canada Design Approval Organization (DAO). If approved by the DOA, the approval must include the DOA-authorized signature''.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–39 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, 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 Transport Canada; or Bombardier's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Isabel Saltzman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-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) Transport Canada AD CF–2025–39, dated August 7, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

(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 September 3, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18376 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8799; Project Identifier MCAI–2025–01590–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 supersede Airworthiness Directive (AD) 2023–07–02, which applies to all Airbus SAS Model A330–200, –300, –800, and –900 series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. AD 2023–07–02 requires replacing the doghouse door lock placard with an improved instruction placard. Since the FAA issued AD 2023–07–02, it was determined that additional parts need to be modified. This proposed AD would continue to require the actions in AD 2023–07–02 and would expand the list of affected parts. This proposed AD would also prohibit the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 26, 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–2026–8799; 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–2026–8799.
- 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: Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@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–2026–8799; Project Identifier MCAI–2025–01590–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 Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@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

The FAA issued AD 2023–07–02, Amendment 39–22404 (88 FR 24683, April 24, 2023), for all Airbus SAS Model A330–200, –300, –800, and –900 series airplanes; Model A340–200 and –300 series airplanes; Model A340–541 airplanes; and Model A340–642 airplanes. AD 2023–07–02 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2022–0179, dated August 26, 2022 (EASA AD 2022–0179), to correct an unsafe condition. AD 2023–07–02 requires replacing the doghouse door lock placard with an improved instruction placard and prohibits the installation of affected parts under certain conditions. The FAA issued AD 2023–07–02 to address possible incorrect operation of the doghouse door lock due to unclear and incomplete handling instructions on the door placard installed near the lock. This condition, if not addressed, could result in failure of the latch, which could block the door in the closed position and prevent access to the emergency equipment inside the doghouse.

Actions Since AD 2023–07–02 Was Issued

Since the FAA issued AD 2023–07–02, EASA superseded EASA AD 2022–0179 and issued EASA AD 2025–0216, dated October 1, 2025 (EASA AD 2025–0216) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS A330–201, A330–202, A330–203, A330–223, A330–243, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, A330–343, A330–841 and A330–941 airplanes; and Airbus Model A340–211, A340–212, A340–213, A340–311, A340–312, A340–313, A340–541, A340–542, A340–642, and A340–643 airplanes. Model A340–542 and A340–643 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 the instructions on the doghouse door lock placard are unclear and incomplete and could lead to incorrect operation of the lock. This condition, if not corrected, could lead to failure of the latch, blocking the door in the closed position and preventing access to emergency equipment, possibly resulting in injury to airplane occupants. Since EASA AD 2022–0179 was issued, it has been determined that additional parts have to be modified. 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–2026–8799.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2023–07–02, this proposed AD would retain all of the requirements of AD 2023–07–02. Those requirements are referenced in EASA AD 2025–0216, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0216, which specifies procedures for replacing the doghouse door lock placard with a placard with improved handling instructions. EASA AD 2025–0216 also prohibits the installation of doghouses with incorrect instruction placards. 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 retain all of the requirements of AD 2023–07–02. This proposed AD would require accomplishing the actions specified in EASA AD 2025–0216 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 2025–0216 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0216 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 2025–0216 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 2025–0216. Material required by EASA AD 2025–0216 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8799 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 59 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$100	$270	*$15,930

*Assuming one placard per product. The number of placards on an airplane depends on the passenger configuration and varies from operator to operator.

According to the manufacturer, some or all of the costs of this proposed 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.

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:

■ a. Removing Airworthiness Directive (AD) 2023–07–02, Amendment 39–22404 (88 FR 24683, April 24, 2023); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2026–8799; Project Identifier MCAI–2025–01590–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 26, 2026.

(b) Affected ADs

This AD replaces AD 2023–07–02, Amendment 39–22404 (88 FR 24683, April 24, 2023) (AD 2023–07–02).

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, as identified in paragraphs (c)(1) through (8) of this AD.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(3) Model A330–841 airplanes.

(4) Model A330–941 airplanes.

(5) Model A340–211, –212, and –213 airplanes.

(6) Model A340–311, –312, and –313 airplanes.

(7) Model A340–541 airplanes.

(8) Model A340–642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports that the instructions on the doghouse door lock placard are unclear and incomplete, and by a determination that additional parts need to be modified. The FAA is issuing this AD to address possible incorrect operation of the doghouse door lock due to unclear and incomplete handling instructions on the door placard installed near the lock. The unsafe condition, if not addressed, could result in failure of the latch, which could block the door in the closed position and prevent access to the emergency equipment inside the doghouse.

(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 2025–0216, dated October 1, 2025 (EASA AD 2025–0216).

(h) Exceptions to EASA AD 2025–0216

(1) Where EASA AD 2025–0216 refers to June 18, 2021 (the effective date of EASA AD 2021–0136), this AD requires using March 21, 2022 (the effective date of AD 2022–03–12, Amendment 39–21929 (87 FR 8169, February 14, 2022)).

(2) Where EASA AD 2025–0216 refers to September 9, 2022 (the effective date of EASA AD 2022–0179), this AD requires using May 30, 2023 (the effective date of AD 2023–07–02).

(3) Where EASA AD 2025–0216 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where EASA AD 2025–0216 specifies to ''remove the placard and install a placard with improved handling instructions on each affected part'', this AD requires replacing that text with ''replace the placard on each affected part with a placard with improved handling instructions''.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0216.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@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 2025–0216, dated October 1, 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 September 3, 2026.

Brian Knaup,

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

[FR Doc. 2026–18372 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 120

[EPA–HQ–OW–2025–0322; FRL 11132.1–04–OW]

RIN 2040–AG44

Updated Definition of ''Waters of the United States''

AGENCY: Department of Defense, Department of the Army, Corps of Engineers; U.S. Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The purpose of this supplemental notice of proposed rulemaking is for the U.S. Environmental Protection Agency (EPA) and the Department of the Army (''the agencies'') to supplement and seek additional comment on certain aspects of an earlier proposal, published on November 20, 2025, to revise the regulations defining the scope of waters federally covered under the Clean Water Act in light of the U.S. Supreme Court's 2023 decision in *Sackett* v. *Environmental Protection Agency.* As stated in the agencies' November 20, 2025 Notice of Proposed Rulemaking (NPRM), the agencies intend for this rulemaking to provide greater regulatory certainty and increase Clean Water Act program predictability and consistency by clarifying the definition of ''waters of the United States.'' After consideration of the public comments received on the NPRM, the agencies are issuing this notice to supplement the NPRM with additional regulatory options on certain aspects of the proposed rule.

DATES: Comments must be received on or before October 9, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2025–0322, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: OW-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OW–2025–0322 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center,

Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov,* including personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Public Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Stacey Jensen, Office of Wetlands, Oceans, and Watersheds, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–0657; email address: *CWAwotus@epa.gov,* and Milton Boyd, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, 108 Army Pentagon, Washington, DC 20310–0104; telephone number: (703) 693–3655; email address: *usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@army.mil.*

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I. Written Public Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2025–0322, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section of this document. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. General Information

A. What action are the agencies taking?

In this action, the agencies are publishing a supplemental notice of proposed rulemaking (SNPRM) to revise the definition of ''waters of the United States'' in 33 CFR 328.3 and 40 CFR 120.2. This SNPRM supplements the proposed regulatory text in the NPRM, published on November 20, 2025 (90 FR 52498), for certain components of the proposal and seeks public input on these additional regulatory alternatives. The agencies are not proposing to supplement other portions of the initial proposed rule and continue to review and consider public comments received on the November 2025 NPRM.

B. What is the agencies' authority for taking this action?

The authority for this action is the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.,* including sections 301, 304, 311, 401, 402, 404, and 501.

III. Background and Purpose of This Supplemental Notice

On November 20, 2025 (90 FR 52498), the agencies proposed a rule that would revise key aspects of the definition of ''waters of the United States'' to clarify the scope of Federal jurisdiction under the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, in light of the U.S. Supreme Court's May 25, 2023 decision in *Sackett* v. *Environmental Protection Agency,* 598 U.S. 651 (2023). This document supplements the proposed rule. The agencies refer the public to the November 2025 NPRM for more information on the background for this action, including the history of the Clean Water Act, relevant case law, current and prior regulatory regimes, and the need for a revised definition of ''waters of the United States.''

Since publishing the proposed rule, the agencies received approximately 220,000 public comments on the NPRM and heard from a wide number and variety of States and Tribal governments, industry groups, agricultural producers, non-profit advocacy groups, interagency partners, and other stakeholders regarding the proposed revised definition of ''waters of the United States.'' Many of these commenters requested additional clarification regarding the agencies' proposed rule and the alternative approaches for which the agencies solicited comment. In addition, some commenters recommended the agencies consider other approaches not explicitly articulated in the NPRM. The agencies have summarized some key points from

public comments in section V of this preamble. With this SNPRM, the agencies are supplementing certain components of the proposed rule by soliciting comment on new regulatory text options for specific definitions in paragraph (c) of the regulations. The supplemental regulatory options were developed based on the agencies' analysis of the public comments and stakeholder input received on the proposed rule in the agencies' NPRM. The agencies solicit public comments regarding the information and issues presented in this SNPRM. The agencies continue to review and consider public comments received in response to all components of the NPRM, including those that are not supplemented by this SNPRM. The agencies will consider and address those previously submitted comments on the proposed rule, in addition to new comments submitted in response to this SNPRM, in taking final action on this rulemaking. As such, commenters should not resubmit comments already provided in response to the agencies' NPRM.

IV. Initial Notice of Proposed Rulemaking

A. Summary of the Initial Notice of Proposed Rulemaking

In the NPRM, the agencies proposed to revise the following categories of ''waters of the United States'' under 33 CFR 328.3 and 40 CFR 120.2 paragraph (a) by deleting the interstate waters category under paragraph (a)(1)(iii) and deleting ''intrastate'' from the paragraph (a)(5) category for lakes and ponds. Ministerial changes were proposed to add in one place and delete in another place an ''or'' from paragraph (a)(1) to conform to the proposed deletion of the interstate waters category. In addition, the agencies proposed to revise the following exclusions: the (b)(1) waste treatment system exclusion, the (b)(2) prior converted cropland exclusion, and the (b)(3) ditch exclusion. The agencies also proposed adding an exclusion for groundwater at (b)(9). The agencies further proposed to add definitions of ''continuous surface connection,'' ''ditch,'' ''prior converted cropland,'' ''relatively permanent,'' ''tributary,'' and ''waste treatment system'' in paragraph (c) of their regulations. The NPRM also contained additional requisite conforming edits in light of the aforementioned proposed changes.

B. Comments on the Initial Notice of Proposed Rulemaking

The agencies accepted comments on the NPRM from November 20, 2025, through January 5, 2026. The agencies received approximately 220,000 comments on the NPRM from a broad spectrum of interested parties. Some commenters expressed support for the agencies' proposal, stating, among other things, that the proposed rule is consistent with *Sackett.* Other commenters opposed the proposal, stating, among other things, that the proposed rule would increase regulatory uncertainty and adversely impact water quality.

Based on the agencies' careful and ongoing review of the comments submitted in response to the NPRM, the agencies believe that it is in the public interest to provide further explanation and allow interested parties an opportunity to comment on these supplemental options for targeted definitions of certain regulatory terms and implementation of those terms.

V. Supplements to Proposed Rule in This Supplemental Notice and Requests for Comment

A. Summary of the Supplements to the Regulatory Options for the Proposed Rule

In this SNPRM, the agencies are seeking comment on supplemental regulatory options for the revised definitions of ''relatively permanent'' and ''continuous surface connection,'' and adding a definition of the term ''perennial,'' which, if finalized, would result in a renumbering of the existing and previously proposed definitions in paragraph (c) of the regulatory text, along with other conforming edits. The agencies continue to consider the regulatory options proposed in the NPRM in tandem with the consideration of these supplemental regulatory options and any comments received in response to this SNPRM pertaining to these supplemental regulatory options.

In this SNPRM, the agencies are not proposing new regulatory options to the initial proposed removal of ''interstate waters'' at paragraph (a)(1)(iii) or the initial proposed removal of the word ''intrastate'' from paragraph (a)(5). 90 FR 52498, 52516 and 52517 (proposed removal of ''interstate waters''), 52533 (proposed removal of the word ''intrastate'') (November 20, 2025). Consistent with the NPRM, this SNPRM also does not suggest additional options for changes to the remaining portions of paragraph (a)(1) or to paragraphs (a)(2), (3), or (4), other than conforming edits in light of the aforementioned proposed changes unless as expressly stated otherwise in this preamble.

Additionally, this SNPRM does not supplement the regulatory options for the previously proposed exclusions for waste treatment systems at paragraph (b)(1), prior converted cropland at paragraph (b)(2), certain ditches at paragraph (b)(3), and groundwater at (b)(9) from the initial notice of proposed rulemaking. 90 FR 52533 through 52541(November 20, 2025). Consistent with the discussion in the NPRM, this SNPRM also would make no changes to the existing exclusions in paragraphs (b)(4) through (8) other than conforming edits in light the proposed exclusion at paragraph (b)(9).

Additionally, this SNPRM makes no further changes to the initial proposed definitions for ''ditch,'' ''prior converted cropland,'' ''tributary,'' or ''waste treatment system.'' 90 FR 52521 through 23, 52533 through 52541(November 20, 2025).

B. ''Relatively Permanent'' Waters

1. Summary of Initial Proposed Definition and Relevant Comments Received on ''Relatively Permanent''

In *Sackett,* the Supreme Court interpreted the jurisdictional extent of ''navigable waters'' under the Clean Water Act. 598 U.S. at 671–74. Part III.A of the Court's opinion sets out the test for determining which ''waters'' constitute ''waters of the United States.'' *Id.* In Part III.A, the Court held that the Act's ''use of 'waters' encompasses 'only those relatively permanent, standing or continuously flowing bodies of water ''forming geographic[al] features'' that are described in ordinary parlance as ''streams, oceans, rivers, and lakes.'' ' '' *Id.* at 671 (quoting *Rapanos* v. *United States,* 547 U.S. 715, 739 (2006) (plurality op.)).

In the NPRM, the agencies proposed to define ''relatively permanent'' to mean ''standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.'' *See* 90 FR 52545 (November 20, 2025). The agencies solicited comment on the proposed definition of ''relatively permanent,'' including implementation of the definition and regional implications of the proposed approach. The agencies also solicited comment on a number of alternative approaches, such as defining ''relatively permanent'' to mean only perennial; a minimum flow volume threshold; a minimum flow duration metric (*e.g.,* 30, 90, or 270 days) or bright lines applicable by region; physical indicators of flow; or waters that typically have standing or flowing water year-round or continuously at least seasonally.

The agencies received a wide range of comments on the previous proposed definition of ''relatively permanent,''

with some commenters supporting the proposed definition and other commenters objecting to the proposed definition or supporting an alternative definition. Many of those commenters supporting the proposed definition of ''relatively permanent'' stated that the proposed definition was consistent with *Sackett* and the *Rapanos* plurality. Many of those opposed to the proposed definition stated that the proposed rule went beyond what *Sackett* and *Rapanos* require, while another commenter stated that the agencies failed to provide a rational basis for revising the current practice for the implementation of ''relatively permanent.'' Certain commenters requested that intermittent waters continue to be subject to Federal jurisdiction under the Clean Water Act, and some advocated for Federal jurisdiction of ephemeral streams due to the many functions such streams serve.

Some commenters supported the agencies' concept of ''wet season'' incorporated into the proposed definition in the NPRM, while other commenters expressed various concerns with the concept or the potential challenges associated with its implementation. Some commenters opposing the proposed rule's definition of ''relatively permanent'' stated that the Supreme Court intended for jurisdictional waters to flow continuously for a duration longer than the wet season and thus claimed that the proposal did not go far enough in implementing the *Sackett* decision. Other commenters stated that the ''wet season'' approach in the proposed rule appropriately incorporated ''seasonal'' waters and accounted for extraordinary circumstances such as droughts. Additionally, some commenters stated that the ''wet season'' approach in the proposed rule allowed for geographic variability across the United States.

One alternative approach the agencies solicited comment on was whether to limit the definition of ''relatively permanent'' to include only ''perennial'' waters. The agencies evaluated this interpretation because ''perennial'' streams are most obviously ''permanent,'' consistent with the *Sackett* decision and the *Rapanos* plurality. Some commenters supported this approach, while many other commenters opposed this approach.

The agencies also solicited comment on whether they should adopt a minimum flow duration metric (*e.g.,* 30, 90, or 270 days) or bright lines set by region, *e.g.,* by requiring flow a minimum of 270 days east of the Mississippi River and a minimum of 30 or 60 days west of the Mississippi, for ''relatively permanent'' waters. Some commenters expressed support for these alternative approaches, with some supporting a minimum flow duration or flow volume metric (*e.g.,* at least 30 days, at least 90 consecutive days, at least 270 days, or at least 95% of the year). Some commenters expressed support for a more regionalized threshold approach, with a few such commenters supporting a 90-day threshold for the western States and another commenter opposing a nationwide threshold and instead stating that minimum flow duration thresholds should be carefully tailored to the region where the metric is applied. One commenter said that 270 days is generally aligned with the *Rapanos* example of a 290-day continuously flowing stream being considered ''relatively permanent.'' Other commenters opposed minimum flow durations or flow volume metrics, stating that such thresholds are not scientifically grounded.

A few commenters opposing these alternative approaches stated that it is natural for flow to fluctuate, while another commenter stated that time-based thresholds are artificial and do not account for regional variability. Some commenters said that a bright-line rule would be arbitrary and capricious under the Administrative Procedure Act without an adequate basis in the Clean Water Act or Supreme Court interpretations and alleged such a rule would undermine the goals of the Clean Water Act by harming downstream water quality. Another commenter asserted that a rigid minimum flow duration is inconsistent with the Clean Water Act objective at section 101(a). A few commenters expressed implementation concerns with bright lines, such as a minimum number of days of flow, with some commenters stating that such an approach would require repeated site visits or continuous daily monitoring to determine, for example, whether a stream flows 289 days or 290 days.

The agencies also solicited comment on an alternative approach to defining ''relatively permanent'' using only physical indicators of flow, such as evidence of an ordinary high water mark and bed and banks. Some commenters supported such an approach, stating that such an approach is familiar to the agencies. One such commenter stated that physical indicators represent long-term recorded response to typical flow conditions and therefore are more reliable indications of relatively permanent waters than a single year observation of flow presence or absence. Other commenters, however, opposed such an approach, noting that even ephemeral streams have physical indicators of flow. A few commenters stated that such indicators can result from a single high-water event and do not, by themselves, establish a relatively permanent body of water. One commenter stated reliance on physical characteristics is inconsistent with the directives of the Supreme Court in *Sackett.*

The agencies also solicited comment on whether ''relatively permanent'' should be defined consistent with the pre-2015 regulatory regime, as articulated in the *Rapanos* Guidance, such that ''relatively permanent'' waters are those that typically have standing or flowing water year-round or that have standing or continuously flowing water at least seasonally (*e.g.,* typically three months).[1] The agencies also solicited comment on if they should implement seasonal flow to mean continuous surface flow except during dry months. The agencies also welcomed comments generally on the concept of a ''seasonal'' flow duration and what that term may include, as well as implementation tools that could be used to identify such flow duration. Many commenters supported the pre-2015 regulatory regime, as articulated in the *Rapanos* Guidance, stating that they believe that it explicitly incorporates the ''seasonal'' term used in the *Rapanos* plurality opinion. Some commenters in support of this *Rapanos* Guidance alternative approach stated that it reflects the approach taken by the agencies since the *Rapanos* Guidance has been in effect, meaning that practitioners would have experience implementing it, whereas the proposed approach would be more difficult to implement. Some commenters supportive of this alternative approach also stated that it properly accounts for regional variation. Other commenters, however, opposed this alternative approach, stating that the *Rapanos* Guidance's seasonal approach (''*e.g.,* typically three months'') is inconsistent with *Rapanos* and *Sackett.* One commenter recommended that ''wet season'' be defined as ''continuous surface flow except during dry months,'' while a different commenter stated that the *Rapanos* plurality acknowledged

[1] Three months was provided as an example of seasonal flow in the *Rapanos* Guidance, but under the pre-2015 regulatory regime the agencies have flexibility to determine what seasonally means in a specific case. *See Rapanos* Guidance at 6–7; U.S. Environmental Protection Agency & U.S. Army Corps of Engineers ''Memorandum to Assert Jurisdiction for NWP–2007–945'' *available at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1437* (finding that two months of continuous flow was considered seasonal flow for site-specific tributaries in a semi-arid region).

that ''seasonal rivers'' may qualify as relatively permanent, but limited that discussion to rivers that maintain continuous flow for extended periods and then dry up during dry months. Another commenter did not recommend limiting ''relatively permanent'' to continuous flow except during dry months, stating that such an alternate approach is inviable, inefficient, and unimplementable in the field.

2. Supplemental Option for the Definition of ''Relatively Permanent''

Having already received comment on the options set out in the initial proposal, the agencies are now seeking comment on a supplemental option to define ''relatively permanent'' that would generally deem a water to be jurisdictional only if it is perennial (*i.e.,* has standing or continuously flowing water every day of the year during ordinary conditions),[2] with certain exceptions affecting year-round flow, such as the occurrence of certain non-anomalous events resulting in a temporary interruption (*e.g.,* low tide or a regularly occurring dry spell) or anomalous events resulting in extraordinary circumstances (*e.g.,* drought) that disrupt a perennial water's year-round flow. ''Relatively permanent'' would therefore only include perennial waters, but perennial waters with flow that dries up due to anomalous events such as drought or due to non-anomalous events such as low tide or a regularly occurring dry spell would still be jurisdictional. Under this supplemental option, ''relatively permanent'' would be defined to mean ''perennial bodies of water.'' The definition would also state that ''A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell. A body of water also does not lose its relatively permanent status if it dries up for no more than a single period of up to 30 consecutive days in any given year as a result of non-anomalous events resulting in a temporary interruption such as low tide or a regularly occurring dry spell.'' The agencies note that the qualifier ''a single period'' is intended to convey that the interruption of flow can only occur once in any given year, up to 30 consecutive days, under this concept. When flow is interrupted for more than a single period in any given year, and the interruptions are non-anomalous and ordinary for that water body, the agencies would consider this to be an ephemeral or intermittent feature even if each period of interruption does not amount to 30 consecutive days. For instance, if flow is interrupted for two periods in any given year, and each period consists of 10 consecutive days of no flow, the water body would not be jurisdictional when these interruptions are non-anomalous.

Under this supplemental option, the agencies are also proposing to define ''perennial.'' The agencies seek comment on defining perennial as ''having standing or continuously flowing water every day of the year during ordinary conditions.'' This definition is consistent with the common hydrologic understanding of the term ''perennial.'' The agencies also solicit comment on whether they should define ''perennial'' consistent with the 2020 Navigable Waters Protection Rule to mean ''surface water flowing continuously year-round.'' *See* 85 FR 22250, 22339 (April 21, 2020). The agencies are looking to the dictionary definition of ''extraordinary'' to inform anomalous events, as ''something that is unusual or caused by unforeseen circumstances or conditions.'' [3] Such anomalous events are extraordinary departures from ordinary conditions. For example, droughts are often very difficult to forecast and are caused by a complex number of factors. Droughts are also an extraordinary departure from the ordinary climatic conditions. There also may be scenarios whereby a dry spell—not necessarily rising to the level of categorical drought—happens in an anomalous way that may be an extraordinary departure from ordinary conditions. In contrast, non-anomalous events would be a temporary interruption that occurs ordinarily such as low tide or a regularly occurring dry spell that is generally predictable and expected. For example, consistent with the agencies' definition of ''tidal waters'' at paragraph (c)(5), a low tide is predictable and measurable due to the gravitational pulls of the moon and sun. A non-anomalous dry spell is meant to encompass a regular, predictable period of dry weather that typically happens around the same time every year. For example, if a stream ordinarily dries up for 30 consecutive days in August due to normal climatic conditions, such a stream would maintain its perennial status under this proposed definition of ''perennial.'' A temporary interruption in standing or continuously flowing water lasting no more than a single period of up to 30 consecutive days in any given year as a result of such non-anomalous events under ordinary conditions would not prevent a water from being perennial and thus relatively permanent. Ordinary conditions here would mean the climatic conditions that ordinarily prevail at a particular place and time of year. However, under this proposed definition, any non-anomalous temporary interruption exceeding a single period of up to 30 consecutive days in any given year would preclude a waterbody from being considered ''relatively permanent.'' The agencies note that they are choosing to propose a temporal qualifier of 30 *consecutive* days because it most closely aligns with the regular and predictable nature of a ''non-anomalous'' dry spell event that, for example, may occur over the course of a month in any given year. The proposed concept would allow for the temporary interruption to span over the course of two calendar months, as long as the interruption does not exceed 30 consecutive days. This concept also aligns with the agencies' intent to propose a rule that provides certainty and clarity for landowners and is easily administrable for the implementing agencies. However, the agencies are seeking additional input on whether a different numerical threshold is more consistent with *Sackett* and the *Rapanos* plurality.

As noted by some commenters, waters that are perennial are most obviously ''permanent,'' and thus meet any ''relatively permanent'' threshold consistent with the *Sackett* decision. In addition, because the term ''relatively'' in *Sackett* and the *Rapanos* plurality suggests that Clean Water Act jurisdiction is not limited to waters that are always standing or continuously flowing, this supplemental option explicitly clarifies that such waters can still be ''*relatively* permanent'' even if they dry up due to a temporary interruption (*i.e.,* non-anomalous events) and extraordinary circumstances (*i.e.,* anomalous events) identified in *Sackett* and the *Rapanos* plurality: low tides, dry spells (both regularly and non-regularly occurring), and drought.

The agencies solicit comment on these definitions of ''relatively permanent'' and ''perennial'' or other

[2] This definition is informed by the common meaning of ''perennial'' used in hydrology (*see, e.g.,* the U.S. Geological Survey's Water Basics Glossary, defining ''Perennial stream'' as ''A stream that normally has water in its channel at all times,'' *available at https://water.usgs.gov/water-basics_glossary.html#P.*

[3] ''Anomalous'' is generally defined as ''inconsistent with or deviating from what is usual, normal, or expected: irregular, unusual.'' *Anomalous,* Merriam-Webster (2026); *see Anomalous,* Black's Law Dictionary (2nd ed.) (''Irregular; exceptional; unusual''). ''Extraordinary'' is generally defined as ''going beyond what is usual, regular, or customary.'' *Extraordinary,* Merriam-Webster (2026); *see Extraordinary expense,* Black's Law Dictionary 723 (11th ed. 2019) (''unusual or infrequent,'' caused ''by an unforeseen condition such as a natural disaster'').

alternative definitions to these terms. The agencies also solicit comment on the applicability of the definitions to both anomalous and non-anomalous events. This supplemental option reflects the agencies' consideration of public and stakeholder input on the NPRM as summarized in section V.B.1 of this preamble above, and a thorough review of the language in *Sackett* and the *Rapanos* plurality. The agencies considered public comments addressing, among other issues, challenges with implementing the concept of ''wet season'' within the proposed definition of ''relatively permanent.''

This supplemental option would provide transparency and regulatory certainty for landowners, is easy to understand, and responds to comments that requested a bright line approach. The previously proposed definition considered streamflow duration in the flow classification definitions generally (*e.g.,* ''flowing continuously year-round,'' ''flowing continuously during the wet season''), but without setting a minimum duration of flow. As many commenters noted, establishing a minimum duration of flow could ultimately enhance national consistency per the regulatory text, and is consistent with the *Sackett* decision.

Consistent with the jurisdictional test advanced by *Sackett,* this supplemental option focuses on waters that are perennial with limited exceptions during anomalous events (*i.e.,* extraordinary circumstances) or non-anomalous events resulting in a temporary interruption in continuously flowing or standing water. Waters that are perennial are most obviously ''permanent,'' and thus qualify as ''relatively permanent.'' Additionally, the agencies' proposal of this supplemental option recognizes that ''relatively permanent'' may also describe the flow of *otherwise* ''permanent'' waters that may be interrupted by extraordinary circumstances (*i.e.,* anomalous events) such as drought. Furthermore, the *Sackett* decision stated, ''We also acknowledge that temporary interruptions in surface connection may sometimes occur because of phenomena like low tides or dry spells.'' *Sackett,* 598 U.S. at 678. Thus, such non-anomalous events would also not disqualify a water from being ''relatively permanent'' so long as the temporary interruption in standing or continuously flowing water lasts no more than a single period of up to 30 consecutive days in any given year. Though this language was specific to ''continuous surface connection,'' the agencies are also considering whether it informs the definition of ''relatively permanent,'' because both inquiries require determining at what point a feature has the requisite connection with a jurisdictional water to itself be considered ''waters of the United States.'' *See id.* at 672 (''Although we have acknowledged that the CWA extends to more than traditional navigable waters, we have refused to read 'navigable' out of the statute, holding that it at least shows that Congress was focused on 'its traditional jurisdiction over waters that were or had been navigable in fact or which could reasonably be so made.' ''); *id.* at 673 (''*SWANCC* went even further, repeatedly describing the 'waters' covered by the Act as 'open water' and suggesting that 'the waters of the United States' principally refers to traditional navigable waters.''); *id.* at 678 (''[T]he adjacent [body of water constitutes] . . . 'water[s] of the United States,' (*i.e.,* a relatively permanent body of water connected to traditional interstate navigable waters)'') (alteration in original). Thus, under this supplemental option, the agencies' view the temporary drying up of waters as the result of low tide or a dry spell to also reflect circumstances whereby *otherwise* ''permanent'' waters are defined as ''relatively permanent.'' The agencies solicit comment on whether this supplemental option appropriately aligns with the statutory text, *Sackett,* and other relevant case law.

Requiring perennial flowing or standing water (with the exception of a temporary interruption due to certain non-anomalous events or as a result of anomalous events) may also align with the *Rapanos* plurality's statement that dictionary definitions make clear that the use of ''the waters'' in the statutory term ''the waters of the United States'' narrowly refers to ''continuously present, fixed bodies of water, as opposed to ordinarily dry channels through which water occasionally or intermittently flows'' and that ''[e]ven the least substantial of the definition's terms, namely 'streams,' connotes a continuous flow of water in a permanent channel'' and that ''[n]one of these terms encompasses transitory puddles or ephemeral flows of water.'' 547 U.S. at 732–33; *see also id.* (''The use of the definite article ('the') and the plural number ('waters') shows plainly that § 1362(7) does not refer to water in general. In this form, 'the waters' refers more narrowly to water '[a]s found in streams and bodies forming geographical features such as oceans, rivers, [and] lakes[.]' '') (alteration in original).

The agencies are thus considering whether perennial most closely reflects the text of the Clean Water Act as interpreted in *Sackett.* Additionally, use of the perennial standard may also closely comport with *Sackett's* two background presumptions. First, this interpretation '' 'preserve[s]' the States' 'primary' authority over land and water use[,]'' ensuring the Federal Government's jurisdiction is limited to that which they have ''clear evidence that it is authorized to regulate,'' and is focused principally on ''navigable water like rivers, lakes, and oceans.'' *Sackett,* 598 U.S. at 672, 679–80. Second, this interpretation limits jurisdiction to those cases in which landowners have clear notice of their obligations under the Clean Water Act. *Id.* at 680. As discussed below, the concept of perennial water, temporarily broken only by certain anomalous or non-anomalous events, is understandable to landowners and does not leave property owners ''to feel their way on a case-by-case basis.'' *Id.* at 681.

The modifier ''relatively'' qualifies the term ''permanent,'' but it cannot cancel it out altogether. In other words, ''relatively'' cannot stretch the meaning of ''permanent'' to the point that ''permanent'' would encompass flow for significantly less than the majority of the time. Indeed, such an interpretation would be in tension with the Supreme Court's interpretation in *Sackett* that ''the CWA's use of 'waters' encompasses 'only those relatively permanent, standing or continuously flowing bodies of water ''forming geographic[al] features'' that are described in ordinary parlance as ''streams, oceans, rivers, and lakes.'' ' '' 598 U.S. at 671 (citing *Rapanos,* 547 U.S. at 739) (quoting Webster's New International Dictionary 2882 (2nd ed. 1954); (original alterations omitted)). This description does not appear to encompass waters that would flow significantly less than the majority of the time.

The agencies are considering whether this supplemental option best reflects the plain meaning of ''relatively permanent.'' Additionally, under this supplemental option, the agencies would define the term ''perennial'' in the regulatory text at paragraph (c) to provide clarity for implementation. In this supplemental option, drought [4] would be one type of anomalous event that would allow a normally jurisdictional water to remain

[4] ''Drought'' is generally defined as ''a period of dryness especially when prolonged.'' *Drought,* Merriam-Webster (2026).

jurisdictional in the absence of year-round flow. Such anomalous events are an extraordinary departure from ordinary conditions. The U.S. Drought Monitor uses four levels of drought: moderate (D1), severe (D2), extreme (D3) and exceptional (D4).[5] The agencies are considering implementing drought under this supplemental option such that only extreme (D3) and exceptional (D4) droughts would qualify as anomalous drought conditions that can temporarily interrupt perennial flow, and can extend continuously across no more than a five-year timeframe, after which the drought condition would be nullified for purposes of identifying ''relatively permanent'' waters, and that water would no longer be jurisdictional under its ordinary conditions as the interruption has ceased to be 'anomalous.' A five-year timeframe is consistent with the five-year expiration date of an approved jurisdictional determination under existing Army Corps of Engineers (Corps) guidance. *See* Regulatory Guidance Letter (RGL) 05–02 (June 14, 2005). The agencies believe that by aligning the duration of the temporary interruption with the effective period of an approved jurisdictional determination, the concept would be easily administrable by the agencies and understood by those persons or entities seeking the determinations. The agencies solicit comment on the appropriateness of using a five-year timeframe for interpreting ''drought.''

In addition, a temporary interruption in ordinary conditions, such as low tide or a regularly occurring dry spell,[6] would be another type of circumstance by which a water can remain ''relatively permanent,'' so long as these conditions do not last more than a single period of up to 30 consecutive days in any given year. The agencies acknowledge that waters that may experience low tides likely also fall under paragraph (a)(1) waters where they are subject to the ebb and flow of the tide.

The agencies are considering whether this supplemental option would also align with the policy of Congress in Clean Water Act section 101(b) recognizing and respecting the primary responsibilities and rights of States to regulate their land and water resources. With this supplemental option for the definition of ''relatively permanent,'' the agencies seek to avoid ''impairing or in any manner affecting any right or jurisdiction of the States with respect to waters (including boundary waters) of such States.'' *See* 33 U.S.C. 1370. States and Tribes would be free to address rivers, lakes, streams, ponds, and other features that do not meet the supplemental option for the definition of ''relatively permanent'' and that otherwise do not meet the definition of ''waters of the United States'' as ''waters of the State'' or ''waters of the Tribe'' under their own laws to the extent they deem appropriate, as envisioned under section 101(b) of the Clean Water Act.

The supplemental proposal for ''relatively permanent'' would require that a water maintain standing or continuously flowing water for every day of the year, except under anomalous events such as a drought or dry spell or non-anomalous events such as low tide or a regularly occurring dry spell. This approach is generally consistent with one of the alternative approaches included in the NPRM, *see* 90 FR 52519, though the agencies have modified this approach to allow for two exceptions from year-round flow. A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell, or as a result of non-anomalous events such as low tide and a regularly occurring dry spell that do not last more than a single period of up to 30 consecutive days in any given year. This temporal component is not tied specifically to the same calendar year, so, for example, the year could span from September of one calendar year to August of the following calendar year.

Tributaries without standing or continuously flowing water every day of the year, except for under certain anomalous or non-anomalous events, would thus not be considered ''relatively'' permanent. Under this supplemental option, a temporary interruption in standing or continuously flowing water due to non-anomalous events such as low tides and a regularly occurring dry spell would need to be of a duration of no more than a single period of up to 30 consecutive days or shorter in any given year for a water to meet the definition of ''relatively permanent.'' While there are no precise, scientifically-grounded, nationally consistent time limits for the durations of the temporary interruption due to non-anomalous events like low tide or a regularly occurring dry spell, a 30-day limit, which is roughly the length of a month, would establish a bright line duration that would be predictable, transparent, and easy to administer. In consideration of the length of a year, a 30-day limit is a reasonable approach to identifying something ''temporary'' in nature. Moreover, such a limit addresses concerns about administrability raised by the *Sackett* opinion, which sought a solution that would obviate the need for property owners ''to retain an expensive expert consultant'' to assess Clean Water Act jurisdiction. *See* 598 U.S. at 670. A waterbody that does not meet this proposed interpretation of ''relatively permanent,'' would be the type of ''intermittent'' or ''ephemeral'' feature that does not meet the definition of ''waters'' under the Clean Water Act. *See Sackett,* 598 U.S. at 672 (''[T]he use of 'navigable' signals that the definition principally refers to bodies of navigable water like rivers, lakes, and oceans.''); *Rapanos,* 547 U.S. at 733 (''All of these terms connote continuously present, fixed bodies of water, as opposed to ordinarily dry channels through which water occasionally or intermittently flows. Even the least substantial of the definition's terms, namely 'streams,' connotes a continuous flow of water in a permanent channel—especially when used in company with other terms such as 'rivers,' 'lakes,' and 'oceans.'''); *Rapanos,* 547 U.S. at 733 n.6 (''The principal definition of 'stream' likewise includes reference to such permanent, geographically fixed bodies of water . . . . The other definitions of 'stream' repeatedly emphasize the requirement of *continuous* flow . . . . Justice KENNEDY apparently concedes that 'an intermittent flow can constitute a stream' only '*while it is flowing,' post,* at 2243 (emphasis added)—which would mean that the channel is a 'water' covered by the Act only during those times when water flow actually occurs. But no one contends that Federal jurisdiction appears and evaporates along with the water in such regularly dry channels.''). The agencies solicit comment on whether any other time frame would be more appropriate to sever jurisdiction as the result of the occurrence of a temporary interruption due to a non-anomalous event such as a low tide or regularly occurring dry spell.

a. Implementation

The agencies assert that this supplemental option to defining ''relatively permanent'' could further simplify implementation of the rule. If members of the public see that waters dry up in circumstances other than during anomalous events (*e.g.,* drought and non-regularly occurring dry spells) or non-anomalous events (*e.g.,* low tides, regularly occurring dry spells), they would know those waters would not be jurisdictional under this supplemental option simply by observation, without the need for any

[5] *See https://droughtmonitor.unl.edu/About/WhatistheUSDM.aspx.*

[6] ''Dry spell'' is generally defined as ''a period of dry weather.'' *Dry spell,* Merriam-Webster (2026).

further analysis or professional consultation. To illustrate how this supplemental option would work in practice, a body of water would remain jurisdictional even if it lacked flow for a single period of up to 30 consecutive days in any given year during a dry spell. For example, if a water temporarily ceases to have standing or continuously flowing water for 30 consecutive days during a dry spell every June, it would meet the definition of ''relatively permanent'' under this supplemental option. Similarly, a perennial water under ordinary conditions would remain jurisdictional during a drought lasting no more than five years that disrupts its otherwise perennial flow and results in a temporary cessation of flow during an abnormally dry summer. Because this temporary interpretation in flow is due to an anomalous event, the duration of flow is not limited. Meanwhile, under this approach a water that lacks standing or continuously flowing water from June through August (approximately 90 days) every year, *i.e.,* under ordinary conditions, would not be relatively permanent. The agencies seek comment on whether this supplemental regulatory approach could lead to greater transparency and clarity in implementation while remaining consistent with the *Rapanos* plurality and *Sackett* decisions.

The NPRM contained a number of implementation tools and methods that can be used for ''relatively permanent'' determinations, and the agencies believe that they can also be used to implement this supplemental option to the definition of ''relatively permanent.'' The agencies refer to that portion of the NRPM and thus will not be restating every tool and method in this section. *See* 90 FR 52523–24 (November 20, 2025). The agencies will continue to use multiple tools, including remote and field-based indicators to inform decisions.

The agencies also solicit comment on tools that can be used to determine if drought conditions are occurring that may result in a temporary interruption in standing or continuously flowing water that is perennial under normal conditions. As discussed previously, the agencies would interpret drought to extend continuously across no more than a five-year timeframe, after which the drought condition would be nullified for purposes of identifying ''relatively permanent'' waters. After five years, such conditions would be considered the new normal. The agencies could use precipitation-driven tools like the U.S. Drought Monitor,[7] which relies on NOAA's Standardized Precipitation Index [8] computed for timescales ranging from 1 to 72 months and features an updated map released every Thursday that shows the location and severity of precipitation deficits across the United States and U.S. Territories, and is developed in partnership with several U.S. government agencies.[9] This collaborative effort has produced a weekly assessment of drought conditions since 1999, and also includes categorization of ''short-term drought'' impacts (less than six months) and ''long-term drought'' impacts (six months or more). The U.S. Drought Monitor uses four levels of drought: moderate (D1), severe (D2), extreme (D3) and exceptional (D4).[10] The agencies are considering implementing drought under this supplemental option such that only extreme (D3) and exceptional (D4) droughts would qualify as anomalous drought conditions that can temporarily interrupt perennial flow. The agencies solicit comment on this implementation approach to drought.

The agencies also have routinely used the Corps' Antecedent Precipitation Tool (APT) [11] to assess if observations made during a site visit or through interpretation of aerial photography are made under normal, wetter than normal, or drier than normal climatic conditions for a given location. For example, the WebWIMP [12] outputs reported by APT can be used to assess the presence of drought conditions. The APT also displays monthly values from NOAA's Climate Division Scale Palmer Drought Severity Index (PDSI) [13] dataset. The PDSI integrates precipitation, evapotranspiration, and soil moisture data into the monthly drought index. The PDSI Divisional Time Series may be used to observe PDSI across States and ecoregion divisions on a monthly scale from a start year of 1895 to 2026.[14]

The agencies also solicit comment on tools that could be used to determine if a dry spell is occurring that may result in a temporary interruption in standing or continuously flowing water. The APT and associated metrics could also be used to help determine if a dry spell is occurring. One of the classifications in the U.S. Drought Monitor is ''normal conditions'' [15] and could potentially be used to help determine if a non-anomalous dry spell is occurring, as such dry weather should be classified as normal conditions. Under a dry spell, dry weather would be the normal climatic condition for a set time of the year at a given location. However, a temporary interruption in standing or continuously flowing water due to a dry spell could only last for no more than a single period of up to 30 consecutive days in any given year under this supplemental option for a water to be considered ''perennial'' and thus ''relatively permanent.''

Similarly, the agencies solicit comment on tools that can be used to determine if low tides are occurring that may result in a temporary interruption in standing or continuously flowing water. For example, NOAA provides the official tidal predictions for the nation and maintains a website called ''Tides and Currents'' [16] that can be used to access local tidal conditions to help determine if a water temporarily lacks flowing or standing water because of low tides. The website allows users to generate past, present, and future tide predictions at over 3,000 locations along the coastal United States. Because tides are caused by the gravitational pull of the moon and the sun, they appear as the regular rise and fall of the sea surface and can be predicted with strong confidence; however, certain extraordinary weather events like hurricanes or sustained directional winds can exacerbate low tides beyond seasonal expectations. However, even under such circumstances, the low tides would not impede a determination that

[7] The U.S. Drought Monitor is a produced through a partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. *Available at https://www.drought.gov/data-maps-tools/us-drought-monitor.*

[8] *See https://www.ncei.noaa.gov/access/monitoring/nadm/indices/spi/div.*

[9] *See https://droughtmonitor.unl.edu/CurrentMap.aspx.*

[10] *See https://droughtmonitor.unl.edu/About/WhatistheUSDM.aspx.*

[11] *Available at https://github.com/erdc/Antecedent-Precipitation-Tool/releases.*

[12] The Web-based Water-Budget Interactive Modeling Program (WebWIMP) is a water-budget model that uses interpolated average monthly air temperature and precipitation data to calculate a climatically-averaged, monthly water-balance for a given location. *Available at http://cyclops.deos.udel.edu/wimp/public_html/index.html*). *See also* ''Additional Information on the Antecedent Precipitation Tool,'' *available at https://www.epa.gov/system/files/documents/2022-12/Additional%20Information%20on%20the%20APT.pdf.*

[13] *See https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/mapping/110/pdsi/202607/1/value.*

[14] *Available at https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/time-series.*

[15] *See supra* note 10.

[16] *See https://tidesandcurrents.noaa.gov/.*

a water is relatively permanent under this supplemental proposal.

The agencies do not believe that this supplemental option would require continuous monitoring. The agencies have extensive experience with assessing flow duration, regardless of the threshold, under all regulatory regimes since *Rapanos,* such as at least seasonal flow (*e.g.,* 90 days) under the pre-2015 regulatory regime, perennial and intermittent flow under the 2020 Navigable Waters Protection Rule, and continuous flow during certain times of the year but more than for a short duration in direct response to precipitation under the Amended 2023 Rule. *See* Navigable Waters Protection Rule: Definition of ''Waters of the United States,'' 85 FR 22250 (April 21, 2020); Revised Definition of ''Waters of the United States,'' 88 FR 3004 (January 18, 2023) (as amended by Revised Definition of ''Waters of the United States''; Conforming, 88 FR 61964 (September 8, 2023)). These regulatory regimes have all required an element of continuous flow for a duration, and the agencies have not required continuous monitoring under any of these prior or current approaches. The agencies seek comment on implementation of this supplemental option, including tools and methods that could be used.

b. Potential Reliance Interests

The Supreme Court recognizes that an agency must ''provide a more detailed justification that would suffice for a new policy . . . when . . . its prior policy has engendered serious reliance interest that must be taken into account.'' *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009). However, the agencies understand that reliance interests alone cannot justify retaining a regulation that is in conflict with the Supreme Court's ruling in *Sackett.* Despite this, the agencies have agreed to review and consider certain reliance interests raised by stakeholders in the interest of transparency and public engagement, and how the agencies may consider those interests in light of *Sackett.* This discussion is not and should not be understood as a concession that such consideration is legally required. The agencies believe this supplemental option would have certain practical impacts but that its rationale would be sufficient to justify those impacts. As discussed above, interpreting the scope of a continuous surface connection to be a continuous surface water connection, except in the case of a dry spell, low tide, or drought, could be read as the most consistent interpretation of the *Sackett* decision. Specifically, it would potentially reflect the language in *Sackett* interpreting a continuous surface connection to encompass wetlands where it is ''difficult to determine where the 'water' ends and the 'wetland' begins,'' albeit acknowledging that ''temporary interruptions in surface connection may sometimes occur because of phenomena like low tides or dry spells.'' *Sackett,* 598 U.S. at 678. The agencies are proposing this supplemental option to conform the regulatory definition of ''waters of the United States'' with the text of the Clean Water Act and *Sackett,* and they may not utilize reliance interests as a way to skirt *Sackett's* ruling.

The agencies received comments on the NPRM indicating that States were both prepared and well-equipped to regulate non-jurisdictional waters within their boundaries. Commenters likewise pointed to instances in several State constitutions that preserve this power, as well as the provision of certain State legislative grants of authority for specific jurisdictional waters within State boundaries. Alternatively, the agencies recognize that some States and Tribes may need to expend considerable resources to effectuate a State or Tribal program to regulate these non-jurisdictional waters and that other States currently have laws restricting their ability to be more stringent than Federal regulations. The agencies further note that the definition of ''waters of the United States'' has been in significant flux: the past eleven years have included five rule revisions, a major Supreme Court decision, a memorandum to the field, and a constant stream of lower court rulings, injunctions and vacaturs—each modifying the agencies' interpretation of ''waters of the United States.'' The agencies seek to now put an end to such uncertainty, but in the meantime States and Tribes may have had difficulty relying on a consistent prior interpretation of ''waters of the United States.''

Regardless, the agencies seek comment on any reliance interests that may be affected by this supplemental option and how the agencies may consider those interests while still adhering to the text of the Clean Water Act and *Sackett* decision.

C. ''*Continuous Surface Connection*'' *Waters*

1. Summary of Initial Proposed Definition and Relevant Comments Received on ''Continuous Surface Connection''

In *Sackett,* the Supreme Court interpreted the jurisdictional extent of ''navigable waters'' under the Clean Water Act. Part III.B of the Court's opinion sets out the test for determining when wetlands are ''waters.'' In Part III.B, the Court held that wetlands are jurisdictional when they are '' 'as a practical matter indistinguishable from waters of the United States.' '' 598 U.S. at 678 (quoting *Rapanos,* 547 U.S. at 742 (plurality op.)). Wetlands are ''indistinguishable'' when (1) '' 'the adjacent [body of water constitutes]. . . ''water[s] of the United States'' ' '' and (2) '' 'the wetland has a continuous surface connection with that water, making it difficult to determine where the 'water' ends and the 'wetland' begins.' '' *Id.* at 678–79 (quoting *Rapanos,* 547 U.S. at 742, 755).

The agencies previously proposed to define ''continuous surface connection'' to mean having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water. Under the NPRM, ''wet season'' for continuous surface connection was intended to be implemented as it was for the proposed definition of ''relatively permanent.'' The agencies sought comment on the proposed definition, implementation, and several alternative approaches to continuous surface connection.

Some commenters generally supported the applicability of the ''wet season'' concept to defining jurisdictional adjacent wetlands. The agencies also received a number of comments expressing concern about the proposed wet season approach, with some commenters disagreeing with the proposed approach. As a legal matter, many commenters argued that nothing in the Clean Water Act, *Sackett,* or in the *Rapanos* plurality sets forth a ''wet season'' threshold for adjacency. As a practical matter, some commenters expressed concern that the ''wet season'' requirement did not account for the lag time between when precipitation occurs and when wetlands are inundated. Therefore, these commenters pointed out that a season-based threshold should take into account inundation in wetlands that occurs as a *result* of the wet season, even if not *during* the wet season. The agencies also received comment that it is unclear how the use of National Wetlands Inventory (NWI) water regime modifiers for assessing surface inundation ''at least during the wet season'' will be applied when implementing the ''wet season'' concept in the definition of ''relatively permanent waters'' as proposed.

Other commenters supported the proposed approach to continuous surface connection, stating that it would both set bright lines while allowing for flexibility based on region. Many

commenters expressed support for the definition of ''continuous surface connection,'' as proposed, stating that it aligns with, and is even required by, the ordinary meaning of ''adjacent'' and satisfies the test in *Sackett,* derived from the *Rapanos* plurality. Specifically, these commenters stated that the proposed definition satisfies the requirement in *Sackett* requiring adjacent water features to be ''as a practical matter indistinguishable'' from ''waters of the United States,'' citing *Sackett,* 598 U.S. at 678, and the *Sackett* decision's directive that the agencies must not regulate waters ''that are separate from traditional navigable waters . . . even if they are located nearby.'' *Sackett,* 598 U.S. at 676.

Some commenters disagreed with the proposed definition of ''continuous surface connection'' on the grounds that ''indistinguishable'' must be an independent part of the adjacency test. Commenters emphasized that two features may have a continuous surface connection while still being distinguishable. In their view, indistinguishability is not merely an outcome of a continuous surface connection but is an express qualification upon that test. These commenters cited lower court holdings as confirming the centrality of *Sackett*'s indistinguishability requirement. *See, e.g., United States* v. *Sharfi,* No. 2:21–cv–14205, 2024 WL 4483354, at *13 (S.D. Fla. Sep. 21, 2024), report and recommendation adopted, 2024 WL 5244351 (S.D. Fla. Dec. 30, 2024) (finding that the government's interpretation ignored the requirement that the continuous surface connection be one which ''makes it difficult to determine where the 'water' ends and the 'wetland' begins'' (quoting *Sackett,* 598 U.S. at 678–79)); *United States* v. *Ace Black Ranches, LLP,* No. 1:24–cv–00113, 2024 WL 4008545, at *3 (D. Idaho Aug. 29, 2024) (finding that the government failed to ''successfully allege[ ] that Ace Black Ranches discharged pollutants into wetlands that are indistinguishable from, *and* have a continuous connection with, the River, satisfying the adjacency test'' (emphasis added)).

Some commenters cited the *White* v. *U.S. EPA* decision as interpreting *Sackett* to mean that the continuous surface connection test implements the concept of indistinguishability. *White* v. *U.S. Env't Prot. Agency,* 737 F. Supp. 3d 310 (E.D.N.C. 2024). In *White,* the court cites *Sackett*'s statement that the Clean Water Act ''extends to only those 'wetlands with a continuous surface connection to bodies that are ''waters of the United States'' in their own right,' so that they are 'indistinguishable' from those waters,'' *Sackett,* 598 U.S. at 684, and concludes: ''the use of 'so' as a conjunction says it all.'' *Id.* at 327 (citing So, American Heritage Dictionary 1660 (5th ed. 2011) (meaning ''[f]or that reason; therefore''); so, Merriam-Webster's Collegiate Dictionary 1182 (11th ed. 2003) (meaning ''with the result that'' or ''for that reason'')). According to the commenters, the *White* court's interpretation of *Sackett* is consistent with the *Rapanos* test's formulation: '' 'waters' may fairly be read to include only those wetlands that are as a practical matter indistinguishable from waters of the United States,'' which ''occurs when wetlands have a continuous surface connection to bodies that are waters of the United States in their own right, so that there is no clear demarcation between waters and wetlands.'' *Sackett,* 598 U.S. at 678 (quoting *Rapanos,* 547 U.S. at 742, 755) (internal citation and quotation marks omitted). In other words, according to the commenters, the phrasing in both the *Rapanos* plurality and *Sackett* indicates that the *consequence* of a ''continuous surface connection'' with a covered water is indistinguishability with that water. *See White,* 737 F. Supp. 3d at 326–27.

Commenters further cite the *White* court as pointing out that no lower court has read *Sackett* to mandate that a wetland have both a continuous surface connection to a jurisdictional water *and* be practically indistinguishable in order to be ''adjacent.'' The *White* court noted that in *Lewis* v. *United States,* the Fifth Circuit acknowledged that *Sackett* requires the wetland be indistinguishable from a water of the United States to be jurisdictional and then recognized that a continuous surface connection to a jurisdictional water ''represents the *Sackett* 'adjacency test.' '' *White,* 737 F. Supp. 3d at 327 (citing *Lewis* v. *United States,* 88 F.4th 1073, 1078 (5th Cir. 2023)). Similarly, the *White* court noted that in *Glynn Environmental Coal, Inc.* v. *Sea Island Acquisition, LLC,* the United States District Court for the Southern District of Georgia acknowledged that a wetland must be ''practically indistinguishable'' and then held that the property did not meet that definition because it lacked a continuous surface connection. *Id.* (citing 2024 U.S. Dist. LEXIS 45704, at *11–16 (S.D. Ga. Mar. 1, 2024)).

Some commenters argued that, while the agencies stated in the proposed rule that they were not changing the longstanding definition of ''wetlands,'' the definition of ''continuous surface connection'' effectively renders that provision inoperative. According to those commenters, the agencies are making significant changes to the meaning of ''wetlands'' without providing the public with notice and an opportunity for comment.

The agencies also received comments stating that to the extent seasonality generally is relevant to the scope of Clean Water Act jurisdiction, it is limited to the scope of ''relatively permanent waters,'' not adjacent wetlands. Some commenters also asserted that, as a general matter, the ''wet season'' concept is broader than the standard that *Sackett* laid out.

The agencies requested comment on an alternative that would require a jurisdictional wetland to have a continuous surface water connection to an otherwise jurisdictional water, requiring the perennial presence of surface water (*i.e.,* year-round) in the wetland, lake, or pond, for example, in a permanently flooded wetland. Some commenters supported this alternative, stating that this approach best implements the ''indistinguishable'' standard articulated in *Sackett, see* 598 U.S. at 678, and is consistent with the text of the Act and the Supreme Court's decision in *United States* v. *Riverside Bayview Homes,* 474 U.S. 121 (1985). They emphasized that this approach would be consistent with the way some courts have interpreted the *Rapanos* plurality and *Sackett,* which is that '' 'continuous surface connection' means a surface water connection,'' citing *United States* v. *Sharfi,* No. 21–14205, 2024 WL 5244351, at *3 (S.D. Fla. Dec. 30, 2024); and *United States* v. *Ace Black Ranches, LLP,* No. 1:24–cv–00113, 2024 WL 4008545, at *10 n.2 (D. Idaho Aug. 29, 2024) (dismissing the government's complaint for failure to ''connect any wetlands'' it alleged to be ''waters of the United States'' with a traditional navigable water ''via a sufficient surface-water connection''). In addition, they stated that nothing in *Sackett, Rapanos,* or *Riverside Bayview* mentions a wet season in the context of its discussions of indistinguishability.

Other commenters did not agree with this proposed alternative, emphasizing that in their view *Sackett* does not require a ''continuous surface *water* connection,'' only a physical continuous surface connection. Some of those commenters noted that in the *Rapanos* plurality opinion, Justice Scalia twice suggests that the ''continuous surface connection'' requirement contemplated a ''physical connection'' rather than solely a hydrological one, citing *Rapanos,* 547 U.S. at 737, 747. One commenter pointed out that a ''continuous surface water connection'' requirement would cover only a small

fraction of non-tidal wetlands. The commenter argued that Congress did not undertake the significant effort to modify the Clean Water Act in 1977 in order to provide States with authority to assume administration of the 404 program under section 404(g) for a subset of ''waters of the United States,'' explicitly citing adjacent wetlands in the text, to address what they deemed to be a *de minimis* fraction of non-tidal wetlands.

In the NPRM, the agencies also requested comment on whether ''continuous surface connection'' is best interpreted to mean simply abutting, *i.e.,* touching, consistent with the approach under the March 2025 Continuous Surface Connection Guidance. *See* 90 FR 52530 (November 20, 2025). This alternative approach would categorically cover all wetlands that abut a jurisdictional water, under paragraph (a)(4) of the rule, regardless of whether they are characterized by surface water at least seasonally. Some commenters stated that none of the Supreme Court decisions addressing ''waters of the United States,'' from *Riverside Bayview* through *Sackett,* demanded that a wetland be continuously filled with water, during a wet season or otherwise, in order to be deemed jurisdictional. Rather, the commenters stated, the Supreme Court has consistently recognized that wetlands abutting, or touching, otherwise covered waters are covered under the Clean Water Act. They noted that the *Sackett* decision favorably cited *Riverside Bayview's* holding that wetlands ''actually abutting a navigable waterway'' are jurisdictional, as it affirmed that ''waters of the United States'' include wetlands ''contiguous'' to navigable waters.

The agencies also solicited comment on an alternative approach to define ''continuous surface connection'' to be consistent with the NWI's semipermanently flooded water regime and require surface water at least during the growing season. Under such an alternative approach, the agencies solicited comment on whether growing season should be implemented consistent with EPA and the Corps' wetland delineation practices. A few commenters supported the agencies' proposed use of NWI water regime modifiers for assessing surface inundation when assessing if a wetland has a continuous surface connection. One such commenter recommended the agencies use the NWI water regime categories of ''semipermanently flooded'' and ''permanently flooded'' to be more procedurally succinct when assessing continuous surface connection rather than expending effort to define ''wet season.'' Another commenter asserted that any wetlands classified with water regime modifiers of ''permanently flooded,'' ''intermittently exposed,'' ''semipermanently flooded,'' or ''seasonally flooded'' could be determined to satisfy continuous surface connection, so long as they are also abutting a covered water.

A few commenters opposed the adjusted calculation of ''wet season'' rather than the original ''growing season'' variable modeled in NWI water regime modifiers. These commenters highlighted that ''growing season'' is dependent on temperature and budding vegetation while ''wet season'' is precipitation and evapotranspiration driven and asserted the use of NWI modifiers is inapplicable for assessing surface inundation ''at least during the wet season.'' Another of these commenters opposed the use of the ''semipermanently flooded'' water regime and asserted that this regime is defined as ''having surface water for most of the growing season'' and stated this duration ''goes well beyond the proposed wet season'' period.

2. Supplemental Option for the Definition of ''Continuous Surface Connection''

Unlike in the NPRM, which proposed to define continuous surface connection as ''having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water,'' the agencies are requesting comment in this supplemental notice on an alternative definition of ''continuous surface connection.'' In this supplemental notice, the agencies are requesting comment on an alternative definition of ''continuous surface connection'' as meaning ''perennial surface water in a wetland that is continuously connected with the surface water in the jurisdictional water such that it is difficult to determine where the jurisdictional water ends and the wetland begins. A temporary interruption in the surface water connection may occur as the result of anomalous events such as drought or a dry spell. A temporary interruption in the surface water connection lasting for no more than a single period of up to 30 consecutive days in any given year may also occur as a result of non-anomalous events such as low tide or a regularly occurring dry spell.'' Only the portion of the wetland that is indistinguishably part of the jurisdictional water would be itself jurisdictional. This supplemental option would also respond to comments expressing concerns about the ''wet season'' approach (*i.e.,* the period of time when precipitation exceeds evaporation) and address the concerns of commenters that requiring flow inundation during the ''wet season'' would not account for climates where streamflow wetland hydrology is temporally offset from the wet season.[17] The agencies seek comment on whether any other numeric threshold may be more consistent with *Sackett* and the *Rapanos* plurality.

Under this supplemental option, the agencies' proposed definition of ''continuous surface connection'' utilizes the term ''perennial'' for the sake of consistency with the supplemental proposed definition of ''relatively permanent.'' As discussed in section V.B.2 of this preamble, this supplemental option would define ''perennial'' as ''having standing or continuously flowing water every day of the year during ordinary conditions.'' Consistent with the jurisdictional test advanced by the *Sackett* majority, this supplemental option focuses on wetlands with perennial surface water that are connected to the surface water in the jurisdictional water with limited exceptions due to either anomalous events or a non-anomalous temporary interruption. These anomalous and non-anomalous events are the types of circumstances identified in *Sackett* and the *Rapanos* plurality: low tides, dry spells, and drought.

Although the phrase ''extraordinary circumstances, such as drought'' in the *Rapanos* plurality opinion, 547 U.S. at 796, n.5, refers to relatively permanent waters, this type of anomalous event does not prevent a wetland from having a continuous surface connection if it would otherwise satisfy the supplemental proposed definition. This is because it would make no sense for an extraordinary departure from the wetland's ordinary condition due to a natural and uncontrollable weather event to remove the jurisdictional status from an otherwise adjacent wetland. The agencies would implement drought as described above in the supplemental option for ''relatively permanent,'' including considering a drought lasting continuously for more than five years as

[17] As discussed in the NPRM, surface hydrology may not always exactly overlap with the wet season, for example in regions exhibiting a time lag or delay in demonstration of surface hydrology due to various factors. The latter may occur, for example, as a result of snowpack melt occurring several months after repeated snowfall creates a snowpack. In another example, some streams experience delayed (*i.e.,* lagged) surface hydrology during the transition from the dry season to the wet season, as it may take some time for the water table to rise due to seasonal precipitation patterns. 90 FR 52518 (November 20, 2025).

the new normal conditions. Under this approach, if a drought lasts for more than five years, wetlands that have previously been considered to have had a continuous surface connection despite temporary interruptions resulting from drought would no longer be jurisdictional.

Consistent with *Sackett* under this supplemental option, a temporary interruption in surface water connection that may occur because of non-anomalous phenomena like low tide or a regularly occurring dry spell would not break jurisdiction. *See Sackett,* 598 U.S. at 678. The supplemental option, if finalized, would clarify in the regulatory text that a temporary interruption in flow due to such non-anomalous events cannot occur for more than a single period of up to 30 consecutive days in any given year. The agencies would implement low tides and regularly occurring dry spells as described above in the supplemental option for ''relatively permanent.'' The agencies are also seeking comment on an additional alternative approach whereby *Sackett's* concept of ''indistinguishability'' would remove the applicability and, therefore, the relevance of the terms ''adjacent'' and ''abutting.'' The agencies would follow the *Sackett* Court's directive that interpreting 33 U.S.C. 1344(g)(1), such that ''adjacent wetlands . . . are 'includ[ed]' within 'the waters of the United States,'. . . [and therefore] [adjacent wetlands] must qualify as 'waters of the United States' in their own right.'' 598 U.S. at 676. Under this alternative approach, the *Sackett* Court would be viewed as not considering ''adjacency'' as a separate concept requiring its own independent analysis, but rather incorporated into the broader concept of ''the waters of the United States'' such that ''certain 'adjacent' wetlands are *part of* 'waters of the United States.' '' *Id.* at 677 (emphasis in original).

As such, the agencies are also soliciting supplemental comments on whether the terms ''adjacent'' or ''abutting'' are operative in the definition of ''continuous surface connection,'' or should be removed from the definition entirely. Under such an interpretation of *Sackett,* the agencies would delete the term ''adjacent'' from the definition in paragraph (c)(2) and revise paragraph (a)(4) of their regulations to read: ''Wetlands that are indistinguishably part of a body of water that itself is jurisdictional under (a)(1) through (3) of this section. This occurs when surface water in a wetland is continuously connected with the surface water in the jurisdictional water such that it is difficult to determine where the jurisdictional water ends and the wetland begins. Only the portion of the wetland that is indistinguishably part of the jurisdictional water, due to the presence of surface water, is itself jurisdictional. The requisite surface water connection is not broken by a temporary interruption in surface connection that may sometimes occur because of phenomena like low tide or a regularly occurring dry spell.''

Sackett held that ''the CWA extends to only those wetlands that are 'as a practical matter indistinguishable from waters of the United States.' '' *Id.* at 678. The Court stated that this test ''requires the party asserting jurisdiction over adjacent wetlands to establish 'first, that the adjacent [body of water constitutes] . . . ''water[s] of the United States,'' (*i.e.,* a relatively permanent body of water connected to traditional interstate navigable waters); and second, that the wetland has a continuous surface connection with that water, making it difficult to determine where the ''water'' ends and the ''wetland'' begins.' '' *Id.* at 678–79. The *Sackett* decision recognized that temporary interruptions in surface connection may occur, such as during dry spells or low tide. *Id.* at 678. *See also Rapanos,* 547 U.S. at 796 n. 5 (''By describing 'waters' as 'relatively permanent,' we do not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought.'') (Scalia, J., plurality opinion.)

While the agencies acknowledge commenters have argued and lower courts have held that a surface *water* connection is not required under *Sackett,* this supplemental option to ''continuous surface connection'' relies on a reading of *Sackett* whereby a wetland can be indistinguishably part of a jurisdictional water only when the wetland and the jurisdictional water share a surface water connection. Under this option, where that continuous surface water connection runs out, the wetland and the water become distinguishable and Federal jurisdiction ends. As Justice Scalia observed in *Rapanos,* ''[t]he plain language of the statute simply does not authorize [a] 'Land Is Waters' approach to federal jurisdiction.'' 547 U.S. at 734; *see also Sackett,* 598 U.S. at 672 (''This meaning is hard to reconcile with classifying 'lands,' wet or otherwise, as 'waters.' '').

Rather, to be jurisdictional, ''wetlands must qualify as 'waters of the United States' in their own right,'' which means ''they must be indistinguishably *part of a body of water that itself constitutes 'waters' under the CWA.*'' *Sackett,* 598 U.S. at 676 (emphasis added).

This proposed interpretation—that the only type of continuous surface connection that could make ''it difficult to determine where the 'water' ends and the 'wetland' begins'' is a continuous surface water connection—comports with the text of the Clean Water Act, *Sackett's* interpretation of that text, and the overarching presumptions *Sackett* sets out. Under this reading of *Sackett,* it follows then that if mere abutment between a wetland and a water was sufficient, it would not be difficult to draw the line between the water and the wetland, and *Sackett* would not be satisfied—particularly given the requirement that ''EPA must provide clear evidence that it is authorized to regulate in the manner it proposes.'' 598 U.S. at 679. This supplemental option would thus implement *Sackett's* clear instruction that ''wetlands that are not indistinguishably part of otherwise covered'' ''waters of the United States'' are not jurisdictional. *Id.* at 667.

As noted above, the agencies are seeking comment on several supplemental regulatory options defining ''continuous surface connection'' that would require continuous surface water except as a result of a temporary interruption such as a regularly occurring dry spell or low tide or anomalous events such as drought or dry spell. The agencies would implement these terms in the context of ''continuous surface connection'' in the same manner as discussed above in this SNPRM in conjunction with the supplemental option for the definition of ''relatively permanent.'' This approach would be in keeping with the *Sackett* decision, which stated that ''temporary interruptions in surface connection may sometimes occur because of phenomena like low tides or dry spells.'' 598 U.S. at 678; *see also Rapanos,* 547 U.S. at 796 n. 5 (''By describing 'waters' as 'relatively permanent,' we do not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought.'') (Scalia, J., plurality opinion.). The agencies also solicit comment on the definition of perennial or other alternative definitions to the term in the context of ''continuous surface connection.''

This supplemental option for the proposed definition of ''continuous surface connection'' seeks to introduce greater clarity than the initial proposed definition would have provided. The agencies seek comment on this supplemental option to the proposed definition of ''continuous surface connection,'' which was based on public comments.

a. Implementation

The agencies assert that this supplemental option to defining ''continuous surface connection'' could further simplify implementation of the rule. If members of the public see that a wetland does not share a continuous surface water connection with a jurisdictional water (*i.e.,* the perennial surface water in the wetland is continuously connected to the surface water in the jurisdictional water), except for during a temporary interruption due to low tide or a regularly occurring dry spell or as the result of anomalous events such as drought or dry spell, they would know that wetland would not be jurisdictional under this supplemental option simply by observation, without the need for any further analysis or professional consultation. Furthermore, while any standard will present line drawing issues, the agencies believe that under this supplemental option it will be relatively simple for landowners to understand whether a portion of a wetland is continuously covered by perennial surface water that is connected with surface water in a jurisdictional water. Such a determination can be made by the naked eye. Additionally, a temporary interruption like a regularly occurring dry spell and low tide are readily observable phenomena that do not require expert consultants to determine. Similarly, drought information is readily available. The agencies seek comment on whether this supplemental option could lead to greater transparency and clarity in implementation while remaining consistent with Supreme Court precedent.

As highlighted under section V.C.3.a, the NPRM contained a number of implementation tools and methods that can be used for ''continuous surface connection'' determinations, and the agencies believe that they can also be used to implement this supplemental option to the definition of ''continuous surface connection.'' [18] The agencies refer to that portion of the NRPM, and thus will not restate every tool and method in this section. *See* 90 FR 52523 and 52524 (November 20, 2025). The agencies also refer to section V.B.2.a of this preamble for a discussion of tools that can be used for determining drought, low tides, and dry spells and solicit comment on the appropriateness of these tools for implementation of the supplemental option for ''continuous surface connection.'' The agencies will continue to use multiple tools, including remote and field-based indicators, to inform decisions.

Similarly, the agencies do not believe that this supplemental option would require continuous monitoring. The agencies seek comment on implementation of this supplemental option, including tools and methods that could be used.

b. Potential Reliance Interests

The Supreme Court recognizes that an agency must ''provide a more detailed justification that would suffice for a new policy . . . when . . . its prior policy has engendered serious reliance interest that must be taken into account.'' *FCC,* 556 U.S. at 515. However, the agencies understand that reliance interests alone cannot justify retaining a regulation that is in conflict with the Supreme Court's ruling in *Sackett.* Despite this, the agencies have agreed to review and consider certain reliance interests raised by stakeholders in the interest of transparency and public engagement, and how the agencies may consider those interests in light of *Sackett.* This discussion is not and should not be understood as a concession that such consideration is legally required.

The agencies believe this supplemental option would have certain practical impacts but that it would be sufficient to justify those impacts. As discussed above, interpreting the scope of a continuous surface connection to require perennial surface water in a wetland to be continuously connected with the surface water in the jurisdictional water, except in the case of a dry spell, low tide, or drought, could be read as the most consistent interpretation of the *Sackett* decision. Specifically, it would potentially reflect the language in *Sackett* interpreting a continuous surface connection to encompass wetlands where it is ''difficult to determine where the 'water' ends and the 'wetland' begins,'' albeit acknowledging that ''temporary interruptions in surface connection may sometimes occur because of phenomena like low tides or dry spells.'' *Sackett,* 598 U.S. at 678. The agencies are proposing this supplemental option to conform the regulatory definition of ''waters of the United States'' with the text of the Clean Water Act and *Sackett,* and they may not utilize reliance interests as a way to skirt *Sackett's* ruling.

The agencies received comment on the NPRM indicating that States were both prepared and well-equipped to regulate non-jurisdictional waters within their boundaries. Commenters likewise pointed to instances in several State constitutions that preserve this power, as well as the provision of certain State legislative grants of authority for specific jurisdictional waters within State boundaries. Alternatively, the agencies recognize that some States and Tribes may need to expend considerable resources to effectuate a State or Tribal program to regulate these non-jurisdictional waters and that other States currently have laws restricting their ability to be more stringent than Federal regulations. The agencies further note that the definition of ''waters of the United States'' has been in significant flux: the past eleven years have included five rule revisions, a major Supreme Court decision, a memorandum to the field, and a constant stream of lower court rulings, injunctions and vacaturs—each modifying the agencies' interpretation of ''waters of the United States.'' The agencies seek to now put an end to such uncertainty, but in the meantime States and Tribes may have had difficulty relying on a consistent prior interpretation of ''waters of the United States.'' Regardless, the agencies seek comment on any reliance interests that may be affected by this supplemental option and how the agencies may consider those interests while still adhering to the text of the Clean Water Act and *Sackett* decision.

VI. Supporting Information

A. Economic Analysis

The Regulatory Impact Analysis (RIA) for the proposed rule (U.S. Environmental Protection Agency and U.S. Department of the Army, 2025, Docket Document ID No. EPA–HQ–OW–0120) continues to be part of the agencies' economic analysis after this notice. Just as the options added in this SNPRM are supplementary to the proposed rule, the economic analysis conducted here of the supplemental options is supplementary to the economic analysis for the proposed rule. Thus, although this supplemental notice only addresses the supplemental options and analyses thereof, the totality of the analysis of the proposal and supplemental options consists of the proposal economic analysis and this supplemental analysis. *See* section 1.2 in the Regulatory Impact Analysis for the proposed action for a description of the current baseline and section 1.5 for

[18] *See also* ''Memorandum to the Field between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of 'Continuous Surface Connection' under the Definition of 'Waters of the United States' under the Clean Water Act.'' (March 12, 2025), *available at https://www.epa.gov/system/files/documents/2025-03/.*

a summary of the economic analysis of the proposed rule.

The lack of national data sources that allow for a reliable depiction of the baseline limits the agencies' ability to estimate the economic impacts of the proposed action (proposed rule RIA section 1.4). This is also the case for the supplemental action. Without a quantitative baseline, the agencies struggle to provide quantitative estimates of potential avoided costs and forgone benefits of the supplemental options to an appropriate degree of accuracy.

Furthermore, the agencies believe that including the economic analysis of the supplemental options directly into the preamble will help the public understand the economic impact of the supplemental options. Where the economic analysis in this SNPRM relies on aspects of the proposal economic analysis, the agencies refer to those sections, rather than repeat them in this section.

1. ''Relatively Permanent''

The agencies are seeking comment on a supplemental option to define ''relatively permanent'' that would deem a water to be jurisdictional if it is perennial (*i.e.,* has standing or continuously flowing water every day of the year during ordinary conditions). In addition, a body of water would not lose its relatively permanent status if it dries up as a result of certain non-anomalous or anomalous events that disrupt standing or continuously flowing water on a temporary basis (*e.g.,* low tides, dry spells, or drought). Under this supplemental option, ''relatively permanent'' would be defined to mean ''perennial bodies of water. A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell. A body of water also does not lose its relatively permanent status if it dries up for no more than a single period of up to 30 consecutive days in any given year as a result of non-anomalous events resulting in a temporary interruption such as low tide or a regularly occurring dry spell.'' This would be a change from the current regulatory regimes in place that do not require ''relatively permanent'' waters to contain flowing or standing water year-round except for certain anomalous or non-anomalous events (*i.e.,* the baseline). Specifically, more bodies of water would be captured as relatively permanent under the baseline. For example, a stream would need to be perennial, except as a result of anomalous events such as drought or dry spell, and certain non-anomalous events such as low tide or a regularly occurring dry spell, to be considered relatively permanent under the supplemental proposal, whereas under the Amended 2023 Rule, streams that flow continuously during certain times of the year would meet the relatively permanent standard, without any minimum flow duration criteria.

The agencies anticipate that most intermittent streams would not satisfy the requirements in the supplemental option for the proposed definition of ''relatively permanent,'' while under the baseline, many intermittent streams are considered to be relatively permanent. Though the supplemental option for defining ''relatively permanent'' would have impacts throughout the country, the agencies expect the greatest impact would be in regions where intermittent streams drive much of the hydrology, particularly in the arid West.

Existing national datasets provide some insight into the impact of the options in this supplemental notice. The National Hydrography Dataset (NHD) represents the most comprehensive national dataset of the potential location and extent of streams, rivers, lakes, and ponds. However, even where streams are identified in the NHD, the dataset does not depict the scope of waters regulated under the Clean Water Act. In addition, the definitions and implementation practices in the supplemental option cannot be exactly represented in the NHD dataset. Any estimates of waters in NHD would not correspond to the scope of Clean Water Act jurisdiction under the baseline. Specifically, under the Amended 2023 Rule, ''relatively permanent'' means having flowing or standing water year-round or continuously during certain times of the year but more than for a short duration in direct response to precipitation. Under the pre-2015 regulatory regime, consistent with the *Rapanos* Guidance, ''relatively permanent'' means typically having flowing or standing water year-round or continuously at least seasonally (*e.g.,* typically three months). These definitions do not equate to intermittent waters but are rather an unidentifiable portion of the intermittent category identified in NHD. In addition, the NHD does not accurately distinguish between intermittent and ephemeral streams in certain parts of the country where ephemeral streams are not mapped. In these areas, the ephemeral streams are either included as intermittent reaches or excluded from the NHD. This creates complications for estimating waters that would be jurisdictional under the baseline and the impacts of the supplemental proposal. Therefore, the agencies cannot reliably quantify the baseline for the current regimes to assess changes in the scope of jurisdiction. Although the NHD does not correspond to the scope of Clean Water Act jurisdiction nor does it depict every body of water in the county, the agencies recognize that NHD provides context to the extent of the supplemental option. In the contiguous United States, the NHD high resolution shows about 1.3 million miles of perennial streams and 3.5 million miles of intermittent streams (roughly 21 percent and 55 percent of NHD-mapped stream miles respectively).

There are similar limitations of the Corps' Operation and Maintenance Business Information Link, Regulatory Module (ORM2) database and current practice for discussing ''relatively permanent'' in approved jurisdictional determinations, as compared to the supplemental option for ''relatively permanent,'' which would pose challenges to using the ORM data for quantitative analysis.

The agencies evaluated some comments that acknowledged the technical limitations of using datasets such as the ORM2 database, National Hydrography Dataset (NHD), and National Wetlands Inventory (NWI), given that these datasets could not accurately portray jurisdictional waters under the Clean Water Act. Some commenters recommended the agencies not rely on NHD, NWI, or any versions of these datasets to quantify and monetize the impacts of the final rule for the above reasons and because both datasets have errors of omission and commission. The agencies continue to assert that the limitations of these datasets complicate efforts to quantify the impacts of the agencies' supplemental regulatory options at this time.

2. ''Continuous Surface Connection''

The agencies are requesting comment on an alternative approach that would define ''continuous surface connection'' to mean ''perennial surface water in a wetland that is continuously connected with the surface water in the jurisdictional water such that it is thus difficult to determine where the jurisdictional water ends and the wetland begins. A temporary interruption in the surface water connection may occur as the result of anomalous events such as drought or dry spell. A temporary interruption in the surface water connection lasting no more than a single period of up to 30 consecutive days in any given year may also occur as a result of non-anomalous events such as low tide or a regularly

occurring dry spell.'' Only the portion of the wetland that is indistinguishably part of the jurisdictional water would be itself jurisdictional.

The supplemental options in this notice for continuous surface connection would result in a narrower definition of ''waters of the United States'' compared to the baseline of the Amended 2023 Rule. One of the biggest changes from the baseline is the requirement that perennial surface water must be present continuously in the wetland, except during certain temporary interruptions caused by anomalous and non-anomalous events, for wetlands to have a ''continuous surface connection.'' The supplemental option in the SNPRM would require an assessment of whether a wetland has perennial surface water continuously, which differs from current practice which does not require adjacent wetlands to express their hydrology at the surface, nor does it require wetlands to express their hydrology year-round. For example, wetlands that have less than continuous surface water connection to a jurisdictional water, except during a temporary interruption caused by anomalous events such as drought or dry spell, or a temporary interruption of no more than a single period of up to 30 consecutive days in any given year caused by non-anomalous events such as low tides or regularly occurring dry spell, would not be considered jurisdictional under this SNPRM, though such wetlands would be jurisdictional under the baseline where they abut a jurisdictional water. The agencies anticipate that the majority of wetlands that are jurisdictional as adjacent wetlands under current regimes would not satisfy the supplemental definition of ''continuous surface connection,'' as most wetlands do not contain perennial surface water.[19]

Data limitations and other factors make it challenging to estimate the change in the scope of ''waters of the United States'' at this time should the agencies finalize the SNPRM's option for defining ''continuous surface connection.'' The agencies acknowledge that several spatial connectivity efforts have been conducted recently in an effort to assist the assessment of policy options related to the degree of connection between wetlands and ''relatively permanent'' waters for the contiguous United States in response to *Sackett,* (*e.g.,* Lane *et al.,* 2025; Simmons *et al.,* 2024; Gold, 2024). Those documents have been considered in section 3.3.1 of the proposed rule RIA and can be found in the docket for the proposed rule (Docket ID EPA–HQ–OW–2025–0322). However, the agencies also acknowledge that such efforts may not mirror the statutory constraints by which EPA and the Army must comply, consistent with the *Sackett* decision.

Although the agencies were unable to conduct a quantitative analysis for the SNPRM, these publications provide a range of rough estimates of wetland impacts that differ due to the methodology employed in each analysis. These methodologies are likely still insufficient or inconsistent in their capture of wetlands subject to Federal jurisdiction under the definition of ''continuous surface connection.'' In the proposed rule RIA, the agencies proposed a methodology to estimate the change in Clean Water Act jurisdiction of wetlands due to the definition of ''continuous surface connection'' for the final rulemaking analysis, to the extent practicable. The proposed methodology is described in more detail in section 3.3 of the proposed rule RIA.

3. Programmatic Impacts

The agencies qualitatively analyzed the potential effects of the supplemental regulatory options in the SNPRM and anticipate that the potential impacts of the definitions of ''continuous surface connection'' and ''relatively permanent'' would be significant for Clean Water Act jurisdiction of streams and wetlands relative to the baseline. The agencies also anticipate that the arid West in particular will see a significant reduction in federally jurisdictional waters due to the definition of ''continuous surface connection'' and ''relatively permanent'' in these supplemental approaches as compared to the baseline.

The agencies anticipate that the Clean Water Act section 404 program would likely see the most programmatic changes under the options in the SNPRM, with projected reductions in the number of permits and required mitigation relative to the baseline. This would result in associated cost savings from the avoided section 404 permits and associated minimization and mitigation actions or forgone benefits from compensatory mitigation and avoidance and minimization of impacts.

The agencies also acknowledge that a reduced scope of jurisdiction under the supplemental options for ''relatively permanent'' and ''continuous surface connection'' would result in impacts to other Clean Water Act programs which are captured in the executive summary and section 4 of the proposed rule RIA.

The agencies do not expect the definitions of ''continuous surface connection'' and ''relatively permanent'' in these supplemental options to change the analysis conducted for impacted sectors or Clean Water Act programs for the proposed rule RIA. Based on the above analysis, the agencies have concluded that, in magnitude, both the cost savings and the forgone benefits are larger for the package of options presented in this SNPRM than for the package of options presented in the NPRM (see RIA).

B. Children's Health

This proposed action as supplemented by this notice is not subject to the EPA's Children's Health Policy (*https://www.epa.gov/children/childrens-health-policy-and-plan*) because the proposed revised definition of ''waters of the United States'' is relevant to implementation of the Clean Water Act but does not itself concern human health because it is simply a definitional rule, and as such, does not directly authorize discharges into ''waters of the United States.''

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review; Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action, as supplemented by this notice, is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review prior to issuance of both the NPRM and again prior to issuance of the SNPRM. The EPA and the Army prepared an economic analysis of the potential cost savings and forgone benefits associated with this action. This analysis is contained in section VI.A of this preamble. *See also* the Regulatory Impact Analysis for the Proposed Rule, which is available in the docket (Document ID EPA–HQ–OW–2025–0322–0120).

While the economic analysis is informative in the rulemaking context, the agencies are not relying on the economic analysis performed pursuant to Executive Orders 12866 and 13563 and related procedural requirements as a basis for this supplemental notice to

[19] *See* section 3.3.1 and table 3–1 in the proposed rule RIA (Docket ID EPA–HQ–OW–2025–0322, *available at https://www.epa.gov/system/files/documents/2025-11/11132.1-01-ow_wotus_nprm_ria_20251110_508.pdf*). The table depicts the total wetland acres of the National Wetlands Inventory and the acreage of wetlands in the NWI that may have surface water as least during the wet season.

the proposed rule. *See, e.g., Nat'l Ass'n of Home Builders* v. *EPA,* 682 F.3d 1023, 1039–40 (D.C. Cir. 2012) (citing *FCC,* 556 US. at 514–15) (noting that the quality of an agency's economic analysis can be tested under the APA if the ''agency decides to rely on a cost-benefit analysis as part of its rulemaking''). The information in the supplemental economic analysis was not used to establish this supplemental proposal for the definition of ''waters of the United States.'' *See also* the Regulatory Impact Analysis for the Proposed Rule, which is available in the docket (Document ID EPA–HQ–OW–2025–0322–0120). Instead, the basis for this proposed rulemaking is the text of the Clean Water Act, as informed by Supreme Court precedent, taking into account agency policy choices and other relevant factors.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This proposed action, as supplemented by this notice, is expected to be an Executive Order 14192 deregulatory action. The supplemental notice to the proposed rulemaking is expected to provide burden reduction by narrowing the scope of waters that are jurisdictional under the Clean Water Act in response to the *Sackett* decision. Thus, the agencies anticipate that fewer Clean Water Act permits will be required, which will result in cost savings and reduced regulatory burden. Details on the avoided costs associated with this proposed rule can be found in the supplemental economic analysis in section VI.A of this preamble. *See also* the Regulatory Impact Analysis for the Proposed Rule, which is available in the docket (Document ID EPA–HQ–OW–2025–0322–0120).

C. Paperwork Reduction Act (PRA)

The proposed action, as supplemented by this notice, does not impose an information collection burden under the PRA because this action does not contain any information collection activities. However, this action may change terms and concepts used by the EPA and the Army to implement certain programs under the Clean Water Act. The agencies thus may need to revise some of their collections of information under other regulations to be consistent with this action and will do so consistent with the PRA and implementing regulations. For example, under OMB Control Number 0710–0024 the Army sometimes collects information from project applicants to inform jurisdictional determinations conducted consistent with the Corps' regulations at 33 CFR 320.1(a)(6), 325.9, and 331, and rule changes may warrant changes to that collection.

D. Regulatory Flexibility Act (RFA)

The agencies certify that this proposed action, as supplemented by this notice, would not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA and the Army conclude that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agencies are certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule would relieve regulatory burden on the small entities indirectly subject to the rule. In addition, this proposed action would not impose any direct requirements on small entities. The small entities that may be indirectly subject to this action are largely those entities whose activities are directly covered by the Clean Water Act sections 402, 404, and 311 programs. The proposed rule, as supplemented by this notice, is expected to result in fewer entities subject to these programs, and a reduced regulatory burden for many of the entities that will still be subject to these programs. In addition, as the proposed rule is a definitional rule and would not result in any small entities being directly regulated by the rule, all impacts would be indirect in nature. As a result, small entities subject to these regulatory programs are unlikely to suffer adverse impacts as a result of regulatory compliance.

As addressed in the Regulatory Impact Analysis for the Proposed Rule (Document ID EPA–HQ–OW–2025–0322–0120) and in the supplemental economic analysis in section VI.A of this preamble, the proposed rule's clarification of the scope of Clean Water Act regulatory jurisdiction over waters and wetlands in light of the *Sackett* decision may result in a reduction in the ecosystem services provided by some waters and wetlands, and as a result, some entities may be adversely impacted. Some business sectors that depend on habitat, such as those catering to hunters or anglers, or that require water treatment to meet production needs, could experience a greater impact relative to other sectors. The magnitude of potential changes in ecosystem services are likely to be dependent on how States and Tribe respond to the reduction if the scope of Federal jurisdiction under the Clean Water Act, which would impact the significance of these impacts on these business sectors. In addition, States and Tribes may already address waters potentially affected by a revised definition, thereby reducing forgone benefits. The sectors likely to be most impacted by the rule are mitigation banks and companies that provide aquatic resource restoration services. Because the agencies anticipate fewer waters would be subject to the Clean Water Act regulation under the supplement to the proposed rule than are subject to regulation under the Amended 2023 Rule, there may be a reduction in demand for mitigation and restoration services under the section 404 permitting program. Assessing impacts to this sector is problematic, however, because this sector lacks a precise Small Business Administration small business definition, and many of the businesses that fall within this sector are also classified under various other North American Industry Classification System categories. Furthermore, impacts to this sector would not be the direct result of these businesses complying with the proposed rule, rather, they would be the indirect result of other entities no longer being required to mitigate for discharges of dredged or fill material into waters and wetlands that would no longer be jurisdictional under the final rule. In addition, potential impacts would be lessened when accounting for State and Tribal dredged and fill programs that would necessitate the purchase of mitigation credits or to take other actions under State or Tribal law to regulate discharges of dredged or fill material. While other sectors may be potentially impacted (*e.g.,* recreational sectors related to activities such as hunting, fishing, and bird watching), these sectors are likely not as directly impacted by a definitional change to jurisdiction under the Clean Water Act as mitigation banks and aquatic resource restoration services. The recreation sector, for example, would see more limited impacts if States protect waters that would be solely under State jurisdiction as a result of this supplemental option. For a more detailed discussion see the Sector Impact Assessment section of the Regulatory Impact Analysis for the Proposed Rule. As documented in the Regulatory Impact Analysis for the Proposed Rule located in the docket, the agencies do not expect the cost of the proposed rule, as supplemented by this notice, to result in adverse impacts to a significant number of small entities, since the proposed rule would be expected to result in net cost savings for

many entities indirectly affected by this supplemental proposed rule.

E. Unfunded Mandates Reform Act (UMRA)

This proposed action, as supplemented by this notice, does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and would not significantly or uniquely affect small governments. The proposed action would impose no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

Under the technical requirements of Executive Order 13132 (64 FR 43255, August 10, 1999), the agencies have determined that this proposed rule, as supplemented by this notice, may have federalism implications but believe that the requirements of the Executive Order will be satisfied, in any event, as the agencies have conducted consultation with State and local government officials and their representative national organizations.

The agencies believe that a revised definition of ''waters of the United States'' may be of significant interest to State and local governments. Consistent with the agencies' policies to promote communications between the Federal government and State and local governments, the EPA and the Army consulted with representatives of State and local governments early in the process of developing the proposed rule to permit them to have meaningful and timely input into its development.

Consulting with State and local government officials, or their representative national organizations, is an important step in the process prior to proposing regulations that may have federalism implications under the terms of Executive Order 13132. The agencies' federalism consultation is summarized in the agencies' November 20, 2025, notice (90 FR 52444). All letters received by the agencies during this consultation may be found in the docket (*see* attachments at Docket ID No. EPA–HQ–OW–2025–0322–0122) or in the pre-proposal recommendations docket (Docket ID No. EPA–HQ–OW–2025–0093). The agencies prepared a report summarizing their federalism consultation and additional outreach to State and local governments, which is available in the docket (Document ID No. EPA–HQ–OW–2025–0322–0122).

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action, as supplemented by this notice, may have Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. The EPA and the Army consulted with Tribal officials under the *EPA Policy on Consultation and Coordination with Indian Tribes* early in the process of developing this action to permit them to have meaningful and timely input into its development.

A summary of the agencies' Tribal consultation and coordination for this rulemaking effort can be found in the NPRM (90 FR 52544–52545 (November 20, 2025)) and in the Tribal Consultation Report for the Proposed Rule, which is available in the docket (Document ID No. EPA–HQ–OW–2025–0322–0123). All letters received by the agencies during this consultation may be found in the docket (*see* attachments at Docket ID No. EPA–HQ–OW–2025–0322–0123) for this rulemaking or in the pre-proposal recommendations docket (Docket ID No. EPA–HQ–OW–2025–0093).

The agencies invite Tribes to request government-to-government consultation during the comment period by emailing *CWAwotus@epa.gov.* All one-on-one meetings with Tribal governments must be held by the close of the comment period for this SNPRM.

The agencies acknowledge that because they generally implement Clean Water Act programs on Tribal lands, a reduced scope of Federal jurisdiction as a result of the *Sackett* decision will affect Tribes differently than it will affect States. Currently, of the Tribes that are eligible, most have not received treatment in a manner similar to a State (TAS) status to administer Clean Water Act regulatory programs. While some Tribes have established Tribal water programs under Tribal law or have the authority to establish Tribal programs under Tribal law, many Tribes are still building capacity and may lack resources to create a Tribal water program under Tribal law, to administer a program, or to expand programs that currently exist. Therefore, Tribes may disproportionately rely on the Federal Government for water program implementation and enforcement of water quality violations. Tribes may also be affected by pollution from adjacent jurisdictions. Many Tribes are located in the arid West, where there are fewer waters that may meet the relatively permanent standard. Nonetheless, the proposed rule, as supplemented by this notice, preserves Tribal authority to choose whether to include waters that are not covered under the Clean Water Act under Tribal laws and regulations. Any decision by the Tribes to protect beyond the limits of the Clean Water Act is not compelled by the statute or by this proposed rule, as supplemented.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risk

The EPA and the Army interpret Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the agencies have reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order.

Therefore, this proposed action, as supplemented by this notice, is not subject to Executive Order 13045 because this action does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed action, as supplemented by this notice, is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This proposed action is a deregulatory action that would reduce regulatory burden, including to the energy sector, and thus is not anticipated to have an adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act

This proposed action, as supplemented by this notice, does not involve technical standards.

List of Subjects

33 CFR Part 328

Administrative practice and procedure, Environmental protection, Navigation (water), Water pollution control, Waterways.

40 CFR Part 120

Environmental protection, Water pollution control, Waterways.

Adam Telle,

Assistant Secretary of the Army (Civil Works), Department of the Army.

Lee Zeldin,

Administrator, Environmental Protection Agency.

Title 33—Navigation and Navigable Waters

For the reasons set forth in the preamble, the Corps of Engineers

proposes to amend 33 CFR part 328 as follows:

PART 328—DEFINITION OF WATERS OF THE UNITED STATES

■ 1. The authority citation for part 328 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 2. Section 328.3 is amended by:
■ a. Redesignating paragraph (c)(3) as (c)(4);
■ b. Redesignating paragraph (c)(4) as (c)(5);
■ c. Redesignating paragraph (c)(5) as (c)(8); and
■ d. Adding paragraphs (c)(3), (c)(6), and (c)(7).

The revisions and additions read as follows:

§ 328.3 Definitions.

* * * * *

(c) * * *

(3) *Continuous surface connection* means perennial surface water in a wetland that is continuously connected with the surface water in the jurisdictional water such that it is difficult to determine where the jurisdictional water ends and the wetland begins. Temporary interruptions in the surface water connection may occur as the result of anomalous events such as drought or dry spell. A temporary interruption in the surface water connection lasting no more than a single period of up to 30 consecutive days in any given year may also occur as a result of non-anomalous events such as low tide or a regularly occurring dry spell.

* * * * *

(6) *Perennial* means having standing or continuously flowing water every day of the year during ordinary conditions.

(7) *Relatively permanent* means perennial bodies of water. A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell. A body of water also does not lose its relatively permanent status if it dries up for no more than a single period of up to 30 consecutive days in any given year as a result of non-anomalous events resulting in a temporary interruption such as low tide or a regularly occurring dry spell.

* * * * *

Title 40—Protection of Environment

For the reasons set forth in the preamble, the Environmental Protection Agency proposes to amend 40 CFR part 120 as follows:

PART 120—DEFINITION OF WATERS OF THE UNITED STATES

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 2. Section 120.2 is amended by:
■ a. Redesignating paragraph (c)(3) as (c)(4);
■ b. Redesignating paragraph (c)(4) as (c)(5);
■ c. Redesignating paragraph (c)(5) as (c)(8); and
■ d. Adding paragraphs (c)(3), (c)(6), and (c)(7).

The revisions and additions read as follows:

§ 120.2 Definitions.

* * * * *

(c) * * *

(3) *Continuous surface connection* means perennial surface water in a wetland that is continuously connected with the surface water in the jurisdictional water such that it is difficult to determine where the jurisdictional water ends and the wetland begins. Temporary interruptions in the surface water connection may occur as the result of anomalous events such as drought or dry spell. A temporary interruption in the surface water connection lasting no more than a single period of up to 30 consecutive days in any given year may also occur as a result of non-anomalous events such as low tide or a regularly occurring dry spell.

* * * * *

(6) *Perennial* means having standing or continuously flowing water every day of the year during ordinary conditions.

(7) *Relatively permanent* means perennial bodies of water. A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell. A body of water also does not lose its relatively permanent status if it dries up for no more than a single period of up to 30 consecutive days in any given year as a result of non-anomalous events resulting in a temporary interruption such as low tide or a regularly occurring dry spell.

* * * * *

[FR Doc. 2026–18317 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

POSTAL SERVICE

39 CFR Part 111

Labels 888, 889, 891, and 892, Discontinued

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to amend *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to discontinue the use of Label 888 and Label 889 respectively. Revisions to the DMM concern only Labels 888 and 889.

DATES: Submit comments on or before October 9, 2026.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5015. If sending comments by email, include the name and address of the commenter and send to *PCFederalRegister@usps.gov,* with a subject line of ''Labels 888/889 Discontinued''. Faxed comments are not accepted.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review on Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: Catherine Knox at (202) 268–5636 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

The Postal Service is proposing to discontinue the use of Label 888 (Tracking), Label 889 (Signature Confirmation), Label 891 (Insurance up to $500) and Label 892 (Insurance over $500). These labels are incompatible with updated USPS processing equipment and no longer support operational needs of the Postal Service. Eliminating these labels will improve visibility, tracking, service performance and customer experience.

Customers will continue to have many options to service their shipping needs. Most Post Offices have the capability to print a complete 4''x 6'' Intelligent Mail® package barcode (IMpb®) compliant shipping label, and the remaining offices are being upgraded with RSS capabilities and/or will receive new printing devices that

will allow them to print the 4''x 6'' IMpb compliant shipping label. Metered customers should contact their postage meter provider for assistance with printing postage labels with tracking, signature confirmation, or insurance. Mailers using Label 888 for Marketing Mail parcels or Heavy Printed Matter parcels will need to use alternative methods for tracking. Additional information on postage and tracking options for both metered and commercial customers can be found at *https://www.usps.com/business/postage-options.htm.*

The Postal Service will no longer print these labels for distribution and as the non-RSS offices are upgraded will no longer apply the labels. However, the Postal Service will allow customers to use their existing stock until January 31, 2028.

The Postal Service is proposing to implement this change effective January 17, 2027.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1.

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

503 Extra Services

* * * * *

7.0 USPS Tracking

7.1 Basic Standards

* * * * *

7.1.2 Electronic Option USPS Tracking for USPS Marketing Mail and Heavy Printed Matter Parcels

[Revise the third sentence in 7.1.2 to read as follows:]

* * * Electronic-option USPS Tracking may be purchased for USPS Marketing Mail parcels and Heavy Printed Matter parcels by mailers using privately printed forms or labels and who establish an electronic link with the USPS to exchange acceptance and delivery data. * * *

* * * * *

7.2 Labels

7.2.1 Types of Labels

* * * Mailers not printing their own privately printed labels must use one of the label options as follows:

[Revise the text of item a to read as follows:]

a. A mailer may present mailpieces to a retail employee at a Post Office, station, or branch and the retail associate will affix a USPS Tracking label to the item.

7.2.2 Label Placement

[Revise the first sentence of 7.2.2 to read as follows:]

The barcoded label section of a USPS Tracking label must be placed completely on the address side of the mailpiece, above the delivery address and to the right of the return address, or to the left of the delivery address. * * *

8.0 USPS Signature Services

8.1 Basic Standards

* * * * *

8.1.2 Standards for Signature Confirmation

For Signature Confirmation with Media Mail, Library Mail, Bound Printed Matter, or Parcel Select pieces meeting the physical standards under 201.7.0, the parcel must meet these additional requirements:

* * * * *

d. Mailers must use one of the following labels:

* * * * *

[Delete item d3 in its entirety and renumber item d4 as d3.]

* * * * *

[Revise the first sentence of item e to read as follows:]

e. The barcoded label section of PS Form 153 (see ''Forms'' at *https://pe.usps.com/*) must be placed completely on the address side, either above the delivery address and to the right of the return address, or to the left of the delivery address. * * *

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Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–18371 Filed 9–8–26; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2023–0495; FRL–13512–01–R8]

Air Plan Approval; Reconsideration and Repeal of Air Plan Partial Approval and Partial Disapproval of North Dakota's Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reconsideration of final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to repeal a final rule published in the **Federal Register** on December 2, 2024, partially approving and partially disapproving North Dakota's 2022 regional haze State Implementation Plan (SIP) submission for the second implementation period. As a result, the EPA is proposing to approve the portions of North Dakota's 2022 SIP submission for the second implementation period that were disapproved in the EPA's 2024 partial approval/partial disapproval. In the December 2024 final rule, the EPA determined that North Dakota submitted a regional haze SIP that did not meet all the statutory and regulatory requirements for the regional haze second implementation period. On January 31, 2025, and February 6, 2025, EPA received petitions for reconsideration from the State of North Dakota, Basin Electric Power Cooperative, Lignite Energy Council (LEC), Rainbow Energy Center, and the Coyote Station Co-Owners. On January 31, 2025, the State of North Dakota, Montana-Dakota Utilities Company, NACCO Natural Resources Corporation, Basin Electric Power Cooperative, Rainbow Energy Center, and Lignite Energy Center filed petitions for review in the Eighth Circuit Court of Appeals. EPA granted reconsideration on April 30, 2025, sending letters to the State of North Dakota, Basin Electric, LEC, Rainbow Energy Center, and Coyote

Station Co-Owners. The petitions for review were held in abeyance by the Eighth Circuit on June 4, 2025 pending the administrative reconsideration process.

DATES: Comments must be received on or before October 9, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2024–0001 to the Federal Rulemaking Portal: *https://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov*. The EPA may publish any comment received to the Agency's public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *https://www.regulations.gov*. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: For information about this proposed rule, contact Chelsea Cancino, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, telephone number: (303) 312–6276, email address: *cancino.chelsea@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

NH_3 Ammonia
BART Best Available Retrofit Technology
BLM Bureau of Land Management
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CSU Colorado State University
EPA U.S. Environmental Protection Agency
FIP Federal Implementation Plan
FLM Federal Land Manager
FR Federal Register
IMPROVE Interagency Monitoring of Protected Visual Environments
LB Pound
LEC Lignite Energy Council
LNC3+ Combination of closed coupled overfired air, separated overfired air, and low NO_X burners in conjunction with DryFining and expanded overfire air registers.
MACT Maximum Achievable Control Technology
MMBtu Million British Thermal Units
NAAQS National Ambient Air Quality Standards
NO_X Nitrogen Oxides
NPS National Park Service
OMB Office of Management and Budget
PM Particulate Matter
$PM_{2.5}$ Fine Particulate Matter
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RHR Regional Haze Rule
RPGs Reasonable Progress Goals
RPOs Regional Planning Organizations
SIP State Implementation Plan
SO2 Sulfur Dioxide
TSS Technical Support System
UMRA Unfunded Mandates Reform Act
URP Uniform Rate of Progress
USFS United States Forest Service
USFWS United States Fish and Wildlife Service
VOC Volatile Organic Compounds
WRAP Western Regional Air Partnership

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I. What action is the EPA proposing?

In this action, after granting reconsideration of the prior action, the EPA is proposing full approval of North Dakota's 2022 SIP submission, including the requirements relating to 40 CFR 51.308(f)(1): calculations of baseline, current, and natural visibility conditions, progress to date, and the uniform rate of progress (URP); 40 CFR 51.308(f)(2): long-term strategy; 40 CFR 51.308(f)(3): reasonable progress goals; 40 CFR 51.308(f)(4): reasonably attributable visibility impairment; 40 CFR 51.308(f)(5) and 40 CFR 51.308(g): progress report requirements; 40 CFR 51.308(f)(6): monitoring strategy and other implementation plan requirements; and 40 CFR 51.308(i): Federal Land Manager (FLM) consultation.

On August 11, 2022, the North Dakota Department of Environmental Quality submitted a revision to its SIP to address regional haze for the second implementation period. North Dakota made this SIP submission to satisfy the requirements of the Clean Air Act's (CAA's) regional haze program under CAA sections 169A and 169B and 40 Code of **Federal Register** (CFR) 51.308(f). In 2024, the EPA proposed and finalized partial approval and partial disapproval of North Dakota's 2022 submission.

In the 2024 final action, the EPA disapproved 40 CFR 51.308(f)(2): long-term strategy; 40 CFR 51.308(f)(3): reasonable progress goals; and 40 CFR 51.308(i): Federal Land Manager (FLM) consultation.

The EPA seeks comments on all of the proposed actions described in this preamble, including with respect to the EPA's statutory authority to reconsider and repeal the December 2, 2024 final rule and any changes in interpretation and policy relevant thereto. Because this action would, if finalized, relieve certain obligations for the State of North Dakota, the EPA does not believe there are reasonable and cognizable reliance interests that would be adversely impacted by finalizing this action as proposed. Nevertheless, the EPA seeks comment on whether such reliance interests exist, and if so, how the EPA should consider them in taking any final action on this preamble.

II. Background

A detailed history and background of the regional haze program is provided in

the EPA's prior proposed action for Idaho.[1] For additional background on the 2017 Regional Haze Rule (RHR) revisions, refer to section III. Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of ''Protection of Visibility: Amendments to Requirements for State Plans'' of the 2017 RHR.[2] The following is an abbreviated history and background of the regional haze program and 2017 Regional Haze Rule as it applies to the current action.

A. History of the Regional Haze Program

In the 1977 CAA amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[3] [4] The CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.'' [5]

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities that are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[6]

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires States containing Class I areas and States containing sources whose emissions ''may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area in another State to periodically submit SIP revisions to address such impairment.[7]

On January 10, 2017, the EPA promulgated revisions to the RHR (82 FR 3078, January 10, 2017) that apply for the second and subsequent implementation periods. The reasonable progress requirements as revised by the 2017 rule (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f).

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. To address regional haze, States need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs), which include representation from State and Tribal governments, EPA, and FLMs, were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help States meet the consultation requirements of the RHR.

The Western Regional Air Partnership (WRAP), one of the five regional planning organizations described in the previous paragraph, is a collaborative effort of State governments, local air agencies, Tribal governments, and various federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Western United States. Members include the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and 28 Tribal governments.[8] The federal partner members of WRAP are EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), and the Bureau of Land Management (BLM).

The WRAP formed a workgroup to develop a planning framework for State regional haze second implementation period SIPs. The WRAP produced a technical system to support regional modeling of visibility impacts at Class I areas across the West that was based on emissions and monitoring data supplied by its membership. The WRAP Technical Support System (TSS) consolidated air quality monitoring data, meteorological and receptor modeling data analyses, emissions inventories and projections, and gridded air quality/visibility regional modeling results. The TSS is accessible by member States and allows for the creation of maps, figures, and tables to export and use in State plan development. It also maintains the original source data for verification and further analysis. North Dakota collaborated with the WRAP on various aspects of the State's 2022 SIP submission which informed the development of its long-term strategy. This included the identification of Class I areas outside of North Dakota that may be affected by sources in the State, source selection, analysis of air quality monitoring data, preparation of emission inventories, development of reasonable progress goals, and air quality modeling.

C. Status of North Dakota's Regional Haze Plan for the First Implementation Period

The CAA requires that regional haze plans for the first implementation period (2008 through 2018) include, among other things, a long-term strategy for making reasonable progress and best available retrofit technology (BART)

[1] *See* 90 **Federal Register** (FR) 13516 (Mar. 24, 2025).

[2] *See* 82 FR 3078 (Jan. 10, 2017, located at *https://www.federalregister.gov/documents/2017/01/10/2017-00268/protection-of-visibility-amendments-to-requirements-for-State-plans#h-16).*

[3] Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. *See* CAA section 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

[4] *See* CAA section 169A.

[5] *Id.* at (a)(1).

[6] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used for expressing visibility and is measured in inverse megameters (Mm^{-1}). The formula for the deciview is 10 ln (b^{ext})/10 Mm^{-1}). *See* 40 CFR 51.301.

[7] *See* CAA section 169A(b)(2); see also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions); (64 FR 35714, at 35768 (July 1, 1999)).

[8] A full list of WRAP membership agencies is available at *https://www.westar.org/wrap-council-members/.*

requirements for certain older stationary sources, where applicable.[9]

The governor of North Dakota submitted North Dakota's Regional Haze SIP for the first implementation period to the EPA on March 3, 2010, followed by SIP Supplement No. 1 submitted on July 27, 2010, and SIP Amendment No. 1 submitted on July 28, 2011 (collectively, the ''2010 Regional Haze SIP''). On April 6, 2012, the EPA promulgated a final rule titled ''Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze; Final Rule'' (2012 Final Rule).[10] The 2012 Final Rule approved in part and disapproved in part the State's 2010 Regional Haze SIP. The EPA's disapproval included portions of the plan that addressed reasonable progress requirements and North Dakota's BART determinations for Coal Creek Station (Coal Creek) Units 1 and 2 and Antelope Valley Station (Antelope Valley) Units 1 and 2. In the same rulemaking, the EPA promulgated a federal implementation plan (FIP) that imposed, among other things, a NO_X emission limit for Antelope Valley Units 1 and 2, and a NO_X BART determination and emission limit for Coal Creek Units 1 and 2.

Subsequently, North Dakota and other petitioners challenged the 2012 Final Rule in the United States Court of Appeals for the Eighth Circuit, resulting in a September 23, 2013, vacatur and remand. On January 2, 2013, North Dakota submitted a SIP revision to the EPA to provide additional information supporting its original NO_X BART determination for Coal Creek.[11] On September 23, 2013, the Eighth Circuit concluded in *North Dakota* v. *EPA* that the EPA properly disapproved portions of the 2010 Regional Haze SIP, including the reasonable progress determination for Antelope Valley Units 1 and 2.[12] The Eighth Circuit also upheld the EPA's FIP promulgating an emission limit of 0.17 pounds per million British thermal units (lb/MMBtu) NO_X (30-day rolling average) for Antelope Valley Units 1 and 2.[13] However, the Eighth Circuit vacated and remanded the EPA's FIP promulgating an emission limit of 0.13 lb/MMBtu NO_X (30-day rolling average) for Coal Creek.[14]

Several SIP submissions from North Dakota and subsequent EPA actions for the first implementation period followed the Eighth Circuit's decision. On January 12, 2015, North Dakota submitted a SIP revision for a regional haze five-year progress report, pursuant to 40 CFR 51.308(g). On April 26, 2018, the EPA proposed to approve the Coal Creek NO_X BART determination submitted in North Dakota's January 2013 SIP submission.[15] The EPA did not finalize that action and North Dakota subsequently withdrew the Coal Creek Station NO_X BART portion of the 2013 submission as is further explained in Section D below.[16] [17] On August 3, 2020, North Dakota submitted a SIP revision to incorporate the 2012 FIP requirements for Antelope Valley, which the EPA approved on April 5, 2022.[18] In the same action, the EPA withdrew from the CFR the FIP requirements for Coal Creek that the Eighth Circuit vacated in *North Dakota* v. *EPA.*

D. North Dakota's Regional Haze Plan for the Second Implementation Period

In accordance with CAA section 169A and the RHR at 40 CFR 51.308(f), on August 11, 2022, the governor of North Dakota submitted North Dakota's 2022 SIP submission to address the State's regional haze obligations for the second implementation period, which continues through 2028. Concurrently, North Dakota also withdrew its 2013 SIP submission that addressed NO_X BART for Coal Creek.[19] North Dakota's 2022 SIP submission provided an updated submission addressing the first implementation period NO_X BART determination for Coal Creek that was remanded in *North Dakota* v. *EPA.* The EPA approved the Coal Creek NO_X BART portion of North Dakota's 2022 SIP submission on March 10, 2026.[20] The remaining portion of the 2022 SIP submission, addressing North Dakota's second implementation period obligations, is addressed below.

III. Requirements of Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 States, the District of Columbia, and the U.S. Virgin Islands were required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas.[21] To this end, 40 CFR 51.308(f) lays out the process by which States determine what constitutes their long-term strategies, with the order of the requirements in 40 CFR 51.308(f)(1) through (3) generally mirroring the order of the steps in the reasonable progress analysis and (f)(4) through (6) containing additional, related requirements.[22]

Broadly speaking, a State first must identify the Class I areas within the State and determine the Class I areas outside the State in which visibility may be affected by emissions from the State. These are the Class I areas that must be addressed in the State's long-term strategy.[23] For each Class I area within its borders, a State must then calculate the baseline (five-year average period of 2000–2004), current, and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for that area, as well as the visibility improvement made to date and the ''uniform rate of progress'' (URP). The URP is the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is used as a tracking metric to help States assess the amount of progress they are making towards the national visibility goal over time in each Class I area.[24]

Each State having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the

[9] Requirements for regional haze SIPs for the first implementation period are also contained in CAA section 169A(b)(2).

[10] 77 FR 20894 (Apr. 6, 2012).

[11] North Dakota referred to the January 2, 2013 SIP submission as ''Supplement No. 2.'' EPA herein refers to North Dakota's January 2, 2013 submission as a SIP submission.

[12] *North Dakota* v. *EPA,* 730 F.3d 750, 766 (8th Cir. 2013).

[13] *Id.*

[14] *Id.* at 764.

[15] 83 FR 18248 (Apr. 26, 2018).

[16] North Dakota's 2022 SIP submission, Letter from North Dakota Governor Doug Burgum to EPA Administrator Michael Regan.

[17] As explained in this document in section II.D., North Dakota subsequently withdrew the Coal Creek Station NO_X BART portion of its 2013 SIP submission in its 2022 SIP submission to the EPA that included a revised NO_X BART determination for Coal Creek. On March 10, 2026, the EPA approved the Coal Creek Station NO_X BART portion of the 2022 SIP submission as well as North Dakota's 5-year progress report.

[18] 87 FR 19635 (Apr. 5, 2022).

[19] North Dakota refers to its January 2, 2013, SIP submission as SIP Supplement No. 2.

[20] 91 FR 11474 (Mar. 10, 2026).

[21] *See* CAA section 169A(b)(2)(B).

[22] The EPA explained in the 2017 RHR revisions that the EPA was adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' (82 FR 3078, at 3091 (Jan. 10, 2017)).

[23] *See* 40 CFR 51.308(f), (f)(2).

[24] *See* 40 CFR 51.308(f)(1).

enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four statutory factors in CAA section 169A(g)(1) to sources of visibility impairing pollutants that the State has selected to assess for controls for the second implementation period. Additionally, as further explained below, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [25] that States must consider in developing their long-term strategies.[26] A State evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the State's long-term strategy.

After a State has developed its long-term strategy, it then establishes reasonable progress goals (RPGs) for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the State in which the Class I area is located, but also for sources in other States that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas.[27] There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions.[28]

While States have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a State's SIP submission include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a State has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[29] This is accomplished by considering the four statutory factors—''the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' [30]

The EPA has also explained that, in addition to the four statutory factors, States have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.[31] Ultimately, while States have discretion to reasonably weigh the factors and to determine what level of control is needed, 40 CFR 51.308(f)(2)(i) provides that a State ''must include in its implementation plan a description of . . . how the four statutory factors were taken into consideration in selecting the measures for inclusion in its long-term strategy.''

As explained above, 40 CFR 51.308(f)(2)(i) requires States to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four statutory factors. Pursuant to 40 CFR 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a State's long-term strategy and in its SIP. If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in 40 CFR 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, and also a flexible one that provides States with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, 40 CFR 51.308(f)(2)(iii) plays an important function in requiring a State to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the State relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the State relied to determine the measures necessary to make reasonable progress.

Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' that States must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy.

Because the air pollution that causes regional haze crosses State boundaries, 40 CFR 51.308(f)(2)(ii) requires a State to consult with other States that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. If a State, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP.[32] Additionally, the RHR requires that States that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing States have identified as being necessary to make reasonable progress for their own sources.[33] If a State has been asked by another State(s) to consider or adopt certain emission reduction measures,

[25] The five ''additional factors'' for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four statutory factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that States must consider and apply to sources in determining reasonable progress.

[26] *See* 40 CFR 51.308(f)(2).

[27] *See* 40 CFR 51.308(f)(2)–(3).

[28] *See e.g.,* 40 CFR 51.308(i).

[29] The CAA provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. CAA section 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a State may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second implementation period.

[30] *See* CAA section 169A(g)(1).

[31] *See, e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942 (May 4, 2016)), Docket ID No. EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186.

[32] *See* 40 CFR 51.308(f)(2)(ii)(A).

[33] *See* 40 CFR 51.308(f)(2)(ii)(B).

but ultimately determines those measures are not necessary to make reasonable progress, that State must document in its SIP the actions taken to resolve the disagreement.[34] Under all circumstances, a State must document in its SIP submission all substantive consultations with other contributing States.[35]

RPGs ''measure the progress that is projected to be achieved by the control measures States have determined are necessary to make reasonable progress based on a four-factor analysis.'' [36] For the second implementation period, the RPGs are set for 2028. Reasonable progress goals are not enforceable targets.[37] While States are not legally obligated to achieve the visibility conditions described in their RPGs, 40 CFR 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.''

RPGs may also serve as a metric for assessing the amount of progress a State is making towards the national visibility goal. To support this approach, the RHR requires States with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.,* if visibility conditions are improving more slowly than the rate described by the URP), each State that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy.[38] To this end, 40 CFR 51.308(f)(3)(ii) requires that each State contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four statutory factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.''

Section 51.308(f)(6) requires States to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this section apply either to States with Class I areas within their borders, States with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. Compliance with the monitoring strategy requirement may be met through a State's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program.[39]

All States' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the State to regional haze visibility impairment in affected Class I areas, as well as a statewide inventory documenting such emissions.[40] All States' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for States to assess and report on visibility.[41]

Section 51.308(f)(5) requires a State's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a State's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement.[42] To this end, every State's SIP revision for the second implementation period is required to assess changes in visibility conditions and describe the status of implementation of all measures included in the State's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions.[43]

CAA section 169A(d) requires that before a State holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the State must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that States ''provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy.'' [44] For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the State addressed any comments provided by the FLMs.[45] Finally, a SIP revision must provide procedures for continuing consultation between the State and FLMs regarding the State's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.[46]

Finally, the SIP must meet the approval requirements in CAA section 110(a)(2) for plans ''submitted by a State under this chapter'' to the extent not already addressed in the regulations described previously. As relevant here, the State must provide ''necessary assurances'' that the State has adequate personnel, funding, and authority to carry out the implementation plan, that the State ''is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof,'' and that the State can lawfully rely on regional and local instrumentalities to implement the SIP, as applicable.[47]

IV. EPA's Evaluation of North Dakota's Regional Haze Submission for the Second Implementation Period

In this section of the document, the EPA describes North Dakota's 2022 SIP submission and evaluates it against the requirements of the CAA and RHR for the second implementation period of the regional haze program. This preamble will focus only on the

[34] *See* 40 CFR 51.308(f)(2)(ii)(C).

[35] *Id.*

[36] *See* 82 FR 3078, at 3091 (Jan. 10, 2017).

[37] *See* 40 CFR 51.308(f)(3)(iii).

[38] *See* 40 CFR 51.308(f)(3)(ii).

[39] *See* 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

[40] *See* 40 CFR 51.308(f)(6)(ii), (iii), (v).

[41] *See* 40 CFR 51.308(f)(6)(vi).

[42] *See* 81 FR 26942, at 26950 (May 4, 2016), (82 FR 3078, at 3119 (Jan. 10, 2017)).

[43] *See* 40 CFR 51.308(g)(1) and (2).

[44] *See* 40 CFR 51.308(i)(2).

[45] *See* 40 CFR 51.308(i)(3).

[46] *See* 40 CFR 51.308(i)(4).

[47] *See* CAA section 110(a)(2)(E)(i)–(iii).

portions of North Dakota's 2022 SIP submission that were disapproved in the EPA's 2024 partial approval/partial disapproval: 40 CFR 51.308(f)(2): long-term strategy; 40 CFR 51.308(f)(3): reasonable progress goals; and 40 CFR 51.308(i): Federal Land Manager (FLM) consultation.[48] Because the EPA, in its 2024 partial approval/partial disapproval, approved the portions of North Dakota's 2022 SIP submission relating to 40 CFR 51.308(f)(1): calculations of baseline, current, and natural visibility conditions, progress to date, and the uniform rate of progress (URP); 40 CFR 51.308(f)(4): reasonably attributable visibility impairment; 40 CFR 51.308(f)(5) and 40 CFR 51.308(g): progress report requirements; and 40 CFR 51.308(f)(6): monitoring strategy and other implementation plan requirements,[49] these elements will not be addressed in this action.

A. North Dakota's Long-Term Strategy Under CAA 169A and 40 CFR 51.308(f)(2)

The EPA is proposing to approve North Dakota's long-term strategy for the second implementation period. As explained in other recent actions [50] and in subsection (1)(b) below, the EPA's URP policy is that so long as the Class I areas impacted by a State are below the URP and the State considers the four statutory factors, the State will have presumptively demonstrated it has made reasonable progress for the second implementation period for that area. This policy was not in place at the time of the EPA's partial approval/partial disapproval in 2024. As detailed in this preamble, the EPA finds that North Dakota has met the requirements of CAA 169A(b)(2) and 40 CFR 51.308(f)(2). Within its SIP, North Dakota evaluated and determined the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. They also projected that 2028 visibility conditions are all below the 2028 URP for Class I areas in North Dakota and for areas affected by emissions from North Dakota sources. Therefore, the EPA is proposing to conclude that North Dakota's long-term strategy contains the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress.

Each State having a Class I area within its borders, or emissions that may affect visibility in any Class I area outside the State must develop a long-term strategy for making reasonable progress towards the national visibility goal for each impacted Class I area.[51] As explained in the II. Background section of this document, reasonable progress is achieved when all States contributing to visibility impairment in a Class I area are implementing the measures that have been determined necessary to make reasonable progress through consideration of the four statutory factors.[52] Each State's long-term strategy must include the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress.[53] After considering the four statutory factors, all measures that are determined to be necessary to make reasonable progress must be incorporated into the long-term strategy. In developing its long-term strategy, a State must also consider the five additional factors in 40 CFR 51.308(f)(2)(iv). As part of its reasonable progress determinations, the State must describe the criteria used to determine which sources, or group of sources, were evaluated (*i.e.,* subject to four-factor analysis) for the second implementation period and how the four statutory factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy.[54]

1. North Dakota's Long-Term Strategy Four-Factor Analysis

a. Summary of North Dakota's Long-Term Strategy Four-Factor Analysis

As detailed below, the EPA is proposing to approve North Dakota's long-term strategy because North Dakota's 2022 SIP submission meets CAA and RHR requirements. As detailed in North Dakota's 2022 SIP submission, North Dakota determined that existing measures for Otter Tail Power Company—Coyote Station, Basin Electric Power Cooperative—Antelope Valley Station, Basin Electric Power Cooperative—Leland Olds Station, Coal Creek Station, Minnkota—Milton R. Young Station, Montana Dakota Utilities—Heskett Station, Petro-Hunt, L.L.C.—Little Knife Gas Plant, Hess Tioga Gas Plant, LLC—Tioga Gas Plant, Northern Border Compressor Station No. 4, and Dakota Gasification Company—Great Plains Synfuels Plant comprise what is necessary to make reasonable progress based on an analysis of the four statutory factors.[55] As a result of the evaluation, North Dakota did not find it reasonable to require additional emission limitations, compliance schedules, or control measures at the selected sources.

Under 40 CFR 51.308(f)(2)(i), SIP submittals must include a description of the criteria a State used to determine which sources, or groups of sources, to evaluate through four-factor analysis. In its 2022 SIP submission, North Dakota focused its control strategy analysis for the second implementation period on emissions of NO_X and SO_2.[56] NO_X and SO_2 are the two primary pollutants that react to form ammonium nitrates and ammonium sulfates, the primary visibility impairing pollutants that affect visibility at Class I areas in North Dakota on the most impaired days.[57] In North Dakota, point sources are the largest contributors to SO_2 and NO_X.[58] Thus, North Dakota focused primarily on existing point sources in this implementation period.

For purposes of source selection, North Dakota utilized a Q/d metric. The Q/d screening metric uses a source's annual emissions in tons (Q) divided by the distance in kilometers (d) between the source and the nearest Class I area, along with a reasonably selected threshold for this metric. The larger the Q/d value, the greater the source's expected effect on visibility in each associated Class I area. Using a Q/d threshold of 10,[59] North Dakota selected ten facilities for four-factor analysis: Coyote Station, Antelope Valley, Milton R. Young Station, Coal Creek Station, Leland Olds Station, Heskett Station, Little Knife Gas Plant, Tioga Gas Plant, Northern Border Compressor Station #4,

[48] 89 FR 95126 (Dec. 2, 2024).

[49] 89 FR 56693 (July 10, 2024); finalized at 89 FR 95126 (Dec. 2, 2024).

[50] *See* 90 FR 20425, at 20434 (May 14, 2025), 90 FR 22033, at 22043 (May 23, 2025); 90 FR 22166, at 22185; (May 23, 2025); 90 FR 25944, at 25952 (June 18, 2025); 90 FR 25975, at 25980 (June 18, 2025); 90 FR 29737, at 29738 (July 7, 2025); 90 FR 34792, at 34796 (July 24, 2025); 90 FR 36005, at 36017 (July 31, 2025); 90 FR 40272, at 40287 (Aug. 19, 2025); 90 FR 43030, at 43038 (Sept. 5, 2025); 90 FR 42833, at 42834 (Sept. 5, 2025); 90 FR 43958, at 43966 (Sept. 11, 2025); 90 FR 46070 (Sept. 25, 2025); 90 FR 48481, at 48496 (Oct. 23, 2025); 90 FR 48855, at 48859 (Oct. 30, 2025); 90 FR 54586 (Nov. 28, 2025); 90 FR 57636, at 57637 (Dec. 11, 2025); 91 FR 5321, at 5322 (Feb. 6, 2026); 91 FR 6581, at 6590 (Feb. 12, 2026).

[51] *See* CAA section 169A(b)(2)(B).

[52] *See* 40 CFR 51.308(f)(2)(i).

[53] *See* 40 CFR 51.308(f)(2).

[54] *See* 40 CFR 51.308(f)(2)(iii).

[55] North Dakota's 2022 SIP submission, section 5.2.

[56] North Dakota's 2022 SIP submission, section 5.1.

[57] *Id.*

[58] *Id.*

[59] The Q/d threshold of ''10'' is based on the Federal Land Managers' Air Quality Related Values Work Group (FLAG) report that was issued in October 2010 that adopts similar criteria derived from EPA's 2005 Best Available Retrofit Technology (BART) guidelines for the Regional Haze Rule. *See* Federal Land Managers' Air Quality Related Values Work Group (FLAG) Phase I Report—Revised (2010), Background Information on Thresholds: *https://irma.nps.gov/DataStore/DownloadFile/420352*.

and Great Plains Synfuels Plant.[60] North Dakota required each of these facilities to submit a report detailing available emission control measures. Section 5.2 of North Dakota's 2022 SIP submission contains North Dakota's evaluation of the four statutory factors for each source and North Dakota's determinations of the source-specific emission reduction measures necessary to make reasonable progress.

b. EPA's Evaluation of North Dakota's Long-Term Strategy Four-Factor Analysis

Based on the EPA's review, the EPA finds that North Dakota's 2022 SIP submission satisfies the requirements under 51.308(f)(2)(i) because North Dakota selected 10 point sources, evaluated the four statutory factors, and determined the emission reductions necessary to make reasonable progress as described in section IV.A.1.a. of this document.

As discussed earlier in this preamble, CAA section 169A(b)(2) requires each State to have a plan for making reasonable progress toward the national visibility goal. CAA section 169A(g)(1) specifies: ''[I]n determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' [61] The RHR implements this statutory requirement in 40 CFR 51.308(f) for the second and subsequent implementation periods for regional haze. 40 CFR 51.308(f) requires States to submit a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I area within the State and for each mandatory Class I area located outside the State that may be affected by emissions from the State. 40 CFR 51.308(f)(2)(i) lays out the CAA 169A four statutory factor criteria for the evaluation and development of the long-term strategy.

With respect to source selection, North Dakota used the 2012–2016 average annual emissions of NO_X and SO_2 in tons divided by distance in kilometers between a source and the nearest Class I area as a surrogate for baseline visibility impact (Q/d). Applying this protocol, North Dakota selected the 10 point sources identified above for analysis. As stated in section IV.A.1.a., 40 CFR 51.308(f)(2)(i) requires that a State's SIP submission include a ''description of the criteria it used to determine which sources or groups of sources it evaluated,'' and 40 CFR 51.308(f)(2)(iii) requires that it must be appropriately documented. Because North Dakota provided a detailed description of the technical information [62] used to select a reasonable set of sources for a four-factor analysis, the EPA finds that North Dakota's source selection was reasonable and consistent with the requirements of 40 CFR 51.308(f)(2).[63] Based upon the analysis, North Dakota's 2022 SIP submission does not require additional emission control measures to make reasonable progress.

In the EPA's 2024 partial approval/partial disapproval action, the EPA concluded that North Dakota had improperly relied on the visibility impact of controls to reject controls at Coyote Station and Antelope Valley, that North Dakota rejected controls without providing adequate justification at Coal Creek and Leland Olds, and that North Dakota had not adequately considered the time necessary for compliance factor in its evaluation of additional NO_X controls at Coal Creek.[64] As explained below, based on the EPA's updated policy, the EPA proposes to reconsider and reverse the 2024 disapproval of North Dakota's long-term strategy in this action.

As explained in other recent actions [65] and more specifically in this section below, the EPA's recently implemented policy is that so long as the Class I areas impacted by a State are below the URP and the State considers the four statutory factors, the State will have presumptively demonstrated it has made reasonable progress for the second implementation period for that area. The EPA believes this policy recognizes the considerable improvements in visibility impairment that have been made by a wide variety of State and Federal programs in recent decades. When the 2028 URP is adjusted for wildland prescribed fire and international anthropogenic impacts, all of the Class I areas impacted by North Dakota are below the 2028 URP.[66]

Based on a reevaluation of the 2022 SIP submission under the new URP policy, the EPA finds that North Dakota's four-factor analyses and control determinations at Coyote Station, Antelope Valley, Coal Creek, and Leland Olds are reasonable and the EPA agrees with North Dakota's conclusion that no additional emission control measures are necessary to include in North Dakota's long-term strategy. Additionally, within this preamble the EPA finds that North Dakota properly evaluated the time necessary for compliance factor in its analysis of potential NO_X controls for reasonable progress at Coal Creek because their analysis included compliance schedules, such as the installation schedule, for the selected controls. The selected LNC3+ control was installed at Unit 2 in 2007 and at Unit 1 in 2020.[67] Thus, the EPA finds that North Dakota adequately considered the time necessary for the compliance factor in its analysis of potential controls at Coal Creek since the control measures were installed in prior years.

With respect to the EPA's application of the URP policy, the EPA has the discretion and authority to change policy. In *FCC* v. *Fox Television Stations, Inc.,* the U.S. Supreme Court plainly stated that an agency is free to change a prior policy and ''need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be

[60] North Dakota's 2022 SIP submission, section 5.1.2.

[61] The EPA refers to the CAA section 169A(g)(1) requirements as the four statutory factors.

[62] Technical information provided included facilities' recent average annual emissions of SO_2 and NO_X and distance to the nearest Class I area. This is known as Q/d, where the ''Q'' represents emissions in tons, and ''d'' represents distance in kilometers. *See* Chapter 5 and table 35 in the 2022 SIP submission.

[63] North Dakota's 2022 SIP submission, section 5.1.2.

[64] 89 FR 56693, at 56705 (July 10, 2024); Finalized at 89 FR 95126 (Dec. 2, 2024).

[65] *See* 90 FR 20425, at 20434 (May 14, 2025), 90 FR 22033, at 22043 (May 23, 2025); 90 FR 22166, at 22185; (May 23, 2025); 90 FR 25944, at 25952 (June 18, 2025); 90 FR 25975, at 25980 (June 18, 2025); 90 FR 29737, at 29738 (July 7, 2025); 90 FR 34792, at 34796 (July 24, 2025); 90 FR 36005, at 36017 (July 31, 2025); 90 FR 40272, at 40287 (Aug. 19, 2025); 90 FR 43030, at 43038 (Sept. 5, 2025); 90 FR 42833, at 42834 (Sept. 5, 2025); 90 FR 43958, at 43966 (Sept. 11, 2025); 90 FR 46070 (Sept. 25, 2025); 90 FR 48481, at 48496 (Oct. 23, 2025); 90 FR 48855, at 48859 (Oct. 30, 2025); 90 FR 54586 (Nov. 28, 2025); 90 FR 57636, at 57637 (Dec. 11, 2025); 91 FR 5321, at 5322 (Feb. 6, 2026); 91 FR 6581, at 6590 (Feb. 12, 2026).

[66] WRAP TSS; Colorado State University (CSU) and the Cooperative Institute for Research in the Atmosphere (CIRA), 25 Mar 2026, *https://views.cira.colostate.edu/tssv2.*

[67] North Dakota's 2022 SIP submission, Appendix F.1–2. The EPA also notes a statement from the 2019 Guidance that discusses how the time necessary for compliance factor should be used in decision making: ''We recommend that states consider the time necessary for compliance as part of their determination of what compliance deadlines for selected control measures are reasonable, rather than as part of their determination whether to adopt the control measures in the first instance'' (2019 Guidance at 41).

better.'' [68] The EPA believes that its recently adopted policy aligns with the purpose of the statute and RHR, which is achieving ''reasonable'' progress, not maximal progress, toward Congress' natural visibility goal.

In the 2017 RHR Revisions, the EPA addressed the role of the URP as it relates to a State's development of its second implementation period SIP.[69] Specifically, in response to comments suggesting that the URP should be considered a ''safe harbor'' that relieve States of any obligation to consider the four statutory factors, the EPA explained that the URP was not intended to be such a safe harbor.[70] ''Some commenters stated a desire for corresponding rule text dealing with situations where RPGs are equal to (''on'') or better than (''below'') the URP or glidepath. Several commenters stated that the URP or glidepath should be a 'safe harbor,' opining that States should be permitted to analyze whether projected visibility conditions for the end of the implementation period will be on or below the glidepath based on on-the-books or on-the-way control measures, and that in such cases a four-factor analysis should not be required.'' [71]

Other 2017 RHR comments indicated a similar approach, such as ''a somewhat narrower entrance to a 'safe harbor,' '' by suggesting that if current visibility conditions are already below the end-of-planning-period point on the URP line, a four-factor analysis should not be required.'' [72] The EPA stated in its response that the EPA did not agree with either of these recommendations. ''The CAA requires that each SIP revision contain long-term strategies for making reasonable progress, and that in determining reasonable progress States must consider the four statutory factors. Treating the URP as a safe harbor would be inconsistent with the statutory requirement that States assess the potential to make further reasonable progress towards natural visibility goal in every implementation period.'' [73]

However, so long as a State considers the four statutory factors, the presumption that a Class I area below the URP is achieving reasonable progress is consistent with the CAA and RHR. The EPA believes this policy also recognizes the considerable improvements in visibility impairment that have been made by a wide variety of State and Federal programs in recent decades. In sum, North Dakota selected a number of sources, evaluated emissions control measures, and considered the four statutory factors. In addition, visibility conditions at all Class I areas to which North Dakota contributes are below the URP. In light of these facts, the EPA agrees with North Dakota's conclusion that no additional measures are necessary to make reasonable progress during the second implementation period and is proposing to approve the State's SIP submittal.

2. Other Long-Term Strategy Requirements

When developing long-term strategies, States must meet the additional requirements specified in 40 CFR 51.308(f)(2)(ii)–(iv). After reviewing North Dakota's 2022 SIP elements, the EPA finds that North Dakota has satisfied these additional long-term strategy requirements of 40 CFR 51.308(f)(2)(ii)–(iv).

40 CFR 51.308(f)(2)(ii) requires States to consult with other States to develop coordinated emission management strategies when they have emissions that are reasonably anticipated to contribute to visibility impairment in Class I areas across State boundaries. Specifically, 40 CFR 51.308(f)(2)(ii)(A) requires a State to demonstrate that its SIP includes all measures agreed upon during the State-to-State consultations. North Dakota considered additional controls for facilities affecting out of State Class I areas through a four-factor analysis and determined that no additional controls on North Dakota sources are required. 40 CFR 51.308(f)(ii)(B) requires a State to consider emission reduction measures, identified by other States, as being necessary to make reasonable progress in a Class I area. North Dakota did not receive recommendations for any of the sources within the State from other States. Section 2.1 of North Dakota's 2022 SIP submission describes North Dakota's consultation with other States throughout the development of its regional haze plan.[74]

40 CFR 51.308(f)(2)(iii) requires States to document the technical basis on which it is relying to determine the emission reduction measures that are necessary to make reasonable progress in each impacted mandatory Class I area. This includes modeling, monitoring, costs, engineering, and emissions information. North Dakota relied on WRAP technical information, modeling, and analysis to support development of its long-term strategy. Section 4.1 of North Dakota's 2022 SIP submission describes the emissions inventories and projections North Dakota used in its analysis, including its ''on-the-books'' and ''potential additional controls'' modeling scenarios.

40 CFR 51.308(f)(2)(iv) specifies five additional factors States must consider in developing their long-term strategies. The five additional factors are: emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; measures to mitigate the impacts of construction activities; source retirement and replacement schedules; basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. North Dakota described each of the five additional factors and how it considered those factors in section 5.3.1. to 5.3.5. of its 2022 SIP submission.

North Dakota's emission reductions due to ongoing air pollution programs are through State regulations contained in the North Dakota Administrative Code, federal programs such as the Volkswagen Environmental Mitigation Trust, EPA's Diesel Emissions Reductions Act, Acid Rain Program, Tier 3 Motor Vehicle Emission and Fuel Standards, Tier 4 Emission Standards for Nonroad Diesel Engines, Emission Standards for New Nonroad Engines, Heavy Duty Highway Engine and Vehicle Standards, the NO_X SIP Call, National Emission Standards for Industrial, Commercial, and Institutional Boilers and Process Heaters, National Emission Standards for Hazardous Air Pollutants, and maximum achievable control technology (MACT) Standards.[75] North Dakota also listed measures to mitigate the impacts of construction activities, source retirements and replacement schedules, smoke management practices, and the anticipated net impact on visibility due to emissions changes over the long-term strategy period.[76]

[68] *See* 556 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass'n of United States, Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983)). *See* also *Perez* v. *Mortgage Bankers Assn.,* 135 S. Ct. 1199 (2015).

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

[70] *Id.* at 3099.

[71] *Id.*

[72] *Id.*

[73] *Id.*

[74] North Dakota's 2022 SIP submission, section 2.1.

[75] North Dakota's 2022 SIP submission, section 5.3.1.

[76] North Dakota's 2022 SIP submission, sections 5.3.2–5.3.5.

B. Reasonable Progress Goals

The EPA proposes to find that North Dakota's 2022 SIP submission meets the reasonable progress goal requirements under 40 CFR 51.308(f)(3). Section 51.308(f)(3)(i) requires a State in which a Class I area is located to establish RPGs, one for the most impaired days and one for the clearest days. These RPGs reflect the visibility conditions that will be achieved at the end of the implementation period as a result of the emission limitations, compliance schedules and other measures required under paragraph (f)(2) in States' long-term strategies, as well as implementation of other CAA requirements.

After establishing its long-term strategy, North Dakota developed reasonable progress goals for each Class I area for the 20 percent most impaired days and 20 percent clearest days based on the results of 2028 WRAP modeling.[77] The reasonable progress goals are based on North Dakota's long-term strategy, the long-term strategy of other States that may affect Class I areas in North Dakota, and other CAA requirements. Per 40 CFR 51.308(f)(3)(iv), the EPA must evaluate the demonstrations the State developed pursuant to 40 CFR 51.308(f)(2) to determine whether the State's reasonable progress goals for visibility improvement provide for reasonable progress towards natural visibility conditions.

Compliance with the reasonable progress goals requirements under 40 CFR 51.308(f)(3) is in part dependent on compliance with the long-term strategy provisions under 40 CFR 51.308(f)(2). Since reasonable progress goals must reflect conditions that are projected to be achieved as a result of the long-term strategy (40 CFR 51.308(f)(3)(i)), it is not possible to approve the reasonable progress goals if the long-term strategy is not approvable. Therefore, in the EPA's 2024 partial approval/partial disapproval of North Dakota's 2022 SIP submission, the EPA disapproved North Dakota's long-term strategy under 51.308(f)(2) and disapproved North Dakota's reasonable progress goals under 51.308(f)(3).[78] However, as described above, based on the URP policy, the EPA is now proposing to conclude that North Dakota's long-term strategy contains the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress. North Dakota projected reasonable progress goals that reflect the visibility conditions that are projected to be achieved by the end of 2028 as a result of those enforceable emissions limitations, compliance schedules, and other measures required under 51.308 (f)(2).[79] North Dakota projected its reasonable progress goal for Lostwood Wilderness Area at 15.78 deciview impairment in 2028, which is under the adjusted uniform rate of progress of 16.00 deciview impairment.[80] North Dakota projected its reasonable progress goal for Theodore Roosevelt National Park at 13.56 deciview impairment in 2028, which is under the adjusted uniform rate of progress of 14.43 deciview.[81] North Dakota showed its reasonable progress goals achieve a faster rate of improvement in visibility than the URP, addressing the requirements of paragraph (f)(3)(ii).[82] Therefore, since the EPA has determined that North Dakota's long-term strategy and the associated RPGs meet CAA and RHR requirements, the EPA is proposing to approve the RPG component of North Dakota's 2022 SIP submission in this preamble.

C. Requirements for State and Federal Land Manager Coordination

The EPA has determined that North Dakota's long-term strategy meets CAA and RHR requirements, and the SIP meets all of the FLM consultation requirements. Therefore, the EPA is proposing to approve the FLM consultation component of North Dakota's 2022 SIP submission in this action.

CAA section 169A(d) requires States to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, the 40 CFR 51.308(i)(2) FLM consultation provision requires a State to provide FLMs with an opportunity for consultation that is early enough in the State's policy analysis of its emission reduction obligation so that information and recommendations provided by the FLMs can meaningfully inform the State's decisions on its long-term strategy. The opportunity for consultation will be deemed to have been early enough if the consultation has taken place at least 120 days prior to holding any public hearing or other public comment opportunity on the implementation plan.[83] Regardless, the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the State level.[84] Section 51.308(i)(2) lists two substantive topics on which FLMs must be provided an opportunity to discuss with States: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires States, in developing their SIPs, to include a description of how they addressed FLM comments.

North Dakota's 2022 SIP submission summarizes the State's consultation and coordination with the FLMs. North Dakota met via video conference with the NPS on November 6, 2020, and December 15, 2020, and with the USFS on November 23, 2020. Upon completing its draft 2022 SIP submission, North Dakota provided it to FLMs for a review and consultation period from September 20, 2021, through November 19, 2021. Additionally, North Dakota held a video conference with the NPS, USFS, and EPA Region 8 staff on November 10, 2021, to discuss the draft and receive feedback from the FLMs. North Dakota received comments from USFS on November 17, 2021, and from the NPS on November 19, 2021.[85] North Dakota responded to the FLM comments and included the responses in appendix D of its 2022 SIP submission.

Because the EPA disapproved North Dakota's long-term strategy under 51.308(f)(2) and the reasonable progress goals under 51.308(f)(3), the EPA also disapproved North Dakota's FLM consultation under 51.308(i).[86] While North Dakota did take administrative steps to provide the FLMs the opportunity to review and provide feedback on the State's draft regional haze plan, the EPA could not approve the consultation in that plan because the EPA determined that the plan did not meet the statutory and regulatory requirements of the CAA and the RHR. Therefore, compliance with 40 CFR 51.308(i) is dependent on satisfying the 40 CFR 51.308(f)(2)'s long-term strategy provisions and (f)(3)'s reasonable

[77] North Dakota's 2022 SIP Submission, section 6.

[78] 89 FR 95127 (Dec. 2, 2024).

[79] North Dakota's 2022 SIP submission, section 6.

[80] North Dakota's 2022 SIP submission, section 6.1.1.

[81] *Id.*

[82] North Dakota's 2022 SIP submission, section 6.2 and 6.3.

[83] 40 CFR 51.308(i)(ii)(2) and August 20, 2019, Memorandum ''Guidance on Regional Haze State Implementation Plans for the Second Implementation Period,'' from Peter Tsirigotis, Director, to Regional Air Division Directors, Regions 1–10.

[84] *Id.*

[85] The USFWS did not comment on North Dakota's 2022 SIP submission.

[86] 89 FR 95127 (Dec. 2, 2024).

progress goals provisions. However, as described in section IV.A. of this document and in other recent actions, based on the EPA's URP policy, the EPA is proposing to approve North Dakota's long-term strategy and reasonable progress goals. Because North Dakota evaluated and determined the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors, and the projected 2028 visibility conditions for Class I areas both in North Dakota and those areas influenced by emissions from North Dakota sources, are all below the 2028 URP, the EPA finds that North Dakota's long-term strategy contains the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress. Therefore, since the EPA has determined that North Dakota's long-term strategy meets CAA and RHR requirements, and the SIP meets all of the FLM consultation requirements, the EPA is proposing to approve the FLM consultation component of North Dakota's 2022 SIP submission in this action.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[87] Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 25, 2026.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2026–18290 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

[87] 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Notices

Federal Register
Vol. 91, No. 173
Wednesday, September 9, 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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 9, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: Generic Package for Food for Peace.

OMB Control Number: 0551–NEW.

Summary: Under 2 CFR parts 200 and 400. For assistance agreements awarded on or after December 26, 2014, 2 CFR part 400 implements OMB regulations in 2 CFR part 200. FAS grant programs plan to collect the information from grant applicants needed to evaluate and rank applicants and protect the integrity of the grantee selection process. All FAS grant programs will be eligible but not required to use the uniform grant application package (concept papers, full application, terms and conditions, agreements, amendments as well as performance report). The authorities for these grants vary. The term ''grant'' in this submission refers only to non-entitlement discretionary competitive and non-competitive grants or cooperative agreements. The uniform grant application package will include general information and instructions; requirements for the program narrative statement describing how the grant goals, objectives, and outcomes will be reached, as well as a description of the budget; the Standard Forms SF–424 series, and SF–LLL, which request basic information, budget information, and disclosure of lobbying activities certification, respectively. In addition, grantees will also be required to submit Standard Form SF–425, Federal Financial Report form, M&E Reports, SF–270 Claim (4040–0012)).

If FAS decides to use the uniform grant application package, FAS will note in the grant solicitation that applicants must use the uniform grant application package and that the information collection has already been approved by OMB. If FAS chooses not to use the uniform grant application package or finds it necessary for grant applicants to submit extra information not included in the uniform package, FAS will issue a notice of at least 30 days inviting public comments on its plan to gather different or additional information be making a grant solicitation, unless this has already been addressed in earlier published notices.

Need and Use of the Information: The primary users of the information collected from the applicant are FAS and other Federal staff who will serve on a panel to systematically review, evaluate, and approve the competitive and non-competitive grant/cooperative agreement applications and recommend the applicants most likely to meet program objectives and most responsive to the solicitation. The selection criteria will be contained in the grant application package. Without this information, FAS will not have adequate data to select appropriate grantees or evaluate which grants should be continued or monitor financial reporting requirements.

Description of Respondents: Business or other for-profit; Not for profit institutions.

Number of Respondents: 628.

Frequency of Responses: Recordkeeping; Reporting; Quarterly.

Total Burden Hours: 25,306.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–18393 Filed 9–8–26; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ottawa Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ottawa Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Ottawa National Forest, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on October 6, 2026, from 8:30 a.m. to 4 p.m. Central Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual

oral comments must pre-register by 11:59 p.m. Central Daylight Time on October 2, 2026. Written public comments will be accepted by 11:59 p.m. Central Daylight Time on October 2, 2026. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held at the Watersmeet District Office, located at E23979 US 2 East, Watersmeet, Michigan 49969, and virtually via telephone and/or video conference. Members of the public may participate in the meeting by joining virtually via videoconference at: Microsoft Teams/ Meeting ID: 248 770 518 250 58, Passcode: 4XT35Bs9 or dial in by phone +1 (202) 650–0123, passcode# United States, Washington; Phone conference ID: 892 777 239#. Committee information and meeting details can be found at the following website *https://www.fs.usda.gov/r09/ottawa/working-with-us/committees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *ian.shackleford@usda.gov or* via mail (postmarked) to Ian Shackleford, Ottawa National Forest RAC Coordinator, E6248 US 2, Ironwood, Michigan 49938. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Central Daylight Time, October 2, 2026, and speakers can only register for one speaking slot. Oral comments must be sent by email to *ian.shackleford@usda.gov* or via mail (postmarked) to Ian Shackleford, Ottawa NF RAC Coordinator, E6248 US 2, Ironwood, Michigan, 49938.

FOR FURTHER INFORMATION CONTACT: Trevor Hahka, Designated Federal Officer (DFO), (906) 932–1330, *trevor.hahka@usda.gov* or Ian Shackleford, RAC Coordinator, (906) 285–6911, *ian.shackleford@usda.gov.* Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals.
2. Recommend funding for projects.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

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

Dated: August 24, 2026.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2026–18378 Filed 9–8–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Business Trends and Outlook Survey

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 December 18, 2024 (89 FR, pg. 102854–102855) during a 60-day comment period and March 31, 2025 (90 FR, pg. 14229–14231) during a 30-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce Department.

Title: Business Trends and Outlook Survey.

OMB Control Number: 0607–1022.

Form Number(s): This online survey has no form number.

Type of Request: Regular submission, Request for a Revision of a Currently Approved Collection.

Number of Responses: 396,000 (Cycles 1, 3, and 4) and 132,000 (Cycle 2).

Average Hours per Response: 10 minutes (Cycles 1, 3, and 4), 20 (Cycle 2).

Burden Hours: 110,000.

Needs and Uses: The mission of the U.S. Census Bureau (Census Bureau) is to serve as the leading source of quality data about the nation's people and economy; to fulfill this mission, it is necessary to innovate to produce more detailed, more frequent, and more timely data products. The Coronavirus pandemic was an impetus for the creation of new data products by the Census Bureau to measure the pandemic's impact on the economy: the Small Business Pulse Survey (SBPS) and the weekly Business Formation Statistics. Policymakers and other federal agency officials, media outlets, and academia commended the Census Bureau's rapid response to their data needs during the largest economic crisis in recent American history. The Census Bureau capitalized on the successes that underlaid the high frequency data collection and near real time data dissemination engineered for the SBPS by creating the Business Trends and Outlook Survey (BTOS).

BTOS uses ongoing data collection to produce high frequency, timely, and granular information about current economic conditions and trends. BTOS is the only biweekly business tendency survey produced by the federal statistical system, providing unique and detailed data (including during times of economic or other emergencies). The

BTOS target population is all nonfarm employer businesses with receipts of $1,000 or more in the United States, the District of Columbia, and Puerto Rico.

The current sample consists of approximately 1.2 million businesses split into six panels. Data collection occurs every two weeks, and businesses in each panel are asked to report once every 12 weeks for one year. Current BTOS data are representative of all employer businesses (excluding farms) in the U.S. economy and are published every two weeks. The data are available at the national and state levels, in addition to the 25 most-populous Metropolitan Statistical Areas (MSAs). North American Industry Classification System (NAICS) sector, subsector, and state by sector are also published, as are employment size class, and sector by employment size class data, according to the same timeline.

Data from BTOS are currently used to provide timely data to understand the economic conditions being experienced by businesses; BTOS provides near real time data on key items such as revenue, paid employees, interest rates, and prices. A new sample collection is conducted each year.

BTOS also provides high level information on the changing share of businesses facing difficulties stemming from supply chain issues, interest rate changes, or weather events. Previously, there had been few data sources available to policymakers, media outlets, and academia that delivered near real-time insights into economic trends and outlooks. BTOS data has been used by the Small Business Administration to evaluate the impact of regulatory changes.

In the approved OMB package for BTOS, the Census Bureau proposed an incremental path to reach the full scope of BTOS. The first scope expansion proposed adding multi-unit businesses (those with more than one location or establishment) to BTOS. BTOS was limited in scope to include only single-unit businesses. Despite comprising a relatively small share of the total number of businesses, multi-unit (MU) businesses are responsible for most of the employment, payroll, and revenue/sales in the United States and contribute disproportionately to economic activity. In addition, MU businesses are on average larger than single-unit businesses. Adding these businesses helped ensure BTOS results are representative of the full economy. The Census Bureau proposes an incremental path to the final scope of BTOS to learn at each implemented stage and to allow for modifications based on lessons learned or internal/external stakeholder feedback in prior iterations.

For the first year of BTOS, the content remained unchanged at 26 questions. For the second year, the Census Bureau moved to a set of core questions and supplemental content. Core content includes measures of economic activity that are broadly applicable across non-farm sectors and are important across the business cycle and during economic or other emergencies. Core content is also complementary to key items found on other economic surveys, such as revenues, employees, hours, and inventories. Core items may also include concepts that may become core topics, such as the artificial intelligence questions that started in the second year.

Supplemental content is added to the BTOS instrument as needed and on a periodic basis. It will be designed to provide urgently needed data on an emerging or current issue. The supplement will include a set of questions that perform a deeper dive into a focused topic that requires timely data. On average, the Census Bureau estimates the supplemental questions will impose an additional 10 minutes of burden.

Consideration for core and supplemental concepts will be based on data consistency, how the questions performed on the current BTOS, the results of cognitive testing, stakeholder feedback, and the ability to collect complementary items on monthly, quarterly, annual, or census programs to provide context and benchmarking.

For future changes, the Census Bureau will submit a request to OMB including 30 days of public comment announced in the **Federal Register** to receive approval to make any substantive revisions to the content or methods of the proposed survey, including incremental scope changes. It is likely new supplemental content will be chosen for each year and an updated instrument will be submitted to OMB for review along with a 30-day **Federal Register** Notice.

This submission seeks an amendment to OMB approval for three requests. First, the Census Bureau requests approval to repeat the artificial intelligence (AI) supplement with minor content changes. Cognitive testing of these changes has been conducted. We are submitting with this request the proposed AI supplemental questions. Second, the Bureau requests approval to add a new core question about business uncertainty. This new question has also been cognitively tested ahead of submission. Last, the Bureau is requesting approval to add three core questions. Two of these questions (Generative AI usage and the impact of AI on the total number of employees) are being moved from the AI supplement, and the third is a new question about the impact of AI on new employees, conceptually expanding on the others. The new question has undergone cognitive testing to determine the finalized wording. To minimize respondent burden, the Bureau will employ skip logic for these questions, only asking them of businesses that report AI usage. The Bureau is also exploring ways to collect and publish data from the AI supplement at a frequency more often than annual, but less often than bi-weekly. This is in response to feedback from a variety of stakeholders, and the need to paint a comprehensive picture of the impacts of a swiftly emerging technology. Evaluation of the respondent burden and methodological impacts are ongoing. As part of this process, the Bureau is also looking to evaluate other AI-related topics that may be appropriate for BTOS.

Based on cognitive testing results, the burden estimate for the core questions is no more than 10 minutes. The AI supplements in sample years 2 and 4 added an additional 10 minutes of burden. The new AI supplement is estimated not to change the burden listed above.

Frequency: Bi-weekly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

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 0607–1022.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18304 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–948]

Steel Grating From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on steel grating from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable September 9, 2026.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, Office II, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 2010, Commerce published the CVD order on steel grating from China.[1] On May 1, 2026, Commerce published the notice of initiation of the second sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(c).[2]

On May 15, 2026, Commerce received a notice of intent to participate in this review from the Metal Grating Coalition (the domestic interested party), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The Metal Grating Coalition claims that it has interested party status within the meaning of section 771(9)(F) of the Act and 19 CFR 351.102(b)(29)(viii) as an association of producers of the domestic like product.[4]

On June 1, 2026, Commerce received an adequate substantive response from the Metal Grating Coalition, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On June 26, 2026, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, Commerce conducted an expedited (120-day) sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The product covered by this *Order* is steel grating from China. For a full description of the scope of the *Order, see* the Issues and Decisions Memorandum.[7]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the Issues and Decision Memorandum.[8] A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
Ningbo Jiulong Machinery Manufacturing Co., Ltd	62.46
All other producers and exporters	62.46

Notification Regarding Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: August 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 *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–18280 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Steel Grating from the People's Republic of China: Countervailing Duty Order,* 75 FR 43144 (July 23, 2010) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 23395 (May 1, 2026).

[3] *See* Metal Grating Coalition's Letter, ''Notice of Intent to Participate in Sunset Review,'' dated May 15, 2026.

[4] *Id.* at 2.

[5] *See* Metal Grating Coalition's Letter, ''Substantive Response to the Notice of Initiation of Sunset Review,'' dated June 1, 2026.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on May 1, 2026,'' dated June 26, 2026.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Steel Grating from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG023]

Atlantic Highly Migratory Species; Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops will be held in October, November, and December of 2026. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. In addition, NMFS has implemented online recertification workshops for persons who have already taken an in-person training.

DATES: The Atlantic Shark Identification Workshops will be held on October 19, 2026, and November 11, 2026. The Safe Handling, Release, and Identification Workshops will be held on October 14, 2026, November 2, 2026, and December 3, 2026.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Wilmington, NC and Largo, FL. The Safe Handling, Release, and Identification Workshops will be held in Warwick, RI, Kitty Hawk, NC, and Manahawkin, NJ.

FOR FURTHER INFORMATION CONTACT: Anna Quintrell by email at *anna.quintrell@noaa.gov* or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic highly migratory species (HMS) fisheries (swordfish, sharks, tunas, and billfish) are managed under the 2006 Consolidated HMS Fishery Management Plan and its amendments pursuant to the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.8 describes the requirements for the Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops. The workshop schedules, registration information, and a list of frequently asked questions regarding the Atlantic Shark Identification and Safe Handling, Release, and Identification workshops are available online at: *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops.*

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58058, October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Thus, certificates that were initially issued in 2023 will expire in 2026.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit that first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate must be in any trucks or other conveyances that are extensions of a dealer's place of business.

Workshop Dates, Times, and Locations

1. October 19, 2026, 12 p.m.–4 p.m., Hilton Garden Inn, 6745 Rock Spring Rd., Wilmington, NC 28405.

2. November 11, 2026, 12 p.m.–4 p.m., Hampton Inn & Suites Largo, 100 East Bay Dr., Largo, FL, 33770.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

1. Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.

2. Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited access and swordfish limited access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58058, October 2, 2006). These certificate(s) are valid for 3 years. Certificates issued in 2023 will expire in 2026. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must

attend a workshop to fish with, or renew, their swordfish and shark limited access permits. Additionally, new shark and swordfish limited access permit applicants who intend to fish with longline or gillnet gear must attend a Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued.

In addition to vessel owners, at least one operator on board vessels issued a limited access swordfish or shark permit that uses longline or gillnet gear is required to attend a Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates on board at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited access permits on which longline or gillnet gear is used.

Workshop Dates, Times, and Locations

1. October 14, 2026, 9 a.m.–1 p.m., Hilton Garden Inn, 1 Thurber Street, Warwick, RI 02886.

2. November 2, 2026, 9 a.m.–1 p.m., Hilton Garden Inn, 5353 N. Virginia Dare Trail, Kitty Hawk, NC, 27949.

3. December 3, 2026, 9 a.m.–1 p.m., Holiday Inn Manahawkin, 151 Route 72 Manahawkin, NJ 08050.

Registration

To register for a scheduled Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

1. Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.

2. Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.

3. Vessel operators must bring proof of identification.

Workshop Objectives

The Safe Handling, Release, and Identification Workshops are designed to teach the owner and operator of a vessel that fishes with longline or gillnet gear the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, smalltooth sawfish, Atlantic sturgeon, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

Online Recertification Workshops

NMFS implemented an online option for shark dealers and owners and operators of vessels that fish with longline and gillnet gear to renew their certificates in December 2021. To be eligible for online recertification workshops, dealers and vessel owners and operators need to have previously attended an in-person workshop. Information about the courses is available online at *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops.* To access the course please visit: *https://hmsworkshop.fisheries.noaa.gov/start.*

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

Dated: September 4, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–18388 Filed 9–8–26; 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; American Lobster—Annual Trap Transfer 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 June 11, 2026 (91 FR 35465) 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: American Lobster—Annual Trap Transfer Program.

OMB Control Number: 0648–0673.

Form Number(s): None.

Type of Request: Regular submission [extension of a current information collection].

Number of Respondents: 153.

Average Hours per Response: 10 minutes.

Total Annual Burden Hours: 13 hours.

Needs and Uses: This request is for an extension of a currently approved information collection.

The American lobster resource and fishery are cooperatively managed by the states and NOAA's National Marine Fisheries Service (NMFS) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, according to the framework established by the Atlantic States Marine Fisheries Commission (ASMFC) in Amendment 3 of its Interstate Fishery Management Plan (ISFMP). This collection of information is in response to several addenda to Amendment 3 of the ISFMP that work to reduce trap fishing effort through limited entry fishing and trap allocation limit reductions. The Trap Transfer Program is intended to foster economic flexibility for the lobster industry while reducing fishing effort

on the American lobster resource. The regulations implementing the FMP in the EEZ are specified at 50 CFR part 697.

This collection of information is being conducted to help mitigate the economic burden of scheduled trap allocation reductions in Lobster Conservation Management Areas 2 and 3 on Federal lobster permit holders through the Annual Lobster Trap Transfer Program, which allows all qualified Federal lobster permit holders to buy and sell trap allocation from Areas 2, 3, or Outer Cape Cod. NMFS collects application forms from Lobster permit holders who wish to transfer trap allocation from these areas during a 2-month period (from August 1 through September 30) each year. The revised allocations resulting from the transfers become effective for each participating lobster permit at the start of the following Federal lobster fishing year, on May 1. Both the seller and buyer of the traps are required to sign the application form, date the document, and clearly show that the seller has sufficient allocation to transfer and that the buyer has sufficient room under the applicable trap cap.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 *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 0648–0673.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–18305 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting, September 28, and 29, 2026

AGENCY: Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of public meeting; request for comments.

SUMMARY: NOAA will hold an in-person Hydrographic Services Review Panel (HSRP) Federal Advisory Committee public meeting on September 28, and 29, 2026, in Arlington, VA. NOAA will accept public comments in advance and during the public meeting.

DATES: Members of the public may attend the NOAA HSRP public meeting in person or virtually via AdobeConnect on Monday September 28, 2026, from 9 a.m. to 5:30 p.m. Eastern Daylight Time (EDT), and Tuesday, September 29, 2026, from 8:30 a.m. to 5 p.m. EDT. Written comments must be received before 8 a.m. EDT on Monday, September 28, 2026.

ADDRESSES: Public comments may be submitted by the following methods:

- *In-person:* Provide public comments during the daily public comment periods at the in-person meeting.
- *Email:* Send written comments in advance of the HSRP public meeting to *hydroservices.panel@noaa.gov,* with ''September 2026 HSRP meeting public comments'' in the subject line of the email message. Public comments sent in advance of the HSRP public meeting will be shared with the HSRP members, posted on the meeting website, and included in the public record for the meeting.
- *Webinar:* The latest version of the agenda and information on how to register to attend the webinar can be found at *https://nauticalcharts.noaa.gov/hsrp/meetings/2026/fall.html.* Attendees must register to attend the webinar in advance of joining. Registration will remain open throughout the duration of the public meeting. Submit written comments during the HSRP public meeting through the HSRP webinar's ''Questions'' function. Public comments submitted through the webinar's ''Questions'' function will be read into the record during the public comment period.

As time allows during the public meeting, commenters may be invited to orally expand on written comments they submitted via email during the public comment period.

Instructions: The oral and written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, and confidential business information should not be submitted. Comments that contain profanity, vulgarity, threats, or other inappropriate language will not be considered. Commenters are encouraged to ensure comments address the HSRP meeting, the role of the HSRP, or general hydrographic services issues.

FOR FURTHER INFORMATION CONTACT: Amanda Phelps, Office of Coast Survey, 240–543–0266; NOAA HSRP Program Manager, email: *hydroservices.panel@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Hydrographic Services Improvement Act of 1998, as amended (HSIA; 33 U.S.C. 892 *et seq.*), established the HSRP as a Federal Advisory Committee to advise the NOAA Administrator ''on matters related to the responsibilities and authorities set forth in [33 U.S.C. 892a] and such other appropriate matters as the Administrator refers to the [HSRP] for review and advice.'' (33 U.S.C. 892c(b).)

The HSRP invites NOAA stakeholder feedback on NOAA's navigation, observations, and positioning data, science, products, and services for the National Ocean Service's Center for Operational Oceanographic Products and Services, National Geodetic Survey, Office of Coast Survey, and the NOAA/University of New Hampshire Joint Hydrographic Center.

Special Accommodations: This public meeting is accessible to people with disabilities and there will be sign language interpretation and captioning services. Please direct requests for other auxiliary aids to *hydroservices.panel@noaa.gov* at least 5 business days in advance of the meeting.

(Authority: 33 U.S.C. 892 *et seq.*)

Christiaan van Westendorp,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–18315 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–G1–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF988]

Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; issuance of incidental take permit.

SUMMARY: Notice is hereby given that NMFS issued an incidental take permit (ITP) to Pierce County Planning and Public Works (Pierce County), pursuant to the Endangered Species Act (ESA) of 1973, as amended, for the incidental take of ESA-listed species in Pierce County, Washington. The ITP is issued for a duration of 30 years. The ITP application and Pierce County Planning and Public Works Flood Risk Reduction Structures Maintenance and Operations Habitat Conservation Plan (HCP) were submitted to NMFS pursuant to the ESA. NMFS also prepared a final environmental assessment (EA) and a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA) associated with NMFS' issuance of the ITP for the HCP.

DATES: The publication date for this action is September 9, 2026.

ADDRESSES: The permit, the Final EA and FONSI, and other related documents are available on the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/action/pierce-county-and-public-works-flood-risk-reduction-structures-maintenance-and-operations.*

FOR FURTHER INFORMATION CONTACT: David Price, NMFS, 253–693–0792, *david.price@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in the HCP

ESA-Listed Species Covered by NMFS

- Chinook Salmon (*Oncorhynchus tshawytscha*) threatened Puget Sound evolutionary significant unit;
- Steelhead (*O. mykiss*) threatened Puget Sound distinct population segment.

Non-ESA-Listed Species Covered by NMFS

- Coho salmon (*O. kisutch*) Puget Sound/Strait of Georgia evolutionary significant unit.

ESA-Listed Species Covered by U.S. Fish and Wildlife Service (USFWS)

- Bull trout (*Salvelinus confluentus*) threatened coastal recovery unit distinct population segment.

Non-ESA-listed Species Covered by USFWS

- Pacific lamprey (*Entosphenus tridentatus*), distinct population segment;
- River lamprey (*Lampetra ayresii*) distinct population segment;
- Western brook lamprey (*L. richardsoni*) distinct population segment.

Hereafter, these seven species are collectively referred to as the ''covered species.''

Background

Section 10(a)(1)(B) of the ESA, as amended (16 U.S.C. 1531 *et seq.*), authorizes NMFS and the USFWS to issue ITPs to non-Federal parties for potential incidental take of endangered or threatened species as a result of covered activities. In support of its applications for such ITPs, Pierce County prepared an HCP that provides an assessment of impacts of its flood risk reduction structures maintenance and operations in and along the Puyallup, White, and Nisqually Rivers in Pierce County on the covered species; measures to monitor, minimize and mitigate for those impacts on those species; and procedures to account for unforeseen or extraordinary circumstances. NMFS received the ITP application and HCP in November 2024 from Pierce County, in accordance with the requirements of the ESA.

On July 23, 2025, NMFS published a notice of receipt and availability in the **Federal Register** (90 FR 34642) asking for public comments on the draft HCP and the associated draft NEPA EA. NMFS received two comment letters and responses to those comments were included in the final EA. The requested permit has been issued under the authority of the ESA on July 8, 2026. This ITP authorizes the incidental take of ESA-listed species set forth in the HCP over the 30-year permit term.

Authority

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines ''take'' to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and implementing regulations provide for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Dated: September 3, 2026.

Jennifer Quan,

Regional Administrator, West Coast Region, National Marine Fisheries Service.

[FR Doc. 2026–18381 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NTIA Internet Use Survey

AGENCY: National Telecommunications and Information Administration (NTIA), 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 9, 2026. Comments submitted after this date will be considered if circumstances allow.

ADDRESSES: Interested persons are invited to submit written comments by mail to Christopher Quarles, Policy Advisor, NTIA, 1401 Constitution Avenue NW, Suite 4725, Washington, DC 20230, or via email at *data@ntia.gov.* Please reference OMB Control Number 0660–0021 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Christopher Quarles, Policy Advisor, NTIA, 1401 Constitution Avenue NW,

Suite 4725, Washington, DC 20230, at (202) 941–0606 or *cquarles@ntia.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NTIA seeks feedback under the Paperwork Reduction Act (PRA) on a set of questions for the November 2027 edition of the U.S. Census Bureau's Current Population Survey (CPS). This collection of questions is known as the NTIA internet Use Survey and is also referred to as the CPS Computer and internet Use Supplement. NTIA has sponsored eighteen such surveys since 1994.

The NTIA internet Use Survey has long been a key resource for evidence-based policymaking, and an improved set of survey questions could further inform key policy choices at a particularly important time for our nation. From artificial intelligence to online services, the internet is of immense importance to the nation's economic prosperity. Digitally deliverable services make up over $700B of U.S. exports, larger than any single sector.[1] As a result, policymakers, businesses, non-profits, communities, and other stakeholders rely on data about whether and how Americans use the internet to help shape their activities. Digitally connected Americans populate the modern workforce, drive creative innovation throughout the economy, and ensure a growing customer base to help sustain our nation's global competitiveness.

Collecting current, systematic, and comprehensive information on internet use and non-use by U.S. households is critical for helping policymakers gauge progress on topics such as broadband deployment and use, identify specific areas of concern, and target cost-effective responses. Congress has tasked NTIA and other federal agencies with administering multiple broadband grant programs that aim to bolster American prosperity and competitiveness by closing gaps in deployment, use, and digital skills. Efficient and fiscally responsible administration of these programs requires careful monitoring and evaluation of progress towards their statutory goals. NTIA requires accurate and detailed information about computer and internet use—including changes over time—in order to carry out these evaluation activities, and as the longest-running and most comprehensive household survey on this topic, the NTIA internet Use Survey serves as an indispensable data source to meet this need.

The U.S. Census Bureau is widely regarded as a premier data collector based on centuries of experience and rigorous scientific methods. Collection of NTIA's requested internet usage data will occur in conjunction with a future edition of the U.S. Census Bureau's CPS, thereby significantly reducing the potential burdens on the U.S. Census Bureau and on surveyed households.

The U.S. government has a need for comprehensive data in this area. The U.S. Government Accountability Office (GAO), NTIA, and the FCC have issued reports noting the importance of useful broadband data for policymakers. Moreover, Congress has passed legislation—including the Broadband Data Improvement Act, the American Recovery and Reinvestment Act, the Broadband DATA Act, the Consolidated Appropriations Act, 2021, and the Infrastructure Investment and Jobs Act—wholly or in part to facilitate data collection, research, program evaluation, and policy analysis in this area. And Congress has charged NTIA with the task of furthering scientific knowledge on telecommunications and information. (47 U.S.C. 901(c)(5)). Modifying the CPS to include NTIA's requested internet use questions will enable the Commerce Department and NTIA to respond to congressional concerns and directives.

As technology changes, so does the best way to measure internet and technology use. For this revision, NTIA is thoroughly re-examining the questions and language in its internet Use Survey to ensure the resulting data meets today's needs. At the same time, NTIA recognizes the value of preserving important long-term time data and aims to maintain time series as much as possible.

Internet measurement must balance several competing forces. The ways people access the internet have changed dramatically, as the market has evolved from dial-up and DSL to a widely varied marketplace of wired and wireless options. How people use the internet has shifted as well: connectivity is now embedded in many everyday devices, more people are turning to the internet to buy basic goods, and concerns about problematic use are rising. Artificial intelligence (AI), in particular, has had tremendous effects on how people gather information on the internet and on how that information is generated. Effective longitudinal measurement around AI and other internet-enabled technologies will be needed to predict the issues of tomorrow. Simultaneously, large surveys are costly, and respondents' time is valuable. Survey questions therefore need to focus on topics that have significant value for data users and/or impact on policy.

NTIA has made a copy of the proposed information collection instrument available at *https://www.ntia.gov/federal-register-notice/2026/2027-internet-use-survey-information-collection.*

The bureau also welcomes comments on any of the following questions. Where possible, cite question numbers and propose specific, tested language:

1. Is data from the NTIA Internet Use Survey important in 2027? Should the survey continue to be conducted?

2. Which NTIA Internet Use Survey questions should remain unchanged in 2027 to preserve useful longitudinal time series?

3. How should the survey questions or language be updated for technology use in 2027?

4. Which questions should be kept because they are used by researchers, policymakers, and/or industry? Please explain how the questions are used.

5. Which questions use outdated language or will not provide useful data in 2027? Should these questions be removed? If not, how should they be changed?

6. Internet connectivity and applications have changed substantially since the survey instrument was substantively rewritten a decade ago. For example, the role of the internet in Americans' lives is often unnoticed, from smart appliances to single-player video games that require online connections. How (if at all) should questions on the NTIA Internet Use Survey be edited, removed, or added to address the evolution of these technologies and the words we use to describe them?

7. Commenters often suggest adding questions, but space for questions is limited. If your comment proposed additional questions, are there other questions that should be removed to make space? Or would some questions be better asked in a different venue?

8. Are some questions (or potential questions) particularly important for policymakers or industry? Please explain. For example, as a supplement to the CPS, the nation's primary source of labor statistics, the survey might provide key insights on internet use and the workforce.

9. What questions (or potential questions) are of particular importance for enabling high-quality evaluation of NTIA's broadband grant programs and other federal broadband programs? Are there particular gaps in existing program evaluation data that could be filled by adding certain questions to the NTIA Internet Use Survey?

10. In what ways can survey language be customized to support cross-country comparison?

11. Is there a need for more data around children's use of the internet and digital devices? Are there particular areas that need more data, such as screen use in schools or parental perceptions of children's tech use? Is the NTIA Internet Use Survey, a CPS

[1] U.S. Bureau of Economic Analysis, ''Table 3.3. U.S. Trade in ICT Services and Digitally Deliverable Services, by Country or Affiliation'' (accessed Friday, June 26, 2026).

supplement, the most appropriate place for this, or should that data be gathered in other ways?

12. Is there a need for more data around artificial intelligence (AI)? Are there particular areas that need more data, such as AI use at work or home, or attitudes towards AI? Is the NTIA Internet Use Survey, a CPS supplement, the most appropriate place for this, or should that data be gathered in other ways?

II. Method of Collection

The NTIA internet Use Survey will be administered by the U.S. Census Bureau as a supplement to the CPS. Data will be collected through personal visits and live telephone interviews using computer-assisted telephone interviewing and computer-assisted personal interviewing.

III. Data

OMB Control Number: 0660–0021.

Form Number(s): None.

Affected Public: Individuals and households.

Estimated Number of Respondents: 50,000 households.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 8,334 hours.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: 47 U.S.C. 902(b)(2)(M), (P).

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 via the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including any personal identifying information that you include—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. 2026–18303 Filed 9–8–26; 8:45 am]

BILLING CODE 3510–60–P

NATIONAL COMMISSION ON THE FUTURE OF THE NAVY

Announcement of Public Hearing

AGENCY: National Commission on the Future of the Navy.

ACTION: Announcement of public hearing.

SUMMARY: The Commissioners of the National Commission on the Future of the Navy (NCFN), in accordance with the National Defense Authorization Act of 2023, will hold a public hearing in Monterey, California to better understand how the Navy and private industry collaborate to secure America's future maritime seapower. The Commission will hear from a senior military commander, leaders from the Naval Postgraduate School (NPS) and Defense Innovation Unit (DIU), and private sector leaders in the private equity and venture capital industries. Those wishing to attend, present at, or submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: 10 a.m. Pacific Time, Wednesday, September 9, 2026.

ADDRESSES: The hearing will take place at the Naval Postgraduate School in Monterey, California. It will be held in the Executive Briefing Center (EBC). The hearing is open to those who have access to Naval Support Activity Monterey (NSA Monterey).

SUPPLEMENTARY INFORMATION: Congress established the National Commission on the Future of the Navy in the Fiscal Year 2023 National Defense Authorization Act to provide an independent, bipartisan assessment of U.S. naval force structure, readiness, and long-term maritime requirements. The statute directs the Commission to conduct a comprehensive review of fleet size and force mix, naval aviation, shipbuilding capacity, personnel policies, and the force-generation model that sustains combat power at sea. It authorizes the Commission to hold public hearings, receive testimony, and obtain information from federal departments and agencies to support recommendations to Congress.

This hearing is the third in support of this effort and the first outside of Washington, DC.

The hearing is comprised of two panels that are open to the public via livestream. The first panel will be a Combatant Command commander who will provide his perspectives on the challenges and opportunities facing the Navy. The second panel will consist of the President of NPS, Principal Deputy Director of DIU, and corporate leaders from the Silicon Valley Defense Group, Shield Capital, and AE Industries, to discuss innovation and investment to ensure the Navy's future success.

The proceedings will be streamed live via the Commission's YouTube channel. Stakeholders and interested parties are encouraged to view the session online. For further information on the Commission, go to *www.futurenavy.senate.gov.*

Matthew Neumeyer,

Chief of Staff, National Commission on the Future of the Navy.

[FR Doc. 2026–18266 Filed 9–8–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

[DOE–2026–HQ–2026–1123]

RIN 1901–AB79

Securing the United States Bulk-Power System

AGENCY: Office of Cybersecurity, Energy Security, and Emergency Response, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: Consistent with the Executive order of August 26, 2026, *Declaring a National Emergency to Secure the United States Bulk-Power System,* the Department of Energy (DOE or the Department) is seeking information from industry and other stakeholders to inform DOE actions to implement the Executive order. Specifically, DOE seeks information regarding the scope of covered equipment and transactions; risks associated with Covered Foreign Entities and foreign-produced bulk-power system electric equipment; supply chain, software, firmware, digital service, maintenance service, and remote-access practices; existing equipment and potential mitigation; licensing and prequalification; domestic manufacturing and secure replacement capacity; Federal procurement; and potential economic, reliability, safety, and small-entity impacts.

DATES: Written responses, data, and information are requested and will be accepted on or before October 9, 2026. If you anticipate difficulty in submitting responses within that period, contact the person listed in **FOR FURTHER INFORMATION CONTACT** as soon as possible. DOE will hold a public meeting via webinar on Wednesday, September 16, 2026, from 3 to 4 p.m. EDT. See section III of this document, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit responses using the Federal eRulemaking Portal at *www.regulations.gov* under docket number DOE–HQ–2026–1123. Follow the instructions for submitting responses. Alternatively, interested persons may submit responses, identified by ''Bulk-Power System Executive Order RFI'' and Docket No. DOE–HQ–2026–1123, by any of the following methods:

Email: BulkPowerEO@doe.gov. Include ''Bulk-Power System Executive Order RFI'' in the subject line of the message.

Postal Mail/Hand Delivery: Eric Rollison, Assistant Director, Technology Development, Office of Cybersecurity, Energy Security, and Emergency Response, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting responses and additional information, see section IV of this document. Instructions for submitting Confidential Business Information (CBI) are provided in section IV. Do not submit CBI through the Federal eRulemaking Portal.

Docket: The docket for this activity, which includes **Federal Register** notices, responses, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/DOE-2026-HQ-2026-1123.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section IV of this document for information on how to submit responses through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eric Rollison, Assistant Director—Technology Development, U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *BulkPowerEO@doe.gov.* Telephone: 202–586–1769.

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I. Introduction

A. Background

The bulk-power system provides the electricity that supports United States national defense, vital emergency services, critical infrastructure, and the economy. Executive Order (E.O.) 14421 of August 26, 2026, *Declaring a National Emergency to Secure the United States Bulk-Power System,* found that certain foreign actors are increasingly creating and exploiting vulnerabilities in the United States bulk-power system and that the rapid growth of advanced manufacturing, data centers, artificial intelligence, and defense production has increased the Nation's dependence on abundant, reliable electricity and magnified the consequences of a potential successful attack or supply disruption. 91 FR 55995 (Aug. 31, 2026) (E.O. 14421).

E.O. 14421 further found that minimal restrictions on acquisition or operation in the United States of foreign-produced bulk-power system electric equipment augment the ability of some foreign entities to create and exploit vulnerabilities in such equipment; for instance, such equipment might have digital backdoors built into their systems that allow a foreign country to access that equipment remotely. E.O. 14421, Sec. 1. It also found that continued United States reliance on foreign sources of bulk-power system electric equipment with these potential national security vulnerabilities creates a supply chain vulnerability that could eliminate the supplies of these products in the United States as a result of disruptions in international trade or other causes. E.O. 14421, Sec. 1.

Based on these findings, E.O. 14421 declared a national emergency with respect to the threat to the bulk-power system in the United States and directed the Secretary of Energy (Secretary) to address transactions, existing equipment, mitigation, licensing, prequalification, and Federal procurement of such equipment. E.O.14421, Secs. 1 through 4. Consistent with the Department's commitment to public participation, DOE is soliciting views and information before developing measures to implement this directive.

B. Executive Order 14421

On August 26, 2026, the President issued E.O. 14421, *Declaring a National Emergency to Secure the United States Bulk-Power System.* The principal implementation elements of E.O. 14421 include the following:

(1) *Transactions involving foreign-produced bulk-power system electric equipment.* E.O. 14421 prohibits any acquisition, importation, transfer, or installation of foreign-produced bulk-power system electric equipment by any person, or with respect to any property, subject to the jurisdiction of the United States where the transaction involves any property in which any foreign country or a national thereof has any interest, including through an interest in a contract for the provision of the equipment; the transaction was initiated after the date of the Executive order; and the Secretary makes the determinations specified in section 2(a). E.O. 14421, Sec. 2(a). Those determinations encompass bulk-power system electric equipment and associated critical components, software, firmware, digital services, maintenance services, or remote-access capabilities designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a Covered Foreign Entity, where the transaction poses an undue or unacceptable risk described in E.O. 14421. E.O. 14421, Sec. 2(a)(i) through (ii).

(2) *Existing equipment.* For foreign-manufactured or operated bulk-power system electric equipment acquired or

installed before the date of E.O. 14421, the Secretary may impose conditions on continued use, operation, maintenance, servicing, or updating, including requirements to identify, isolate, monitor, secure, disconnect, replace, or remove equipment. Before directing isolation, disconnection, replacement, or removal, the Secretary must consider effects on reliability, safety, the availability of secure replacements, and continuity of essential service, and may establish phased compliance. E.O. 14421, Sec. 2(b).

(3) *Mitigation, exceptions, licensing, prequalification, and anti-evasion.* The Secretary may design or negotiate measures to mitigate concerns and may make such measures a precondition to approval of a transaction or class of transactions. E.O. 14421 contemplated regulations, orders, directives, or licenses that may authorize conduct otherwise within a prohibition. It also authorized criteria and procedures for recognizing particular equipment and vendors as prequalified for future transactions, while providing that prequalification does not limit the Secretary's authority to prohibit or otherwise regulate a transaction. Transactions that evade or avoid, have the purpose of evading or avoiding, cause a violation of, or attempt to violate a prohibition or requirement, and conspiracies to violate a prohibition or requirement, are prohibited. E.O. 14421, Sec. 2(c) through (f).

(4) *Implementation rules and existing-equipment recommendations.* E.O. 14421 directed the Secretary, within 120 days of its date and in consultation with other agencies, to publish rules or regulations implementing the Executive order, as needed. E.O. 14421, Sec. 3(b). It also directed the Secretary to identify bulk-power system electric equipment associated with Covered Foreign Entities that presents the risks described in the Executive order and to develop recommendations on ways to identify, inventory, isolate, monitor, or replace such items, taking into consideration overall risk to the bulk-power system. Rules and regulations issued pursuant to E.O. 14421 may also determine that particular countries or persons are a Covered Foreign Entity and identify persons owned by, controlled by, or subject to the jurisdiction or direction of a Covered Foreign Entity, exclusively for the purposes of the order. E.O. 14421, Sec. 3(b) through (c).

(5) *Federal procurement.* Within 180 days of the date of E.O. 14421, the Secretary, in consultation with the Federal Acquisition Regulation (FAR) Council and any other senior executive branch official the Secretary deems appropriate, must develop recommended revisions to the FAR to ensure that national security risks are adequately considered in Federal procurements concerning energy infrastructure and to prioritize acquisition of U.S.-manufactured energy infrastructure. E.O. 14421, Sec. 4(a) through (b).

When determining whether equipment is within the scope of E.O. 14421, consideration may also be given to associated software and firmware, remote-access capabilities, lifecycle maintenance and update mechanisms, and other supply chain dependencies that could present an unacceptable risk to the bulk-power system. Items not included in the list, or that have broader application beyond the bulk-power system unrelated to the national security concerns identified in E.O. 14421, are outside the scope of the Executive order. E.O. 14421, Sec. 5(b).

C. Purpose and Scope of This Request for Information

DOE seeks public input to develop practical, risk-informed, and administrable approaches to implementing E.O. 14421. The Department is particularly interested in information from electric utilities and other asset owners and operators; independent power producers; equipment manufacturers; original equipment manufacturers; component and sub-tier suppliers; software and firmware developers; digital, cloud, maintenance, monitoring, and remote-access service providers; engineering, procurement, construction, integration, installation, testing, and repair firms; distributors and resellers; investors and insurers; labor organizations; standards development and conformity assessment organizations; trade associations; academic and research institutions; State, local, Tribal, and territorial governments; consumer representatives; and other interested parties.

Respondents need not answer every question. To the extent possible, respondents should identify the question number addressed; distinguish current practices from recommended approaches; identify the equipment, service, transaction, business model, or segment to which the response applies; provide quantitative data and explain assumptions; describe feasible alternatives; and identify reliability, safety, national security, competition, cost, schedule, workforce, or implementation considerations. Respondents may provide aggregated or anonymized examples where transaction-specific information is sensitive.

This request for information is issued solely for informational and planning purposes. It does not constitute a proposed rule, order, directive, license, or determination concerning any country, person, transaction, equipment, or vendor. Participation is voluntary, and responses do not bind DOE or the public. Please carefully read section IV regarding the public nature of submissions and the procedures for submitting CBI. Do not include classified national security information, detailed exploit instructions, or other information whose public disclosure is restricted by law.

II. Request for Information

The Department seeks information responsive to the following questions. To the extent possible, respondents should provide supporting data, explain the basis for estimates, identify the period covered by the information, and note whether the response reflects a current practice, a planned practice, or a recommendation.

A. Scope, Definitions, and Covered Transactions

(A–1) Please identify the respondent's role or roles in the bulk-power system electric equipment market or supply chain, the types of equipment or services with which the respondent has experience, and the basis for that experience. Where relevant, identify the approximate size of the respondent, the geographic regions served, and whether the response reflects the perspective of an asset owner or operator, manufacturer, supplier, developer, service provider, integrator, installer, repair provider, distributor, purchaser, investor, insurer, standards body, governmental entity, or other stakeholder.

(A–2) Which equipment categories or applications in the Executive order's definition of ''bulk-power system electric equipment'' require further clarification to enable consistent compliance? What objective characteristics should DOE consider for utility-scale and other grid-connected inverters, battery energy storage systems (BESS), universal power systems (UPS) supporting critical infrastructure, small generators, backup generators, industrial control systems, and equipment used in facilities that combine transmission and distribution functions? Identify any equipment-specific voltage, capacity, connectivity, function, location, or criticality thresholds that would improve clarity without creating material security gaps.

(A–3) What criteria should DOE use to determine when a critical component, software, firmware, digital service, maintenance service, remote-access capability, is sufficiently ''associated with'' bulk-power system electric equipment to fall within the scope of a transaction review or other implementation measure? Separately, when determining whether equipment itself is within the definition of ''bulk-power system electric equipment,'' how should DOE consider associated lifecycle maintenance and update mechanisms and other supply chain dependencies that could present an unacceptable risk to the bulk-power system?

(a) Should this inquiry turn on whether the item or service can affect operation, protection, control, monitoring, availability, configuration, integrity, confidentiality, safety, or recovery of the equipment or the bulk-power system?

(b) How should DOE treat general-purpose hardware, commercial software, open-source software, telecommunications, cloud infrastructure, and enterprise services that support both bulk-power system and non-bulk-power-system functions?

(A–4) How should DOE distinguish items that have broader application beyond the bulk-power system and are unrelated to the national security concerns identified in E.O. 14421 from mixed-use items whose configuration, deployment, connectivity, or function creates a material bulk-power-system risk? What documentation is ordinarily available to make that distinction?

(A–5) For purposes of the definition of ''foreign-produced,'' what facts should DOE consider when determining whether an article is manufactured, produced, or assembled in the United States?

(a) How should DOE treat final assembly, substantial transformation, domestic content, contract manufacturing, original design manufacturing, white-labeling, refurbishment, remanufacturing, repair, and incorporation of foreign critical components?

(b) What facts should DOE consider when determining whether software, firmware, digital services, maintenance services, or remote-access capabilities associated with such equipment were ''designed, developed, manufactured, or supplied'' by persons owned by, controlled by, or subject to the jurisdiction or direction of a Covered Foreign Entity?

(c) What records can manufacturers, importers, distributors, and purchasers reasonably provide to substantiate country of manufacture, production, or assembly?

(A–6) Are there transaction classes, equipment classes, or risk-based thresholds that DOE should prioritize for early implementation or, where consistent with E.O. 14421, address through categorical procedures? Explain the relevant factors, such as equipment criticality, deployment scale, voltage or capacity, network connectivity, remote-access capability, concentration of supply, replacement lead time, consequences of failure, or use in support of defense, emergency, or other critical loads. Describe safeguards needed to prevent evasion through segmentation, relabeling, or *de minimis* arrangements.

B. Covered Foreign Entities and Supply Chain Risk Management

(B–1) What commercially available data sources, supplier disclosures, corporate records, certifications, or third-party services are used to identify foreign ownership, control, jurisdiction, direction, or influence? Describe their accuracy, limitations, coverage, update frequency, cost, and treatment of privately held firms, trusts, investment funds, State-owned enterprises, and opaque ownership structures.

(B–2) How far into sub-tier supply chains can asset owners, vendors, and service providers reasonably trace ownership, manufacturing location, software and firmware provenance, and access rights for bulk-power system electric equipment? What materiality, criticality, or risk thresholds should govern the depth of tracing, and how should unknown or unavailable information be treated?

(B–3) Do energy sector asset owners, operators, manufacturers, vendors, and service providers conduct periodic enterprise risk assessments or cybersecurity maturity evaluations that address foreign ownership, control, jurisdiction, direction, or influence and supply chain risk? Describe the scope, frequency, governance, evidence, and remediation processes, including the treatment of access to company and utility data, product development, source code, research partnerships, sub-tier suppliers, and critical services.

(B–4) What governance of sub-tier vendors is currently used? Address procurement contract language, security requirements, audit rights, cost-schedule-performance metrics, supplier scorecards, incident notification, location and ownership changes, integrator and installer controls, maintenance provider controls, and termination or transition rights. Which practices are effective, and what are the common gaps?

(B–5) What capabilities exist to provide and maintain software, firmware, and hardware bills of materials; track supply chain provenance and white-labeling; authenticate genuine components and updates; prevent tampering, unauthorized production, and counterfeits; and monitor sub-tier adherence to security requirements? Identify equipment categories for which such capabilities are mature, emerging, impracticable, or unavailable.

(B–6) What practices are used to secure software, firmware, digital services, maintenance services, and remote-access capabilities associated with bulk-power system electric equipment?

(a) Address secure development lifecycles, source code protection, reproducible or controlled builds, code signing, secure update mechanisms, vulnerability disclosure, patch validation, end-of-life support, escrow or continuity arrangements, and integrity verification.

(b) Address remote-access inventory, authorization, multifactor authentication, least privilege, time-limited access, session logging, monitoring, geographic restrictions, jump hosts, vendor credentials, emergency access, revocation, and the ability to disable remote access without impairing safe operation.

(c) Address telemetry, data collection, data residency, cloud hosting, license validation, digital rights management, remote monitoring, and vendor access to operational or configuration data.

(B–7) What information is available concerning vulnerability testing standards, independent product testing, penetration testing, compromise history, remediation timelines, and the effectiveness of mitigations for bulk-power system electric equipment and associated enterprise systems?

(a) How are vulnerabilities reported by researchers, vendors, asset owners, government entities, and other external parties received, validated, prioritized, remediated, and communicated?

(b) What records are maintained, for how long, and in what form?

(c) Which insecure-by-design or vulnerable communication protocols, services, or default configurations remain in use, cannot be disabled, or require compensating controls?

(d) What physical, logistical, role-based access, personnel screening, and insider-risk practices are used during manufacturing, shipping, installation, commissioning, maintenance, and repair?

(e) How do stakeholders participate in information-sharing and testing programs, and what barriers limit timely exchange of supply chain risk, vulnerability, and indicator information with other stakeholders and the Federal Government?

C. Risk Evaluation and Transaction Review

(C–1) How should DOE evaluate consequence and system criticality of equipment identified as part of E.O. 14421? Within your response, address, as applicable, the equipment's function; location; voltage or capacity; role in protection, control, restoration, blackstart, or defense-critical service; redundancy; substitutability; network connectivity; remote-access capability; number and concentration of deployments; common-mode exposure; time to detect and recover; availability of spares; and potential cascading, regional, economic, safety, or national defense effects.

(C–2) What evidence should DOE consider when evaluating technical and supply chain risk? Address vendor and product history; ownership and control information; design and development practices; production and testing records; certifications; independent laboratory results; vulnerability and incident history; software and firmware provenance; update and remote-access architecture; secure development practices; supply concentration; geopolitical and logistics exposure; and the quality, recency, and verifiability of evidence.

(C–3) What factors best measure the risk of supply disruption? Identify equipment or critical inputs for which single-source or concentrated supply, limited domestic capacity, unusually long lead times, scarce testing capability, unique intellectual property, restricted technical data, specialized transportation, critical minerals or materials, or dependence on foreign maintenance and updates creates material risk. Explain how such risks vary over the equipment lifecycle.

D. Existing Equipment and Mitigation

(D–1) Which data fields do asset owners and operators currently maintain, such as manufacturer, model, serial number, production facility, country of manufacture or assembly, supplier, integrator, installation date, firmware and software versions, component provenance, network connectivity, remote-access pathways, service provider, support status, and replacement lead time?

(a) For installed equipment, what information is commonly unavailable, and what reasonable methods can be used to estimate or validate origin, ownership, access, and risk?

(D–2) For foreign-manufactured or operated existing equipment that may present one or more of the risks described in the Executive order, what measures are technically and operationally available to identify, isolate, monitor, secure, disconnect, replace, or remove the equipment? How should DOE compare the effectiveness, limitations, implementation time, cost, verification methods, and residual risk of these measures, including network segmentation, monitoring, access restrictions, firmware replacement, removal of remote access, vendor transition, spare strategies, and physical controls.

(D–3) What reliability, safety, availability-of-secure-replacement, and continuity-of-essential-service factors should DOE evaluate before directing isolation, disconnection, replacement, or removal? What technical studies, operating criteria, contingency analyses, or certifications should support that evaluation?

(D–4) How should DOE monitor and verify implementation and continuing effectiveness of measures applied to existing equipment? What reporting, testing, inspection, attestation, independent assessment, change-notification, and recordkeeping approaches are practical? Describe mechanisms that would allow DOE to obtain useful information while protecting CBI, sensitive security information, and system-specific details. Non-sensitive case studies and aggregate data are encouraged.

E. Licensing, Mitigation Measures, and Prequalification

(E–1) What information should a license application contain, who should be responsible for submitting and certifying it, and what review timelines and completeness criteria would be workable? How should DOE treat pending procurements, imminent outages, emergency restoration, unavailable secure replacements, or other time-sensitive circumstances?

F. Domestic Manufacturing, Secure Replacements, and Federal Procurement

(F–1) Which categories of bulk-power system electric equipment, critical components, software, firmware, production tooling, testing capability, critical minerals, or other supply chain inputs are materially dependent on foreign sources or concentrated in a limited number of countries or suppliers? Provide, where available, aggregate information on source concentration, domestic and foreign capacity, lead times, substitution constraints, and the causes of dependence, such as lack of domestic capability, cost, quality, intellectual property, specialized materials, workforce, or testing infrastructure.

(F–2) What is the current and reasonably anticipated U.S. manufacturing, assembly, integration, repair, testing, and service capacity for major categories of bulk-power system electric equipment and critical components? Identify capacity constraints, minimum efficient scale, capital and permitting needs, workforce needs, expected time to expand capacity, and the demand certainty required to support investment.

(F–3) For equipment that may require replacement or restricted sourcing, what secure alternatives are available or under development? Address technical equivalence, interoperability, certification, footprint and civil works, control integration, software and firmware compatibility, warranty and support, lead time, lifecycle cost, and the ability to maintain reliability and continuity of essential service during transition.

(F–4) How can Federal procurement prioritize U.S.-manufactured energy infrastructure while preserving competition, reliability, safety, quality, interoperability, timely delivery, and value? Identify appropriate transition periods, exceptions, waivers, alternate-source requirements, or emergency procedures and the criteria that should govern them.

(F–5) What additional actions could improve the availability and resilience of secure supply? Address long-term demand signals, aggregated procurement, advance purchase commitments, strategic spares or reserves, mutual assistance, standardization, modularity, interoperability, repair capability, domestic testing facilities, workforce development, information sharing, coordination between Federal and non-Federal purchasers, and other market or policy mechanisms. Describe potential benefits, costs, risks, and implementation lead times.

G. Economic and Regulatory Analysis

(G–1) What are the estimated one-time and recurring costs of developing, implementing, and periodically revising compliance plans and procedures associated with E.O. 14421 and potential DOE implementation measures?

(a) Evaluating applicability and requirements.

(b) Developing supply chain documentation, ownership and control evaluations, risk assessments, inventories, and internal review processes.

(c) Implementing new supplier qualification processes, contractual provisions, audits, testing, monitoring, training, and change-notification processes.

(d) Preparing and supporting transaction reviews, license applications, mitigation agreements, prequalification submissions, records retention, and responses to information requests.

(e) Identifying, isolating, monitoring, securing, disconnecting, replacing, or removing existing equipment.

(f) Other compliance, legal, engineering, cybersecurity, reliability, outage, financing, or administrative costs.

(G–2) Provide cost estimates, where possible, by respondent type and size, equipment category, transaction type, and implementation alternative. Identify labor hours and wage assumptions, capital costs, third-party fees, testing costs, inventory and carrying costs, outage or downtime costs, schedule effects, and the expected frequency of recurring activities.

(G–3) How could prohibitions, transaction reviews, licensing, mitigation, prequalification, domestic manufacturing preferences, or existing-equipment measures affect equipment prices, lead times, supplier concentration, competition, innovation, financing, insurance, warranties, contractual risk allocation, maintenance support, and availability of secure equipment and services? Identify equipment categories and market segments most likely to be affected.

(G–4) What reliability, safety, resilience, and continuity-of-essential-service costs or benefits could result from different implementation approaches? Include effects associated with delayed projects, forced outages, accelerated replacement, reduced access to vendor support, increased spare inventories, diversification of supply, improved security, and reduced likelihood or consequence of disruption.

(G–5) What benefits should DOE consider and, where possible, quantify? Address avoided or reduced risks of sabotage, subversion, unauthorized access, malicious remote action, supply disruption, cascading outages, emergency response, public health and safety impacts, economic losses, and national defense impacts. Identify data, models, scenarios, or proxies that could support estimation without requiring disclosure of sensitive system information.

(G–6) What unique challenges could E.O. 14421 and potential DOE implementation measures present to small businesses and other small entities? Address access to ownership and provenance information, bargaining power with large suppliers, certification and testing costs, legal and technical expertise, minimum order quantities, long lead times, access to capital, participation in prequalification, and the ability to replace or mitigate existing equipment. What flexibilities could reduce disproportionate burden while maintaining security?

(G–7) What regulatory alternatives, thresholds, sequencing, phased compliance approaches, safe transition mechanisms, standardized forms, shared services, or technical assistance could achieve the objectives of E.O. 14421 with lower cost or burden? Describe potential effects on consumers, electricity rates, regional markets, rural and remote systems, publicly owned and cooperative utilities, and the broader economy, and explain the basis for any quantitative estimates.

H. Implementation, Information Sharing, and Other Matters

(H–1) What technical assistance, pilot programs, voluntary measures, templates, model contract clauses, data standards, or stakeholder engagement would help asset owners, manufacturers, vendors, and service providers prepare for implementation?

(H–2) Please identify any additional issue relevant to DOE's implementation of E.O. 14421 that is not addressed above and provide specific recommendations and supporting information.

(H–3) DOE seeks information about whether and how industry standards and/or third-party laboratories and certification bodies can be leveraged to implement E.O. 14421, limit the U.S. government role in initial execution, and maintain industry flexibility.

III. Public Participation

A. Participation in the Webinar

The time and date for the webinar meeting are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on CESER's web page here: *https://www.energy.gov/ceser/office-cybersecurity-energy-security-and-emergency-response.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Conduct of the Webinar

DOE will be hosting an informational webinar to assist the public in responding to this RFI. A designated Federal Officer will preside at the webinar. A transcript of the webinar will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this document.

IV. Submission of Responses

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, responses and information on matters addressed in this request. To the extent possible, please reference the question number addressed in each response.

Submitting responses through www.regulations.gov. The *www.regulations.gov* website requires you to provide your name and contact information. Your contact information will be viewable to DOE staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your response is not processed properly because of technical difficulties, DOE may use this information to contact you. If DOE cannot read your response due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your response.

Your contact information will be publicly viewable if you include it in the response or in any documents attached to the comment. Any information that you do not want to be publicly viewable should not be included in your response or in any document attached to your comment. If this instruction is followed, persons viewing responses will see the submitter information made public by the portal, correspondence containing responses, and any documents submitted with the responses.

Do not submit through *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (referred to in this notice as CBI). Responses submitted through *www.regulations.gov* cannot be claimed as CBI, and submission received through the website will waive any CBI claim for the information submitted. For instructions on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before

posting. Normally, responses will be posted within a few days of submission. However, if large volumes of responses are being processed, your response may not be viewable for several weeks. Please keep the tracking number that *www.regulations.gov* provides after you have successfully uploaded your response.

Submitting responses by email, hand delivery, or postal mail. Responses and documents submitted by email, hand delivery, or postal mail will also be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your response or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any information responsive to the request for information.

Include contact information each time you submit responses, data, documents, or other information to DOE. If you submit via hand delivery or postal mail, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No faxes will be accepted.

Responses, data, and other information submitted electronically should be provided in PDF (preferred), Microsoft Word, Microsoft Excel, or text file format. Provide documents that are not secured, are written in English, and are free of defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters through the originating organization in batches of between 50 and 500 form letters per PDF, or submit one form letter with a list of supporters' names compiled into one or more PDFs. This practice reduces processing and posting time.

Confidential Business Information. Under 10 CFR 1004.11, a person submitting information that the person believes to be confidential and exempt by law from public disclosure should submit by email two well-marked copies: one copy marked ''confidential,'' which includes all information believed to be confidential, and one copy marked ''non-confidential'' with the information believed to be confidential deleted. Submit both copies to *BulkPowerEO@doe.gov* with the subject line ''CBI—Bulk-Power System Executive Order RFI—Docket No. DOE–HQ–2026–1123.'' DOE will make its own determination regarding the confidential status of the information and will treat the information according to that determination.

It is DOE's policy that all responses may be included in the public docket, without change and as received, including personal information provided in the responses, except information DOE determines is exempt from public disclosure. Do not submit classified information or other information whose public disclosure is prohibited by law.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this request for information.

Signing Authority

This document of the Department of Energy was signed on September 4, 2026, by Andrew McClure, Director, Office of Cybersecurity, Energy Security, and Emergency Response, pursuant to delegated authority from the Secretary of Energy. The document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication as an official document of the Department of Energy. This administrative process does not alter the legal effect of the document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 4, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–18370 Filed 9–8–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2302–000]

Brookfield White Pine Hydro, LLC; Notice of Authorization for Continued Project Operation

The license for the Lewiston Falls Hydroelectric Project No. 2302 was issued for a period ending August 31, 2026.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2302 is issued to Brookfield White Pine Hydro, LLC for a period effective September 1, 2026, through August 31, 2027, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before August 31, 2027, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Brookfield White Pine Hydro, LLC is authorized to continue operation of the Lewiston Falls Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18356 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–568–000]

Golden Triangle Storage, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on August 24, 2026, Golden Triangle Storage, LLC (GTS), 919 Milam Street, Suite 2425, Houston, Texas 77002, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization to amend the certificate of public convenience and necessity issued in Docket No. CP23–542–000.[1] GTS requests to increase working gas capacity by 12.1 billion cubic feet (Bcf) (7.3 Bcf for Cavern 3 and 4.8 Bcf for Cavern 4), revise the minimum operating pressure gradient to 0.20 pound per square inch per foot, and authorize injection up to 1,925 million cubic feet per day (MMcf/d) and withdrawal up to 1,700 MMcf/d at its Central Storage Site in Jefferson and Orange Counties, Texas (Expansion Project Amendment), all as more fully set forth in the application which is on file with the Commission and open for 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 regarding the proposed project should be directed to Tyler R. Brown, Paul Hastings LLP, Counsel for GTS, 1197 Peachtree Street NE, Suite 200, Atlanta, GA 30361, by phone at (404) 815–2400, or by email at *tylerbrown@paulhastings.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on September 24, 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.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[3] and 385.211[4] of the Commission's regulations under the NGA, any person[5] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[6] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on September 24, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–568–000 in your submission.

(1) 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;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–568–000).

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 courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will

[1] *Golden Triangle Storage, LLC,* 188 FERC ¶ 61,052 (2024).

[2] 18 CFR 157.9.

[3] 18 CFR 157.10(a)(4).

[4] 18 CFR 385.211.

[5] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[6] 18 CFR 385.2001.

receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, 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. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[7] 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 [8] and the regulations under the NGA [9] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on September 24, 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.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–568–000 in your submission.

(1) You may file your motion to intervene 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 ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–568–000.

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 courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (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: Tyler R. Brown, Paul Hastings LLP, Counsel for GTS, 1197 Peachtree Street NE, Suite 200, Atlanta, GA 30361, or by email (with a link to the document) at *tylerbrown@paulhastings.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. Service can be via email with a link to the document.

All timely, unopposed [10] motions to intervene are automatically granted by operation of Rule 214(c)(1).[11] 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.[12] 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.

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.*

Intervention Deadline: 5:00 p.m. Eastern Time on September 24, 2026.

(Authority: 18 CFR 2.1.)

Dated: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18360 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

[7] 18 CFR 385.102(d).

[8] 18 CFR 385.214.

[9] 18 CFR 157.10.

[10] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[11] 18 CFR 385.214(c)(1).

[12] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–147–000.

Applicants: Greenbacker Renewable Energy Company LLC.

Description: Supplement to 08/10/2026, Application for Authorization Under Section 203 of the Federal Power Act of Greenbacker Renewable Energy Company LLC.

Filed Date: 9/2/26.

Accession Number: 20260902–5156.

Comment Date: 5 p.m. ET 9/14/26.

Docket Numbers: EC26–164–000.

Applicants: Weaver Wind, LLC, Weaver Wind Maine Master Tenant, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Weaver Wind, LLC, et al.

Filed Date: 9/2/26.

Accession Number: 20260902–5165.

Comment Date: 5 p.m. ET 9/23/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER10–3084–004; ER10–3085–003; ER10–3090–003; ER13–628–002; ER10–3087–003; ER10–3095–003.

Applicants: Wellhead Power eXchange, LLC, Wellhead Power Panoche, LLC, Wellhead Power Delano, LLC, Fresno Cogeneration Partners, L.P., Escondido Energy Center, LLC, Chula Vista Energy Center, LLC.

Description: Notice of Non-Material Change in Status of Chula Vista Energy Center, LLC, et al.

Filed Date: 9/2/26.

Accession Number: 20260902–5160.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER20–2819–004.

Applicants: Pleinmont Solar 1, LLC.

Description: Compliance filing: Compliance Filing to be effective 1/1/2024.

Filed Date: 9/3/26.

Accession Number: 20260903–5102.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER21–350–004.

Applicants: Highlander Solar Energy Station 1, LLC.

Description: Compliance filing: Compliance Filing to be effective 1/1/2024.

Filed Date: 9/3/26.

Accession Number: 20260903–5110.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER21–521–004.

Applicants: Richmond Spider Solar, LLC.

Description: Compliance filing: Compliance Filing to be effective 1/1/2024.

Filed Date: 9/3/26.

Accession Number: 20260903–5120.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER21–2474–004.

Applicants: Pleinmont Solar 2, LLC.

Description: Compliance filing: Compliance Filing to be effective 1/1/2024.

Filed Date: 9/3/26.

Accession Number: 20260903–5104.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–69–001.

Applicants: Appalachian Power Company.

Description: Tariff Amendment: Amend Pending-OATT Revise Attachment K, AEP Texas Inc. (Final Rates, PUCT Order) to be effective 3/20/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5048.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3690–000; TS26–8–000.

Applicants: Beekman PV I, LLC, Beekman PV I, LLC.

Description: Request for Temporary Waivers, et al. of Beekman PV I, LLC.

Filed Date: 9/2/26.

Accession Number: 20260902–5117.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER26–3695–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Revisions to Temporary Schedule 12A in Attachment O to be effective 5/2/2026.

Filed Date: 9/2/26.

Accession Number: 20260902–5136.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER26–3696–000.

Applicants: Anchor Point Plains, LLC.

Description: § 205(d) Rate Filing: Baseline new to be effective 11/2/2026.

Filed Date: 9/2/26.

Accession Number: 20260902–5140.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER26–3697–000.

Applicants: Portland General Electric Company.

Description: § 205(d) Rate Filing: PGE-PacifiCorp St Johns to Knott Cost Reimbursement Agrmt to be effective 9/3/2026.

Filed Date: 9/2/26.

Accession Number: 20260902–5145.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER26–3698–000.

Applicants: Interstate Power and Light Company.

Description: Request for Limited One-Time Waiver of Tariff Provisions of Interstate Power and Light Company.

Filed Date: 9/2/26.

Accession Number: 20260902–5158.

Comment Date: 5 p.m. ET 9/23/26.

Docket Numbers: ER26–3699–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5822; Queue No. AE1–143 to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5033.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3700–000.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3198R1 Evergy MO West/City of Gilman City, MO Int Agr cancel to be effective 4/30/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5053.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3701–000.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3203R1 Evergy MO West & City of Osceola, MO Int Agr Cancel to be effective 4/30/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5056.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3702–000.

Applicants: Midcontinent Independent System Operator, Inc., Michigan Electric Transmission Company, LLC.

Description: § 205(d) Rate Filing: Michigan Electric Transmission Company, LLC submits tariff filing per 35.13(a)(2)(iii: 2026–09–03_SA 4856 METC-Blue Belt Energy E&P (J2822) to be effective 9/2/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5058.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3703–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA, SA No. 7346; Project Identifier No. AE2–339 to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5067.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3704–000.

Applicants: Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Filing of a Joint Use Agreement (RS No. 15) to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5074.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3705–000.

Applicants: Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Filing of a Joint Use Agreement (RS No. 16) to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5081.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3706–000.

Applicants: Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Submission of Joint Use Agreement (RS No. 17) to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5085.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3707–000.

Applicants: Ameren Illinois Company.

Description: § 205(d) Rate Filing: Certificate of Concurrence for Joint Use Agreement—RS 17 (RS No. 169) to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5095.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3708–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Revisions to Temporary Section 12A in Attachment O to be effective 5/2/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5124.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3709–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: RS No. 327_Dynamic Transfer Agreement w. SRP to be effective 11/4/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5137.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3710–000.

Applicants: Interstate Power and Light Company.

Description: § 205(d) Rate Filing: Worthwhile Solar RLBAA to be effective 11/2/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5143.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3711–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 1st Amended DSA, Painter BESS + eTariff Record Removal (WDT1539/SA No. 1107) to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5150.

Comment Date: 5 p.m. ET 9/24/26.

Take notice that the Commission received the following Foreign Utility Company Status filings:

Docket Numbers: FC26–20–000.

Applicants: MG Prospectum Energia 2 Sp. z o.o., Sunfarm 1 Sp. z o.o., MG Makado Energia 2 Sp. z o.o., MG Solar 1 Sp. z o.o., MG Solar 5 Sp. z o.o., Szerokopas Sp. z o.o., PEF 3 Sp. z o.o., Janowo Sp. z o.o., Harlow Sp. z o.o., SF PV Produkcja 1 Sp. z o.o., Gietrzwald Sp. z o.o., SUNinvest F&E GmbH & Co. KG, SUNfarming Projekt Nord Eider GmbH & Co. KG, SF Energy Invest Mecklenburg Vorpommern 1 GmbH & Co. KG.

Description: MG Prospectum Energia 2 Sp. z o.o., et al. submit Notice of Self-Certification of Foreign Utility Company Status.

Filed Date: 9/3/26.

Accession Number: 20260903–5055.

Comment Date: 5 p.m. ET 9/24/26.

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: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18357 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11006–000]

City of Lewiston, Maine; Notice of Authorization for Continued Project Operation

The license for the Upper Androscoggin Hydroelectric Project No. 11006 was issued for a period ending August 31, 2026.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 11006 is issued to the City of Lewiston, Maine for a period effective September 1, 2026, through August 31, 2027, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before August 31, 2027, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the City of Lewiston, Maine is authorized to continue operation of the Upper Androscoggin Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18362 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EG26–253–000, EG26–254–000, EG26–255–000, EG26–256–000, EG26–257–000, EG26–258–000, EG26–259–000, EG26–260–000, EG26–261–000, EG26–262–000, EG26–263–000, EG26–264–000, EG26–265–000, EG26–266–000, EG26–267–000, EG26–268–000, EG26–269–000, FC26–19–000]

Notice of Effectiveness of Exempt Wholesale Generator and Foreign Utility Company Status

AFTW Storage, LLC
Blackwell Test Facility, LLC
Piedra Solar, LLC
Jackson Ctr Solar, LLC
Jackson Ctr Solar II, LLC
Kifer Energy Storage LLC
Border Basin, LLC
Athos Storage, LLC
1370 Shannon LLC
Kearsarge Chicopee BESS LLC
Kearsarge Middleborough BESS LLC
Kearsarge Walden Street LLC
NIPSCO Generation LLC
Illinois Generation LLC
Zydeco Solar LLC

Spindle Battery LLC
Oregon Trail Solar, LLC
Absolute Energy S.p.A

Take notice that during the month of August 2026, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2025).

Dated: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18355 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11546–023]

City of Thief River Falls Municipal Utilities; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 11546–023.

c. *Date filed:* August 28, 2026.

d. *Applicant:* City of Thief River Falls Municipal Utilities.

e. *Name of Project:* Municipal Power Dam Hydroelectric Project (project).

f. *Location:* On the Red Lake River, in the City of Thief River Falls, in Pennington County, Minnesota.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ronnie Lund, Chief Power Plant Operator, City of Thief River Falls, P.O. Box 528, 1711 1st Street West, Thief River Falls, MN 56701–0528, phone (218) 681–3506.

i. *FERC Contact:* David Graefe, (202) 502–6137, *david.graefe@ferc.gov*.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* on or before 5:00 p.m. Eastern Time on October 27, 2026.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–11546–023.

m. This application is not ready for environmental analysis at this time.

n. *Project Description:* The project consists of the following existing facilities: (1) a 160-acre reservoir; (2) a 193-foot-long, 24.5-foot-high concrete gravity spillway dam with three Tainter gates and four fixed-crest sections with flashboards; (3) one 220-foot-long earthen embankment connecting the concrete spillway to the powerhouse; (4) a 37-foot-long, 31-foot-high powerhouse containing two vertical Francis type turbines, with a total generating capacity of 0.55 megawatts; (5) a substation north of the powerhouse; (6) 50-foot-long transmission lines; and (7) appurtenant facilities.

The project is operated as a run-of-river facility for the purpose of generating electric power. City of Thief River Falls Municipal Utilities is not proposing any changes to project facilities or operation.

o. A copy of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. 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.*

q. Procedural schedule and final amendments: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Notice of Acceptance	March 2027.
Issue Scoping Notice	April 2027.
Scoping Comment Due	May 2027.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

(Authority: 18 CFR 2.1)

Dated: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18358 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8405–024]

Green River Power Corporation; Notice of Reasonable Period of Time for Water Quality Certification Application

On September 2, 2026, the New Hampshire Department of Environmental Services (New Hampshire DES) filed with the Federal Energy Regulatory Commission (Commission) notice that it received a complete request for Clean Water Act section 401(a)(1) water quality certification from Green Mountain Power Corporation in conjunction with the above captioned project, on July 20,

2026. Pursuant to section 5.23(b) of the Commission's regulations,[1] we hereby notify New Hampshire DES of the following:

Date of Receipt of the Certification Request: July 20, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, July 20, 2027.

If New Hampshire DES fails or refuses to act on the water quality certification requests 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: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18359 Filed 9–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C.552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: September 10, 2026, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426, Open to the public.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Debbie-Anne A. Reese, Secretary, Telephone (202) 502–8400.

For a recorded message listing items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed online at the Commission's website at *https://elibrary.ferc.gov/eLibrary/search* using the eLibrary link.

1139TH—MEETING

[Open, September 10, 2026, 10:00 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD26–1–000	Agency Administrative Matters.
A–2	AD26–2–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD26–11–000	System Performance Review of the Winter 2026 Arctic Cold Period.
	Electric	
E–1	RD26–9–000	North American Electric Reliability Corporation.
E–2	EL26–45–000	ISO New England Inc.
E–3	ER20–681–016	Tri-State Generation and Transmission Association, Inc.
E–4	EC26–76–000	Grays Harbor Energy LLC, Hardee Power Partners Limited, Invenergy Cannon Falls LLC, Invenergy Nelson LLC, Invenergy Nelson Expansion LLC, Lackawanna Energy Center LLC, Spindle Hill Energy LLC and Gray Wolf Power, LLC.
E–5	ER20–1385–004	Bluestone Farm Solar, LLC.
	ER22–210–002	ENGIE 2020 ProjectCo-NH1 LLC.
	ER17–1370–010	ENGIE Energy Marketing NA, Inc.
	ER16–581–011	ENGIE Portfolio Management, LLC.
	ER21–2204–004	ENGIE Power & Gas LLC.
	ER16–2271–010	ENGIE Resources LLC.
	ER22–1929–002	ENGIE Solidago Solar LLC.
	ER21–1254–004	Genbright LLC.
	ER21–1498–003	Hawtree Creek Farm Solar, LLC.
	ER10–3194–009	MATEP LLC.
	ER10–3195–010	MATEP Limited Partnership.
	ER22–1927–002	Sunnybrook Farm Solar, LLC.
	ER22–1945–001	Powells Creek Farm Solar, LLC.
	ER22–1928–001	Salt City Solar LLC.
	ER20–1853–003	Whitehorn Solar LLC.
E–6	ER23–276–000	TransAlta Energy Marketing (U.S.) Inc.
E–7	ER23–450–000	Mercuria Energy America, LLC.
E–8	ER23–316–000	Calpine Energy Services, L.P.
E–9	ER26–1861–001	Southwest Power Pool, Inc.
E–10	ER19–266–004, ER19–266–005	Invenergy Nelson LLC.
	ER24–2166–003, ER24–2166–004,	Invenergy Nelson Expansion LLC.
	ER18–2370–006, ER18–2370–007	Lackawanna Energy Center LLC.
	Hydro	
H–1	P–14861–003	FFP Project 101, LLC.
H–2	P–2639–028	Northern States Power Company-Wisconsin.

[1] 18 CFR 5.23(b).

1139TH—MEETING—Continued

[Open, September 10, 2026, 10:00 a.m.]

Item No.	Docket No.	Company
	Certificates	
C–1	CP25–547–000	Gulf South Pipeline Company, LLC.
	CP25–549–000	Texas Gas Transmission, LLC.
C–2	CP26–104–000	Venture Global Gator Express, LLC.
C–3	CP26–16–000	Texas Gas Transmission, LLC.
C–4	CP26–9–000	UGI Auburn, LLC and UGI Auburn Gathering, LLC.
	CP26–9–001.	

A free webcast of this event is available through the Commission's website. Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502–8680 or email *customer@ferc.gov* if you have any questions.

Commission Open Meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–8659 (TTY) or send a fax to (202) 208–2106 with the required accommodations.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters but will not be telecast.

Issued: September 3, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18361 Filed 9–4–26; 11:15 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2022–0093, EPA–R09–OAR–2019–0001, EPA–R09–OAR–2021–0046, and EPA–R09–OAR–2022–0220; FRL–13548–01–R9]

Approval of Clean Air Act General Permit Requests for Coverage for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: On various dates, the U.S. Environmental Protection Agency (EPA) issued approvals to Yavapai-Apache Sand and Rock, Navajo Engineering and Construction Authority (NECA), and Fann Contracting, Inc. (''Permittees'') under the Clean Air Act's Tribal Minor New Source Review (NSR) Program. The EPA approved these Requests for Coverage under the General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country (''HMA Plants General Permit'') for Yavapai-Apache Sand and Rock, the NECA Portable Hot Mix Asphalt Plant, the N12 Portable Hot Mix Asphalt Plant, and the Kayenta Hot Plant Site (''Sources''). These approvals authorized the construction and operation of these Sources under the Tribal Minor NSR Program.

DATES: The Requests for Coverage were approved by the EPA on various dates. See the **SUPPLEMENTARY INFORMATION** section. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit no later than November 9, 2026.

ADDRESSES: The EPA has established dockets for these actions under Docket ID Nos. EPA–R09–OAR–2022–0093, EPA–R09–OAR–2019–0001, EPA–R09–OAR–2021–0046, and EPA–R09–OAR–2022–0220. All documents in the dockets are listed on the *https://www.regulations.gov* website. Although listed in an index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Catherine Valladolid, EPA Region 9; telephone number: (415) 947–4103; email address: *valladolid.catherine@epa*.gov. The EPA's final approval decisions, the Technical Support Documents for these actions, and all other supporting information are available through *www.regulations.gov* under the Docket ID Nos. listed in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

The EPA approved four Requests for Coverage under the HMA Plants General Permit [1] submitted by the Permittees. The Requests for Coverage under the HMA Plants General Permit were approved on the dates listed in Table 1. These approvals pertain to the construction and operation of the Sources, all of which are or were hot mix asphalt plants, located in Indian Country. The EPA issued the approvals pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the

[1] The HMA Plants General Permit was issued by the EPA under the Tribal Minor NSR Program on May 1, 2015, and the permit became effective June 1, 2015 (80 FR 25068, May 1, 2015). This permit is available on *https://www.regulations.gov* under Document ID EPA–HQ–OAR–2011–0151–0132.

EPA's Tribal Minor NSR Program at 40 CFR 49.151 through 49.165. The EPA based its approvals on its determinations that the Sources met the criteria qualifying them for coverage and that the Sources were eligible for coverage under the HMA Plants General Permit.

TABLE 1—SOURCE APPROVALS UNDER THE HMA PLANTS GENERAL PERMIT

Source	Location	Docket ID	Approval date
Yavapai-Apache Sand and Rock	Camp Verde, AZ	EPA–R09–OAR–2022–0093	May 11, 2018.
NECA Portable Hot Mix Asphalt Plant	Apache County, AZ	EPA–R09–OAR–2019–0001	April 11, 2019.
N12 Portable Hot Plant Site	Tsaile, AZ	EPA–R09–OAR–2021–0046	April 13, 2021.
Kayenta Hot Plant Site	Kayenta, AZ	EPA–R09–OAR–2022–0220	April 27, 2022.

The EPA's Clean Air Act approvals for these Sources are final agency actions for purposes of judicial review only for the issue of whether the Sources qualify for coverage under the HMA Plants General Permit (40 CFR 49.156(e)(6)).

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

Dated: August 31, 2026.

Anita Lee,

Director, Air and Radiation Division, Region IX.

[FR Doc. 2026–18288 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2026–6370; FRL–13557–01–R9]

Publication of Notification of Coverage Under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country for Costco Fuel Facility, Location No. 1834

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: On July 10, 2026, the U.S. Environmental Protection Agency (EPA), Region IX posted the Notification of Coverage (NOC) from the Costco Wholesale Corporation (''Permittee'') under the Clean Air Act's Tribal Minor New Source Review (NSR) Program. The Permittee submitted the NOC under the Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country (''GDF–PBR'') for Costco Fuel Facility, Location No. 1834 (''Source''). The publication of the NOC is final agency action with respect to applicability of the GDF–PBR to the Source under the Tribal Minor NSR Program.

DATES: The NOC was published by the EPA on July 10, 2026. See the **SUPPLEMENTARY INFORMATION** section. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of November 9, 2026.

ADDRESSES: The EPA has established dockets for this action under Docket No. EPA–R09–OAR–2026–6370. All documents in the dockets are listed on the *https://www.regulations.gov* website. Although listed in an index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Catherine Valladolid, EPA Region 9; telephone number: (415) 947–4103; email address: *valladolid.catherine@epa.gov.* The EPA's letter notifying the Permittee of the publication of the NOC, the EPA's determination that the Source satisfactorily completed the relevant screening processes for consideration of threatened and endangered species and historic properties, and all other supporting information are available through *http://www.regulations.gov* under the Docket ID listed in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

On July 10, 2026, the EPA published the NOC submitted by the Permittee. This NOC pertains to the construction and operation of the Source, a new warehouse store and fuel station to be located on the Tribal lands of the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona in Scottsdale, Arizona. The EPA published the NOC pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the EPA's Tribal Minor NSR Program at 40 CFR 49.151 through 49.165. On April 2, 2026, the EPA determined that the Source completed the screening procedures for consideration of threatened and endangered species and historic properties, and on July 8, 2026, the Source submitted the NOC to the EPA.

The EPA's posting of the NOC is considered final agency action for purposes of judicial review only for the issue of the GDF–PBR's applicability to the Source (40 CFR 49.156(f)(6)(v)).

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

Dated: August 31, 2026.

Anita Lee,

Director, Air and Radiation Division, Region IX.

[FR Doc. 2026–18287 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2022–0095, EPA–R09–OAR–2022–0118, EPA–R09–OAR–2018–0699, EPA–R09–OAR–2019–0598, EPA–R09–OAR–2020–0366, EPA–R09–OAR–2022–0654, and EPA–R09–2025–0301; FRL–13549–01–R9]

Approval of Clean Air Act General Permit Requests for Coverage for New or Modified Minor Source Concrete Batch Plants in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: On various dates, the U.S. Environmental Protection Agency (EPA) issued approvals to Oscar Renda Contracting, Inc., FNF Construction, Inc., CEMEX Construction Materials South, LLC, and Core Ready Mix, LLC, (''Permittees'') under the Clean Air Act's Tribal Minor New Source Review (NSR) Program. The EPA approved these Requests for Coverage under the General

Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country (''Concrete Batch Plants General Permit'') for Window Rock Airport, Navajo Nation Crushing/Screening Operation, CEMEX—Higley Plant, Oscar Renda Contracting, Inc., Portable Concrete Batch Plant Facility, and Core Ready Mix Higley Plant (''Sources''). These approvals authorized the construction and operation of these Sources under the Tribal Minor NSR Program.

DATES: The Requests for Coverage were approved by the EPA on various dates. See the **SUPPLEMENTARY INFORMATION** section. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit no later than November 9, 2026.

ADDRESSES: The EPA has established dockets for these actions under Docket ID Nos. EPA–R09–OAR–2022–0095, EPA–R09–OAR–2022–0118, EPA–R09–OAR–2018–0699, EPA–R09–OAR–2019–0598, EPA–R09–OAR–2020–0366, EPA–R09–OAR–2022–0654, and EPA–R09–2025–0301. All documents in the dockets are listed on the *https://www.regulations.gov* website. Although listed in an index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Catherine Valladolid, EPA Region 9; telephone number: (415) 947–4103; email address: *valladolid.catherine@epa.gov*. The EPA's final approval decisions, the Technical Support Documents for these actions, and all other supporting information are available through *www.regulations.gov* under the Docket ID Nos listed in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

The EPA approved seven Requests for Coverage under the Concrete Batch Plants General Permit [1] submitted by the Permittees. The Requests for Coverage under the Concrete Batch Plants General Permit were approved on the dates listed in Table 1. These approvals pertain to the construction and operation of the Sources, all of which are or were concrete batch plants, located in Indian Country. The EPA issued the approvals pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the EPA's Tribal Minor NSR Program at 40 CFR 49.151 through 49.165. The EPA based its approvals on its determinations that the Sources met the criteria qualifying them for coverage and that the Sources were eligible for coverage under the Concrete Batch Plants General Permit.

TABLE 1—SOURCE APPROVALS UNDER THE CONCRETE BATCH PLANTS GENERAL PERMIT

Source	Location	Docket ID	Approval date
Navajo Nation Crushing/Screening Operation	McKinley and San Juan Counties, NM.	EPA–R09–OAR–2022–0095	April 18, 2018.
Window Rock Airport [2]	Window Rock, AZ	EPA–R09–OAR–2022–0118	April 18, 2018.
CEMEX—Higley Plant	Mesa, AZ	EPA–R09–OAR–2018–0699	December 26, 2018.
Oscar Renda Contracting, Inc. Portable Concrete Batch Plant Facility.	Near Newcomb, AZ	EPA–R09–OAR–2019–0598	December 30, 2019.
Window Rock Airport [3]	Window Rock, AZ	EPA–R09–OAR–2020–0366	September 17, 2020.
Window Rock Airport [4]	Window Rock, AZ	EPA–R09–OAR–2022–0654	October 10, 2022.
Core Ready Mix Higley Plant	Near Mesa, AZ	EPA–R09–OAR–2025–0301	November 21, 2025.

The EPA's Clean Air Act approvals for these Sources are final agency actions for purposes of judicial review only for the issue of whether the Sources qualify for coverage under the Concrete Batch Plants General Permit (40 CFR 49.156(e)(6)).

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

Dated: August 26, 2026.

Anita Lee,

Director, Air and Radiation Division, Region IX.

[FR Doc. 2026–18285 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

[1] The Concrete Batch Plants General Permit was issued by the EPA under the Tribal Minor NSR Program on October 14, 2016, and the permit became effective November 14, 2016 (81 FR 70944, October 14, 2016). This permit is available on *https://www.regulations.gov* under Document ID EPA–HQ–OAR–2011–0151–0156.

[2] EPA has approved three Requests for Coverage under the Concrete Batch Plants General Permit for Window Rock Airport. This first action approved the temporary operation of a concrete batch plant for a period of 30 days for ''Phase I'' of modifications planned at the Window Rock Airport.

[3] This action approved the temporary operation of a concrete batch plant for a period of 45 days for ''Phase II'' of modifications planned at the Window Rock Airport.

[4] This action re-approved the temporary operation of a concrete batch plant for a period of 45 days for the ''Phase II'' of modifications at the Window Rock Airport. Phase II had been previously approved on September 17, 2020; however, because FNF Construction, Inc. failed to commence construction at Window Rock Airport within 18 months of the approval date, the approval expired on March 17, 2022. FNF Construction, Inc. applied for a new approval of Phase II on July 26, 2022.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2024–0420; FRL–12264.1–02–OECA]

U.S. Environmental Protection Agency (EPA) Contractor and Subcontractor Access to Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA), Act To Prevent Pollution From Ships (APPS), and American Innovation and Manufacturing Act (AIM)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) intends to authorize a contractor and several subcontractors to access information

that will be submitted to the EPA under the Clean Air Act (CAA), the Act to Prevent Pollution from Ships (APPS), and the American Innovation and Manufacturing Act (AIM) that may be claimed as, or may be determined to be, confidential business information (CBI).

DATES: Comments must be received on or before September 14, 2026. The contractor's and subcontractors' access to information collected under the CAA, APPS, AIM will begin on September 15, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA HQ–OECA–2024–0420, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/*(our preferred method). Follow the online instructions for submitting comments.
- *Email: docket.oeca@epa.gov.* Include Docket ID No. EPA HQ–OECA–2024–0420 in the subject line of the message.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Griffith Brown, Office of Enforcement and Compliance Assurance (OECA), Office of Civil Enforcement (OCE), Air Enforcement Division (AED), (Mail Code 8MSU), Environmental Protection Agency, 1595 Wynkoop St., Denver, CO 80202; telephone number: (202) 250–8551; email address: *brown.griffith@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to certain parties, including the following: owners and operators of stationary and mobile sources subject to the CAA including, but not limited to, State Implementation Plans (SIPs), hazardous air pollutants (HAPs, MACT Rules) under Section 112, permits including New Source Review and Prevention of Significant Deterioration (NSR/PSD), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Prevention of Accidental Releases under Section 112(r); motor vehicle manufacturers and importers; engine manufacturers and importers; motor vehicle fuel and fuel additive producers and importers; manufacturers, importers, users and distributors of hydrofluorocarbons (HFCs); manufacturers, importers and distributors of motor vehicle and engine emission control equipment and parts; crude oil, natural gas and renewable fuel producers, petroleum refiners, electric power generation facilities, distributors or users who store volatile organic liquids, chemical, pulp and paper manufacturers, non-metallic mineral processors, and any other stationary and mobile source parties subject to the regulations found in 40 CFR parts 51, 52, 60, 61, 63–80, 82, 84–86, 89–92, 94, 98, 600, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1068, and 1090.

This **Federal Register** notice may be of particular relevance to parties that have submitted data to the EPA under the above-listed regulations. Because other parties may also be interested, the EPA has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

II. How can I get copies of this document and other related information?

A. Electronically

The EPA has established a public docket for this **Federal Register** notice under Docket ID No. EPA–HQ–OECA–2024–0420.

All documents in the docket are identified in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, such as CBI or other information for which disclosure is restricted by statute.

B. EPA Docket Center

Materials listed under Docket ID No. EPA–HQ–OECA–2024–0420 will be available for public viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the OECA Docket is (202) 566–1744.

III. Description of Programs and Potential Disclosure of Information Claimed as CBI to Contractor and Subcontractors

OECA has responsibility for protecting public health and the environment by enforcing standards for air pollution. In order to implement various CAA, APPS, and AIM programs, OECA collects compliance reports and other information from the regulated industry. Occasionally, the information submitted to, or obtained by, the EPA is claimed to be CBI by persons submitting data to the EPA. Information submitted under such a claim is handled in accordance with the EPA's regulations at 40 CFR part 2, subpart B, and in accordance with the EPA procedures that are consistent with those regulations. When the EPA has determined that disclosure of information claimed as CBI to EPA contractors or subcontractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the EPA contractor and subcontractors and the EPA contractor and subcontractors must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), the EPA has determined that EPA contractor Eastern Research Group, Incorporated (ERG), 14555 Avion Parkway, Suite 200, Chantilly, VA 20151, and ERG subcontractors James J. Carroll, CPA, Clearstone Engineering Ltd.; Process Profiles; and Matrix New World Engineering (collectively referred to as ''subcontractors'' in this notice) require access to CBI submitted to the EPA under the CAA, APPS, and AIM for the work they perform under Contract Number 68HERL26A0022. We are providing notice and an opportunity to comment on their access to information claimed as CBI. We are issuing this **Federal Register** notice to inform all affected submitters that we plan to grant access to material that may be claimed as CBI to ERG and its subcontractors on a need-to-know basis.

Under Contract Number 68HERL26A0022, ERG provides enforcement support for the EPA's regulatory and enforcement activities for the Air Enforcement Division (AED), including field inspections, investigations, audits, and other CAA regulatory and enforcement support that involve access to information claimed as CBI. ERG also employs subcontractors, who support these activities, under the above-listed contract. ERG and its subcontractors require access to information claimed as CBI to support EPA enforcement activities described above. Access to data, including information claimed as CBI, will commence six days after the date of publication of this notice in the **Federal Register**, and will continue until June 26, 2031, located at EPA Headquarters and ERG's site located at 2677 Prosperity Avenue, Suite 450, Fairfax,

VA 22031–4928. If the contract and associated subcontracts are extended, this access will continue for the remainder of the ERG contract without further notice. If the contract expires prior to June 26, 2031, the access will cease at that time. If ERG employs additional subcontractors to support the EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, the EPA will notify affected companies of the contemplated disclosure and provide them with an opportunity to comment by either sending them a letter or by publishing an additional notice in the **Federal Register**.

Parties who wish to obtain further information about this **Federal Register** notice, or about OECA's disclosure of information claimed as CBI to ERG and its subcontractors, may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: August 28, 2026.

Meetu Kaul,

Director, Air Enforcement Division.

[FR Doc. 2026–18289 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2022–0120, EPA–R09–OAR–2024–0476, and EPA–R09–OAR–2024–0555; FRL–13550–01–R9]

Approval of Clean Air Act General Permit Requests for Coverage for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: On various dates, the U.S. Environmental Protection Agency (EPA) issued approvals to Fisher Sand & Gravel—New Mexico, Inc., PG&E, LLC, and Archer Western (''Permittees'') under the Clean Air Act's Tribal Minor New Source Review (NSR) Program. The EPA approved these Requests for Coverage under the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country (''SQCS General Permit'') for Grey Mesa Gravel Pit, Ehrenberg Quarry, and San Juan Lateral Water Treatment Plant Rock Crusher (''Sources''). These approvals authorized the construction and operation of these Sources under the Tribal Minor NSR Program.

DATES: The Requests for Coverage were approved by the EPA on various dates. See the **SUPPLEMENTARY INFORMATION** section. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit no later than November 9, 2026.

ADDRESSES: The EPA has established dockets for these actions under Docket ID Nos. EPA–R09–OAR–2022–0120, EPA–R09–OAR–2024–0476, and EPA–R09–OAR–2024–0555. All documents in the dockets are listed on the *https://www.regulations.gov* website. Although listed in an index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Catherine Valladolid, EPA Region 9; telephone number: (415) 947–4103; email address: *valladolid.catherine@epa.gov*. The EPA's final approval decisions, the Technical Support Documents for these actions, and all other supporting information are available through *www.regulations.gov* under the Docket ID Nos listed in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

The EPA approved three Requests for Coverage under the SQCS General Permit [1] submitted by the Permittees. The Requests for Coverage under the SQCS General Permit were approved on the dates listed in Table 1. These approvals pertain to the construction and operation of the Sources, all of which are or were stationary and portable stone quarrying, rock crushing, and screening plants, located in Indian Country. The EPA issued the approvals pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the EPA's Tribal Minor NSR Program at 40 CFR 49.151 through 49.165. The EPA based its approvals on its determinations that the Sources met the criteria qualifying them for coverage and that the Sources were eligible for coverage under the SQCS General Permit.

TABLE 1—SOURCE APPROVALS UNDER THE SQCS GENERAL PERMIT

Source	Location	Docket ID	Approval date
Grey Mesa Gravel Pit	San Juan County, NM	EPA–R09–OAR–2022–0120	November 5, 2015.
Ehrenberg Quarry	La Paz County, AZ	EPA–R09–OAR–2024–0476	February 27, 2025.[2]
San Juan Lateral Water Treatment Plant Rock Crusher	San Juan County, NM	EPA–R09–OAR–2024–0555	May 21, 2025.[3]

The EPA's Clean Air Act approvals for these Sources are final agency actions for purposes of judicial review only for the issue of whether the Sources qualify for coverage under the SQCS General Permit (40 CFR 49.156(e)(6)).

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

[1] The SQCS General Permit was issued by the EPA under the Tribal Minor NSR Program on May 1, 2015, and the permit became effective June 1, 2015 (80 FR 25068, May 1, 2015). This permit is available on *https://www.regulations.gov* under Document ID EPA–HQ–OAR–2011–0151–0134.

[2] On September 29, 2025, the EPA terminated the Ehrenberg Quarry's coverage under the SQCS General Permit following receipt on August 6, 2025, of a Notification of Closure from PG&E, LLC, the permittee (Application #2025–019–TERMINATION). See Docket ID EPA–R09–OAR–2024–0476 at *https://www.regulations.gov*.

[3] On December 17, 2025, the EPA terminated the San Juan Lateral Water Treatment Plant Rock Crusher's coverage under the SQCS General Permit following receipt December 8, 2025, of a Notification of Closure from Archer Western, the permittee (Application #2025–020–TERMINATION). See Docket ID EPA–R09–OAR–2024–0555 at *https://www.regulations.gov*.

Dated: August 31, 2026.

Anita Lee,

Director, Air and Radiation Division, Region IX.

[FR Doc. 2026–18286 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OFA–2026–2542; FRL–13321–01–OCFO]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Proposed Revised Information Collection Request; Comment Request; Public Comment on EPA Requested Non-Substantive Changes to Information Collect Requests for General Performance Reporting for Assistance Programs, Promoting Readiness and Enhancing Proficiency to Advance Reporting and Data, and National Estuary Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit non-substantive changes for three information collection requests (ICRs), ''General Performance Reporting for Assistance Programs'' (EPA ICR Number 2802.01, OMB Control Number 2090–0038), ''Promoting Readiness and Enhancing Proficiency to Advance Reporting and Data'' (EPA ICR Number 2804.01, OMB Control Number 2090–0039), and ''National Estuary Program'' (EPA ICR Number 1500.11, OMB Control Number 2040–0138) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed changes to these information collection instruments as described below. This is a request for non-substantive changes of these ICRs, which are currently approved through January 31, 2028. This document allows for 30 days for public comments.

DATES: Comments must be received on or before October 9, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OFA–2026–2542, to EPA online using *https://www.regulations.gov* (our preferred method), by email to *EvidenceAndEvaluation@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: José Zambrana, Acting EPA Evaluation Officer, Office of Budget and Performance, Office of Finance and Administration, 2732A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 779–1416; email address: *zambrana.jose@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed revision of some of the collection activities of the three ICRs, which are currently approved through January 31, 2028. 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.

This document allows 30 days for public comments. Supporting documents, which explain in detail the proposed non-substantive changes for these ICRs, are available in the public docket for these ICRs. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

EPA will consider the comments received and amend the ICRs as appropriate. The final ICR package will then be submitted to OMB for review and approval.

Abstract: The U.S. Environmental Protection Agency (EPA) awards billions of dollars in funding for grants and other assistance agreements, with recipients ranging from small non-profit organizations to large state governments. With these ICRs, EPA collects information to track progress by the Agency's assistance programs. Collection of this information from award recipients enables EPA to assess and manage its assistance programs, which in turn ensures responsible stewardship of public funds; rigorous evidence-based learning and improvement; and transparent accountability to the American public. The information requested under these ICRs is collected via performance report forms, including work plans, interim reports, and final reports.

Following the current Administration's term beginning on January 20, 2025, a series of Executive Orders were published to reflect updated requirements to the language and methods utilized by Federal agencies with regards to certain topics and types of data. EPA is revising ICR No. 2802.01, ICR No. 2804.01, and ICR No. 1500.11 to account for the alteration of specific questions within both the general performance reporting forms and the program-specific performance reporting forms to ensure that these documents comply with the Administration's directives and the following Executive Orders: Executive Order 14172 (''Restoring Names That Honor American Greatness); Executive Order 14173 (''Ending Illegal Discrimination and Restoring Merit-Based Opportunity''), Executive Order 14148 (''Initial Recissions of Harmful Executive Orders and Actions''), and Executive Order 14239 (''Achieving Efficiency Through State and Local Preparedness). The changes being made to this ICR are non-substantive and ensure EPA grant programs' timely and efficient compliance with Executive Orders. Per OMB guidance, these ICRs are consistent with current Administration directives.

Form numbers: ICR No. 2802.01, ICR No. 2804.01, and ICR No. 1500.11.

Respondents/affected entities: Recipients of financial assistance awards from EPA.

Respondent's obligation to respond: Mandatory for grant recipients as per reporting requirements included in EPA regulations 2 CFR parts 200 and 1500.

Changes in the estimates: There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to the non-substantive nature of the proposed changes because they (a) do not change the overall nature and type of performance reporting information being collected in the instrument; (b) do not substantively change response burden; and (c) do not introduce new concepts or new intended uses for the data beyond the original approval.

Angel Robinson,

Director, Office of Budget and Performance, Office of Finance and Administration.

[FR Doc. 2026–18281 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13587–01–R2]

Public Water System Supervision Program Revision for Puerto Rico; Notice of Approval and Opportunity To Request Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Public notice is hereby given that the Commonwealth of Puerto Rico has revised its approved Public Water System Supervision Program. Puerto Rico has adopted drinking water regulations for the Consumer Confidence Report Rule Revisions. The Environmental Protection Agency (EPA) has determined that Puerto Rico's revised regulations meet all minimum Federal requirements, and that they are no less stringent than the corresponding Federal regulations. Therefore, the EPA has decided to tentatively approve the Territory program revisions. All interested parties may request a public hearing.

DATES: Request for public hearing must be received on or before October 9, 2026.

ADDRESSES: Request for a public hearing must be submitted to the Regional Administrator, U.S. Environmental Protection Agency, Region 2, 290 Broadway, FL 24, New York, NY 10007. All documents relating to this determination are available for inspection between the hours of 8:00 a.m. EST and 3:00 p.m. EST, Monday through Friday, at the following offices: U.S. Environmental Protection Agency, Region 2, Water Division, 290 Broadway, FL 24, New York, NY 10007–1823; and Puerto Rico Department of Health, Public Water Supply Supervision Program, 1594 Calle Indo, San Juan, Puerto Rico, 00926.

FOR FURTHER INFORMATION CONTACT: Katie Lynch; Water Division; Drinking Water and Municipal Infrastructure Branch; Environmental Protection Agency; Region 2; 290 Broadway, FL 24, New York, NY 10007–1823; telephone number: (212) 637–3808; email address: *lynch.katie@epa.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 40 CFR 142.13(a), EPA is required to provide an opportunity to request a public hearing before approving a State's request for primacy. All interested parties are invited to submit a written request for a hearing. Frivolous or insubstantial requests for a hearing will be denied by the Regional Administrator. If a substantial request for a public hearing is made by October 9, 2026, a public hearing will be held. In accordance with 40 CFR 142.13(b) & (g), if no substantial request for hearing is received by that date, EPA's determination will become effective. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: August 23, 2026.

Michael R. Martucci,

Regional Administrator, Region 2.

[FR Doc. 2026–18284 Filed 9–8–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of General Counsel at (202)-523–5740 or *GeneralCounsel@fmc.gov.*

Agreement No.: 012208–006.

Agreement Name: Hoegh/Grimaldi Space Charter Agreement.

Parties: Grimaldi Deep Sea S.P.A. and Grimaldi Euromed S.p.A. (acting as a single party); and Hoegh Autoliners AS.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The Amendment revises Article 5.1(d) of the Agreement to delete authority for joint contracting.

Proposed Effective Date: 9/1/2026.

Location: https://www2.fmc.gov/eAgreementsSP/Public/AgreementHistory/256.

Dated: September 4, 2026.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2026–18373 Filed 9–8–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than September 24, 2026.

A. Federal Reserve Bank of St. Louis (Winchell S. Carroll, Jr., Assistant Vice President) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Alesia Lucky, and the Carl F. Lucky, Jr. Survivor Trust, Jane Lucky, as trustee, all of McGehee, Arkansas; Virginia Abernathy, Rogers, Arkansas; Arthur S. Lucky Revocable Trust, Arthur*

Lucky, as trustee, both of Chesterfield, Missouri; Laura Lucky Batey, Bentonville, Arkansas; and Carl Lucky III, Diane Lucky and Susan White, all of Monticello, Arkansas; to join the Lucky Family Control Group, a group acting in concert, to retain voting shares of First National Financial Corporation, and thereby indirectly retain voting shares of First NaturalState Bank, both of McGehee, Arkansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–18363 Filed 9–8–26; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2026–0232; Sequence No. 1]

Submission for OMB Review; Accessibility Conformance Report (ACR) Repository

AGENCY: Office of Governmentwide Policy (OGP), General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding the Accessibility Conformance Report (ACR) Repository.

DATES: Submit comments on or before October 9, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Andrew Nielson, Director of the Government-wide IT Accessibility Program, OGP, GSA, at telephone 202–330–3036 or via email to *andrew.nielson@gsa.gov* for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA's Office of Governmentwide Policy (OGP) is in the process of developing an application to facilitate and provide a centralized repository of Accessibility Conformance Reports (ACRs)for information and communication technology (ICT) products.

Our ACR Repository is also in response to a requirement from OMB in M–24–08 to ''explore options for establishing a standardized accessibility conformance reporting process for government procurement of ICT, which should include a central repository of vendor accessibility conformance reports.''

Federal agencies often require submission of ACRs as part of quotes/bids in response to procurement solicitations. We intend to encourage product vendors to list/upload their ACRs into the repository to make it easier and more efficient for Federal employees involved in the acquisition and implementation of ICT and interested members of the public to locate ACRs when considering accessibility in the procurement process (as required by Section 508 and in the Federal Acquisition Regulation).

B. Annual Reporting Burden

There is no obligation for product owners to submit ACRs for any product. The total number of annual responses would be at the product owner's discretion.

Vendor Admin Respondents: 2,500.

Vendor User Respondents: 1,500.

Hours per Vendor Profile Creation: 10 mins.

Hours per Vendor User Creation: 3 mins.

ACRs per Vendor Account: 2.

Total ACRs Uploaded: 5,000.

Hours per ACR Upload: 5 mins.

Total Burden Hours: 907 hours.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 90 FR 37982 on June 24, 2026. Eight comments were received.

Comment: The commenter raised concerns regarding the administrative burden of a centralized repository on the acquisition workforce and recommended amending the Federal Acquisition Regulation (FAR) to mandate vendor submission during the acquisition process as a more efficient alternative.

Response: The repository is designed to reduce, not create, acquisition burden by centralizing vendor-provided information, thereby supporting market research and due diligence without shifting maintenance responsibility to the government.

Comment: The commenter inquired about public access to the repository for non-federal entities, such as state and local governments and educational institutions, noting that such access would facilitate compliance and aid in vetting information and communication technology (ICT).

Response: The repository will be accessible to non-federal entities, noting that vendors retain control over ACR visibility and that the repository does not constitute GSA approval or certification of product accessibility.

Comment: The commenter supported the proposal and suggested implementing features for flagging inaccurate information and prioritizing accessibility issues.

Response: GSA acknowledges the value for public and private sectors, noting that while the initial launch focuses on vendor-submitted data, mechanisms for user feedback and reporting will be considered in future iterations.

Comment: The commenter expressed concern about the sustainability of the repository and is advocating for clear vendor incentives, robust version management, and mechanisms to prevent the inclusion of outdated or duplicate information.

Response: The repository distinguishes itself from prior initiatives by requiring vendors to maintain their own data, supported by robust version management, integration with the ACR Editor, and buyer-driven participation incentives.

Comment: The commenter expressed support for the repository, while recommending the use of standardized metadata, machine-readable formats, and robust search capabilities.

Response: GSA affirmed the necessity of standardized, machine-readable metadata and searchability, stating that these requirements are already integrated into the repository's design and ongoing development, and confirmed the availability of the supporting statement.

Comment: The commenter noted that the draft Supporting Statement was not accessible in the *Regulations.gov* docket at the time of review.

Response: The draft Supporting Statement is now available for public review.

Comment: The commenter voiced strong support for the proposal.

Response: GSA thanks the commenter for their support and agreed that a centralized repository will improve the transparency, consistency, and efficiency of accessibility reviews across the government.

Comment: The commenter cited potential procedural and deficiencies, specifically regarding notice-and-

comment procedures and estimated implementation burdens.

Response: GSA maintained that the proposal does not create additional implementation burden, noting that contractors will use standard, universally accessible methods to submit existing public information.

Richard Speidel,

Deputy Chief Data Officer, General Services Administration.

[FR Doc. 2026–18277 Filed 9–8–26; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Reorganization of the National Center for Immunization and Respiratory Diseases

AGENCY: Centers for Disease Control and Prevention (CDC), the Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: CDC has modified its structure. This notice announces the reorganization of the National Center for Immunization and Respiratory Diseases (NCIRD). NCIRD has consolidated offices, retitled divisions and branches, and modified mission and function statements.

DATES: This reorganization of NCIRD was approved by the Secretary, HHS on August 18, 2026 and became effective on September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Rebecca Greco Kone, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–9, Atlanta, GA 30329; Telephone 800–232–4636; Email: *pmoncird@cdc.gov*.

SUPPLEMENTARY INFORMATION: Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 89 FR 78305, dated September 25, 2024) is amended to reflect the reorganization of National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention. Specifically, the changes are as follows:

I. Under Part C, Section C–B, Organization and Functions, make the following changes:

- Merges the Influenza Division (CJC) and the Coronavirus and Other Respiratory Diseases Division (CJG) to establish the Influenza and Respiratory Viruses Division (CJH). The newly established Influenza and Respiratory Viruses Division (CJH) consists of the following components:
- Influenza and Respiratory Viruses Division (CJH)
- Office of the Director (CJH1)
- Virology and Laboratory Surveillance Branch (CJHB)
- Respiratory Virus Detection and Immunology Branch (CJHC)
- Surveillance, Epidemiology, and Modeling Branch (CJHD)
- Public Health Interventions Branch (CJHE)
- Emerging Viral Respiratory Threats Branch (CJHG)

II. Under Part C, Section C–B, Organization and Functions, within the National Center for Immunization and Respiratory Diseases (CJ), insert the following:

Influenza and Respiratory Viruses Division (CJH). The Influenza and Respiratory Viruses Division (IRVD) prevents disease, disability, and death through the prevention and control of seasonal, epidemic and pandemic respiratory viral diseases, including influenza, and other respiratory viral diseases. IRVD informs national awareness of respiratory viral diseases and use of effective interventions. In collaboration with partners IRVD: (1) Monitors and assesses infection and disease patterns related to influenza, and other viruses causing respiratory illness of public health importance; (2) conducts surveillance and response activities through collaboration, support and technical assistance with partners, including state and local health departments and international partners; (3) identifies and characterizes viruses to improve detection, diagnostics, vaccines and treatments; (4) designs, evaluates, enhances and implements prevention/intervention strategies, including vaccines, treatment, and non-pharmaceutical interventions; and (5) applies research to provide science-based enhancement of prevention and control policies and programs.

Office of the Director (CJH1). (1) Provides vision, leadership, management, and direction for the division; (2) fosters cross-cutting external partnerships and activities that support quality science and program implementation; (3) provides leadership and guidance for the development and implementation of public health program operations and policies and strengthening national capacity; (4) provides technical leadership and strategic direction for awareness and strategic engagement around respiratory disease prevention and detection, and response to support national and international pandemic preparedness activities; (5) provides oversight and leadership for technical and functional activities, including informatics, science and laboratory including oversight for CLIA, quality, and safety; and (6) provides technical leadership and strategic direction for public communications, public health guidance, informatics, epidemiologic, and laboratory science, and reagent resources.

Virology and Laboratory Surveillance Branch: uses traditional surveillance systems, newer data technologies, advanced molecular diagnostics including metagenomics, in collaboration with other branches in the division, divisions within the Center and with other Centers to: (1) Conduct comprehensive antigenic, phenotypic, genotypic, structural, and evolutionary characterization of human and animal viruses and novel emerging viruses with pandemic potential; (2) performs genetic and antigenic testing to support risk assessments of seasonal and novel viruses and emerging viruses with pandemic potential; (3) provide expert guidance and technical support on vaccine virus selection and other medical countermeasures; (4) develop methods to detect and characterize seasonal, novel, and emerging viruses; (5) train and support external laboratories that perform molecular detection and genetic characterization of influenza and other respiratory viruses; (6) develops and evaluate seasonal and pre-pandemic candidate vaccine viruses; and (7) identify viral factors that impact host response, virulence, and transmissibility of respiratory viruses.

Respiratory Virus Detection and Immunology Branch (CJHC). (1) Performs immunologic and genetic surveillance for respiratory viruses; (2) examines and characterizes immunity against respiratory viruses; (3) conducts antigenic and other characterization of respiratory viruses; (4) provides laboratory support and technical expertise for respiratory virus infections, outbreaks and clusters; (5) provides expert input for respiratory virus vaccine selection; (6) develops and evaluates laboratory and analytic methods used for surveillance of respiratory viruses; (7) determines virus and host factors that impact virulence and transmission of respiratory viruses; (8) conducts immunologic and virologic pandemic risk assessment of novel

respiratory viruses; and (9) trains and supports laboratories that perform immunologic testing of respiratory viruses.

Surveillance, Epidemiology, and Modeling Branch (CJHD). (1) Conducts national and sentinel surveillance, epidemiologic studies, and related activities, including modeling and forecasting, to better understand burden, severity, disease trends, and to monitor influenza and other respiratory viruses and diseases; (2) provides technical expertise and support to state and local health departments for surveillance, detection, response, and related activities; (3) develops methods for and provides expertise and support on data analysis and visualization of influenza and other respiratory virus data for internal and external use; and (4) collaborates with intra and interagency partners, to support pandemic preparedness and response activities for influenza and other respiratory viruses, including the integration of advanced analytics and mathematical modeling.

Public Health Interventions Branch (CJHE). (1) Designs intervention strategies to prevent and control influenza and other respiratory viral diseases (*e.g.* vaccination, treatment, and non-pharmaceutical interventions); (2) evaluates the effectiveness of prevention and control interventions; (3) translates, adapts, and implements evidence based respiratory viral disease prevention and control strategies; (4) supports development and implementation of guidance and health education materials related to prevention and control of influenza and other viral respiratory diseases; and (5) designs, develops and conducts economic, health services, epidemiologic, and other analyses related to the impact of prevention and control of influenza and viral respiratory diseases.

Emerging Viral Respiratory Threats Branch (CJHG). (1) Supports enhanced global surveillance for respiratory viruses and diseases; (2) conducts surveillance, program evaluations, research, and modeling activities to improve our understanding of global respiratory viruses; (3) advances rapid detection and response to emerging and novel respiratory viruses outside the United States to support health security; (4) promotes prevention and control of respiratory viruses globally to prevent their spread; and (5) supports global outbreak response and pandemic preparedness activities.

Delegations of Authority

All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

(Authority: 44 U.S.C. 3101)

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–18263 Filed 9–8–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; System of Records

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS) is modifying an existing system of records maintained by the Centers for Medicare & Medicaid Services (CMS), titled ''Hospice Item Set (HIS) System,'' System No. 09–70–0548. The amended System of Records Notice (SORN) reflects changes to now include real time data collection at the time of patient assessments to improve the understanding of patient care needs and care coordination. CMS is also changing the name of the system of records to ''Hospice Outcomes and Patient Evaluation (HOPE)'' and making other modifications which are explained in the Supplementary Information section. The HOPE system collects standardized hospice patient data to measure and improve care quality, support regulatory and reporting requirements, and enable research and policy functions.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this modified system of records notice is effective upon publication, with the exception of the routine uses, which are effective October 9, 2026, subject to comments received during the 30-day comment period.

ADDRESSES: The public should submit written comments on this notice, by mail or email, to Barbara Demopulos, CMS Privacy Act Officer, 7500 Security Blvd., N1–14–56, Baltimore, MD 21244–1850, or *barbara.demopulos@cms.hhs.gov.* Comments will be available for public viewing at the same location. To review comments in person, please contact Barbara Demopulos.

FOR FURTHER INFORMATION CONTACT: General questions about the modified system of records should be addressed to: Jermama Keys, Health Insurance Specialist, Division of Chronic and Post-Acute Care (DCPAC), Center for Clinical Standards and Quality (CCSQ), Centers for Medicare & Medicaid Services (CMS), 7500 Security Blvd., Mail Stop S3–02–01, Baltimore, MD 21244–1850. Office: 410–786–7778 or email *jermama.keys@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Reason for Modifying System of Records 09–70–0548

The primary reason for this modification is to highlight the inclusion of real time data collection from hospice providers at the time of patient assessments while the beneficiary is receiving hospice services, and not only at the point of admissions and discharges from hospice care.

II. Modifications Made to the System of Records Notice (SORN)

The modified SORN published in this notice differs from the existing SORN in these respects:

- The name of the System of Records has been changed from Hospice Item Set (HIS) System to Hospice Outcomes and Patient Evaluation (HOPE).
- The Authority section has been corrected to cite sections 1814(i)(5)(C) and 1861(dd)(2)(G) of the Social Security Act (42 U.S.C. 1395f(i)(5)(C) and 1395x(dd)(2)(G), respectively) instead of section 1814(i).
- The Purpose(s) section now mentions that the records in this system of records are collected in the HOPE tool by Medicare-certified hospice providers, during scheduled patient assessments or at the point of the patient's admission/discharge from hospice care, or at other times, such as when entering data from the patient's medical records. The list of secondary purposes for which the records are used is now indicated as ''Hospice Quality Reporting Program (HQRP) and patient health and safety purposes'', in accordance with information collection activities authorized under section 1861(dd)(2)(G) of the Social Security Act. (general purposes such as breach incident response are no longer listed).
- The Categories of Individuals section has been revised to refer to hospice patients as ''hospice patients, most of whom are Medicare beneficiaries'' instead of as ''hospice

patients and Medicare beneficiaries''; to clarify that ''individual'' providers means ''sole practitioner'' providers, and that the providers are ''Medicare-certified''; and to remove contact persons for a hospice, because a record retrieved by a hospice contact person's name or other personal identifier would be, for Privacy Act purposes, a record about the hospice.

- The Categories of Records section now lists additional data elements about hospice patients, *i.e.,* ethnicity, preferred language, and Medicare Beneficiary Identifier (MBI), and the data element ''gender'' has been changed to ''sex.'' The data elements about sole practitioner providers now includes signature.
- The Records Source Categories section no longer mentions software and computer programs that a hospice may use to ''transmit'' the information to CMS (it is now limited to people and records that are the ''sources'' of the information). It now lists the patient's caregivers and the hospice provider's observations and assessments as additional sources of information about a hospice patient, and it mentions that information about a hospice patient may be collected during scheduled assessments or at the point of the patient's admission/discharge from hospice care, or at other times.
- The Routine Uses section has been revised as follows:
  - The introductory paragraph at the start of the section now adds that the routine uses are in addition to other disclosures authorized directly in the Privacy Act at 5 U.S.C. 552a(b), which can also be made without the subject individual's consent.
  - The wording of routine use 4 has been improved. It authorizes disclosures to support an individual or organization in conducting research or in understanding and improving payment initiatives.
  - The wording of routine use 5 has been improved, including clarifying a statutory cite to read ''Part B of Title XI of the Social Security Act (42 U.S.C. 1320c *et seq.*)'' instead of ''Part B of Title XI of the Act.'' It authorizes disclosures to support Quality Improvement Organizations with various review and outreach activities.
  - Routine use 6, now describes how this disclosure assists national accrediting organizations with approval for deeming authority for Medicare requirements for hospice services.
  - In routine use 7, which authorizes disclosures to the Department of Justice or a court or other adjudicatory body, ''litigation'' has been changed to ''litigation or other proceedings'' and redundant wording limiting the disclosures to information that is ''compatible with the purpose for which the agency collected the records'' has been removed as redundant (it is redundant because it repeats part of the definition of a routine use).
  - The two breach response-related routine uses that were added to the SORN in 2018 are now numbered as routine uses 10 and 11.
  - The note at the end of the Routine Uses section is now titled ''Additional Circumstances Affecting All Routine Use Disclosures'' instead of ''Additional Circumstances Affecting Disclosure of PII Data.''
- The Storage section now states that all records are ''stored electronically'' instead of ''on magnetic media.''
- The Retention and Disposal of Records section has been updated to appropriately identify the applicable disposition authority, DAA–0440–2015–0007–0001, Bucket 5, Beneficiary Records, which was updated in 2017 and provides a retention period of ''10 years after cutoff but longer retention is authorized.'' The Safeguards section now mentions these additional safeguards that are used to protect the records from unauthorized access: security guards, cameras, badges, two-factor authentication, intrusion detection systems, privacy and security training, and secure destruction methods.
- The Record Access Procedures, Contesting Record Procedures, and Notification Procedures sections have been revised to no longer mention providing Health Insurance Claim Number (HICN) or Social Security number (SSN), but to require that requests include (in addition to name) current address, email address or other contact information, and signature, and the following information for identity verification purposes: date and place of birth, and either notarization of the signature or a statement signed under penalty of perjury.
- The SORN has been reformatted to conform to the ''Full'' SORN template prescribed in OMB Circular A–108, issued December 23, 2016.

Barbara Demopulos,

CMS Privacy Act Officer, Division of Security, Privacy Policy & Oversight (DSPPO) Information Security and Privacy Group (ISPG), Office of Information Technology (OIT), Centers for Medicare & Medicaid Services (CMS).

SYSTEM NAME AND NUMBER:

Hospice Outcomes and Patient Evaluation (HOPE), 09–70–0548.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The address of the component responsible for the system of records is: Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Blvd. North Building, First Floor, Baltimore, MD 21244–1850.

SYSTEM MANAGER(S):

The System manager is the Director, Division of Chronic & Post-Acute Care, Quality Measurement & Health Assessment Group, Center for Clinical Standards and Quality, Centers for Medicare & Medicaid Services, 7500 Security Blvd., Mail Stop S3–02–01, Baltimore, MD 21244–1850. Office: 410–786–7778 or email *DCPACSTAFF@cms.hhs.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The statutory authority to maintain this system of records is given under sections 1814(i)(5) and 1861(dd)(2)(G) of the Social Security Act (42 U.S.C. 42 U.S.C. 1395f(i)(5) and 1395x(dd)(2)(G)).

PURPOSE(S) OF THE SYSTEM:

The records in this system of records are collected in the HOPE tool by Medicare-certified hospice providers during scheduled patient assessments or at the point of the patient's admission/discharge from hospice care, or at other times, such as, when entering data from the patient's medical records. The records are used for the primary purpose of addressing symptom management and improving the understanding of patient care needs and coordinating patient care. The HOPE tool also houses the data needed for the Hospice Quality Reporting Program (HQRP), which collects, compiles, and eventually publishes data measuring the quality of care provided to patients receiving hospice care.

CMS will or may also use information from the records for secondary HQRP purposes, including to: (1) support regulatory, reimbursement, and policy functions performed by Agency contractors, consultants, or CMS grantees; (2) assist Federal and state agencies and their fiscal agents to perform the statutory functions of the HQRP; (3) assist hospices with statutory reporting requirements; (4) support research, evaluation, or epidemiological projects related to end-of-life care, and for payment-related projects; (5) support the functions of Quality Improvement Organizations; as well as other routine uses described below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records are about these categories of individuals who participate in or are involved with the HQRP: (1) Hospice patients, most of whom are Medicare beneficiaries, who receive health care services coordinated and managed by hospices; and (2) any individual (*i.e.,* sole practitioner) provider of hospice services who is Medicare-certified and whose name or other personal identifier is provided as business-identifying information on the collection instrument.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained about a hospice patient include information related to the patient's condition, selected covariates about the condition, and patient/beneficiary identifying and demographic information such as the patient's name, sex, date of birth, Social Security Number (SSN), race, ethnicity, preferred language, Medicare Beneficiary Identifier (MBI) or Health Insurance Claim Number (HICN), and Medicaid number (MA number).

Records maintained about a sole practitioner provider of hospice services include the provider's name, address, National Provider Identifier (NPI), CMS Certification Number (CCN), personal contact information, signature, and tax identification number (which may be the provider's SSN, if used for business purposes).

RECORD SOURCE CATEGORIES:

Information about a hospice patient is collected by hospice providers directly from the patient or from the patient's caregivers or medical records or based on the hospice provider's observations and assessments of the patient, during scheduled patient assessments or at the point of the patient's admission/discharge from hospice care, or at other times. Any information about an individual (sole practitioner) provider is provided by that provider.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Privacy Act at 5 U.S.C. 552a(b)(3) allows us to disclose information to parties outside the agency without the subject individual's consent for a purpose that is compatible with the purpose(s) for which the information was collected, if a description of the disclosure is published as a ''routine use'' in the applicable System of Records Notice (SORN). The disclosures authorized by routine uses published pursuant to 5 U.S.C. 552a(b)(3) are in addition to other disclosures authorized directly in the Privacy Act at 5 U.S.C. 552a(b), which can also be made without the subject individual's consent.

The following routine uses are published for this system of records:

1. To support Agency contractors, consultants, or CMS grantees engaged by the Agency to assist in the accomplishment of a CMS function related to the purposes for this collection and need to have access to the records to support CMS.

2. To assist another Federal Agency, an agency of a state government, an agency established by State law, or its fiscal agents with information that is necessary and/or required to perform the statutory functions of the HQRP.

3. To provide hospices with information they need to meet any statutory requirements of the HQRP, to assist with reports as required by CMS, and to enable the implementation of quality standards.

4. To support an individual or organization in conducting research, including evaluations and epidemiological projects related to end-of-life care, or in understanding and improving payment initiatives.

5. To support Quality Improvement Organizations (QIOs) in connection with review of claims, or in connection with studies or other review activities conducted pursuant to Part B of Title XI of the Social Security Act (42 U.S.C. 1320c *et seq.*), and in performing affirmative outreach activities to assist individuals in establishing and maintaining their entitlement to Medicare benefits or health insurance plans.

6. To support national accrediting organizations with approval for deeming authority for Medicare requirements for hospice services (*i.e.,* The Joint Commission, the Accreditation Commission for Health Care, Inc., and the Community Health Accreditation Program). Information will be released to these organizations upon specific request, and only for those facilities that they accredit, that participate in the Medicare program, and that meet the following requirements:

a. Provide identifying information for hospices that have an accreditation status with the requesting deemed organization;

b. Submit a finder file identifying beneficiaries/patients receiving hospice services;

c. Complete a signed data exchange agreement or a CMS data use agreement; and

d. Safeguard the confidentiality of the data and prevent unauthorized access.

7. To provide information to the U.S. Department of Justice (DOJ) or a court or other adjudicatory body when (a) the Agency or any component thereof, or (b) any employee of the Agency in the employee's official capacity, or (c) any employee of the Agency in the employee's individual capacity where the DOJ has agreed to represent the employee, or (d) the United State Government, is a party to litigation or other proceedings or has an interest in the proceedings, and by careful review, CMS determines that the records are both relevant and necessary to the proceedings.

8. To assist a CMS contractor (including, but not limited to, Medicare Administrative Contractors, fiscal intermediaries, and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such program.

9. To assist another Federal agency or an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency), that administers or that has the authority to investigate potential fraud, waste or abuse in a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs.

10. To appropriate agencies, entities, and persons when (1) HHS suspects or has confirmed that there has been a breach of the system of records; (2) HHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HHS (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 HHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. To another federal agency or federal entity, when HHS 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.

Additional Circumstances Affecting All Routine Use Disclosures: To the extent that the subject individual claims records in this system contain Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, Subparts A and E), disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information'' (see 45 CFR 164.512(a)(1)).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are secured across both physical and digital environments. Hard-copy records are maintained in restricted, locked facilities accessible only to authorized personnel. Electronic records are safeguarded using industry-standard encryption, firewalls, and multi-factor access controls. Portable electronic media containing personal data are strictly encrypted. All records are subject to strict retention schedules and are permanently destroyed or de-identified when no longer required.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information may be retrieved by any of these personal identifiers: provider's TIN (which could be an SSN); NPI; CMS Certification Number (CCN); Patient's SSN or a Beneficiary's HICN; a patient's or beneficiary's name in combination with the patient's or beneficiary's date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The applicable schedule approved by the National Archives and Records Administration (NARA) is DAA–0440–2015–0007–0001 (Bucket 5, Beneficiary Records), which provides for beneficiary claims records to be cut off at the end of the calendar year and destroyed no sooner than 10 years after cutoff unless longer retention is authorized; however, beneficiary claims records are currently subject to a document preservation order and must be preserved indefinitely pending further notice from the U.S. Department of Justice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Safeguards conform to the HHS Information Security and Privacy Program, *https://www.hhs.gov/ocio/securityprivacy/index.html.* Information is safeguarded in accordance with applicable laws, rules and policies, including the HHS Policy for Information Security and Privacy Protection (IS2P); the E-Government Act of 2002, which includes the Federal Information Security Modernization Act (FISMA) of 2014, 44 U.S.C. 3551 through 3558; all pertinent National Institutes of Standards and Technology (NIST) Special Publications (SP), and OMB Circular A–130, Managing Information As a Strategic Resource.

Records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include protecting the facilities where records are stored or accessed with security guards, badges and cameras, securing hard-copy records in locked file cabinets, file rooms or offices during off-duty hours, limiting access to electronic databases to authorized users based on roles and two-factor authentication (or user identification (ID) and password), using a secured operating system protected by encryption, firewalls, and intrusion detection systems, requiring encryption for records stored on removable media, and training personnel in Privacy Act and information security requirements. Records that are eligible for destruction are disposed of using destruction methods prescribed by NIST SP 800–88, as revised.

RECORD ACCESS PROCEDURES:

An individual seeking access to records about the individual in this system of records must submit a written access request to the System Manager identified in the ''System Manager(s)'' section. An access request must contain the individual's full name, current address, email address or other contact information, and, for identity verification purposes, signature and date and place of birth. In addition, to verify the requester's identity, the signature must be notarized, or the request must include the individual's written certification that the individual is the person the individual claims to be and understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a fine of up to $5,000. An individual may also request an accounting of disclosures that have been made of the records about the individual, if any.

CONTESTING RECORD PROCEDURES:

An individual seeking to amend a record about the individual in this system of records must submit a written amendment request to the System Manager identified in the ''System Manager(s)'' section. The request must contain the same information required for an access request, and must reasonably identify the record, specify the information contested, state the corrective action sought, provide the reasons for the amendment, and include any supporting justification or documentation. The individual must verify his or her identity in the same manner required for an access request. The right to contest records is limited to information that is factually inaccurate, incomplete, irrelevant, or untimely (obsolete).

NOTIFICATION PROCEDURES:

An individual who wishes to know if this system of records contains records about the individual must submit a written request to the System Manager identified in the ''System Manager(s)'' section. The request must contain the same information required for an access request, and the individual must verify their identity in the same manner required for an access request.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

79 FR 19341 (Apr. 8, 2014); 83 FR 6591 (Feb.14, 2018)

[FR Doc. 2026–18316 Filed 9–8–26; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No FDA–2026–N–9638]

Agency Information Collection Activities; Proposed Collection; Comment Request; Human Cells, Tissues, and Cellular and Tissue-Based Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are

required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection associated with statutory and regulatory requirements that govern certain human cells, tissues, and cellular and tissue-based products (HCT/Ps).

DATES: Either electronic or written comments on the collection of information must be submitted by November 9, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–9638 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Human Cells, Tissues, and Cellular and Tissue-Based Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Stephen Chang, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–2287, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Human Cells, Tissues, and Cellular and Tissue-Based Products—21 CFR Part 1271

OMB Control Number 0910–0543—Reinstatement

This information collection helps support the implementation of statutory and regulatory requirements that govern certain human cells, tissues, and cellular and tissue-based products (HCT/Ps). Manufacturers of HCT/Ps regulated solely under the authority of section 361 of the Public Health Service Act (the PHS Act) (42 U.S.C. 264) are

required to register and list HCT/Ps pursuant to part 1271 (21 CFR part 1271) whether or not the HCT/P enters into interstate commerce. Manufacturers of HCT/Ps regulated as drugs, devices, and/or biological products under section 351 of the PHS Act (42 U.S.C. 262) and/or section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) are required to register and list HCT/Ps following the procedures in part 207 (21 CFR part 207) (if a drug and/or biological product) or part 807 (21 CFR part 807) (if a device). Information collection associated with the registration and listing requirements in parts 207 and 807 are currently approved in OMB control numbers 0910–0045 and 0910–0625, respectively.

Agency regulations in part 1271 set forth general provisions applicable to HCT/Ps in subpart A (§§ 1271.1 through 1271.20). Those HCT/Ps that are regulated solely under the authority of section 361 of the PHS Act are described in § 1271.10. Provisions in part 1271, subpart B (§§ 1271.21 through 1271.37), establish procedures for registration and listing, including format and content elements along with scheduled timeframes for the submission of certain information and action by FDA. The regulations also provide for waivers from the electronic format requirement, amendments to establishment registration, and requesting information on registration and listing from FDA.

Registrants use Form FDA 3356, Establishment Registration and Listing for HCT/Ps, to submit HCT/P establishment registration and listing information to the Electronic Human Cell and Tissue Establishment Registration System (eHCTERs). Electronic submission of HCT/P establishment and product listing information is required under § 1271.22. However, a request for waiver of the electronic submission requirement may be submitted pursuant to § 1271.23. If the waiver request is granted, Form FDA 3356 (and accompanying instructions) may be downloaded to complete and submit by mail. The Tissue Establishment Registration page (*https://www.fda.gov/vaccines-blood-biologics/biologics-establishment-registration/tissue-establishment-registration*) provides access to eHCTERs, instructions for using eHCTERs, and other resource information that may be helpful to respondents.

Provisions in part 1271, subpart C (§§ 1271.45 through 1271.90), establish requirements for determining donor eligibility, including donor screening and testing, explaining that these requirements are a component of current good tissue practice (CGTP) requirements set forth in part 1271, subpart D (§§ 1271.145 through 1271.320). The provisions in part 1271, subparts C and D, govern the methods used in, and the facilities and controls used for, the manufacture of HCT/Ps, including but not limited to all steps in recovery, donor screening, donor testing, processing, storage, labeling, packaging, and distribution.

The regulations in part 1271, subparts E and F (§§ 1271.330 through 1271.440), establish additional requirements for establishments described in § 1271.10, including inspection and enforcement provisions, and recordkeeping requirements providing for the retention, notification to third parties, and disclosure of such records to FDA.

Description of Respondents: Respondents to this information collection are establishments that recover, process, store, label, package, or distribute any HCT/P that is regulated solely under section 361 of the PHS Act and regulations in part 1271 or perform donor screening or testing.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; reporting activities	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [2]
1271.10(b)(1) and 1271.21(b); register and submit list of each HCT/P manufactured by existing establishments.	2,374	1	2,374	0.5 (30 minutes)	1,187
1271.10(b)(1) and (2), 1271.21(a), and 1271.25(a) and (b); register and submit list of each HCT/P manufactured by new establishments.	157	1	157	0.75 (45 minutes)	118
1271.10(b)(2), 1271.21(c)(2)(ii), and 1271.25(c); update list	566	1	566	0.5 (30 minutes)	283
1271.23; request electronic format waiver	1	1	1	1	1
1271.26; location/ownership amendments	346	1	346	0.25 (15 minutes)	87
1271.155(a); request exemption or alternative to any requirement	18	1.333	24	3	72
1271.350(a)(1) and (3); investigate and report adverse actions	15	14.266	214	1	214
1271.420(a); notify FDA (imports)	200	2.8	560	0.25 (15 minutes)	140
Total		23.399	4,242		2,102

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Rounded to the nearest whole number.

Based on data from eHCTERS, we estimate there are 2,374 HCT/P current registrants and 157 new registrants, for a total of 2,531 respondents annually. Information collection provisions that include reporting activities are identified in table 1. The estimated burden for each of the individual reporting activities was calculated based on the annual number of submissions, averaged among respondents, and based on informal communications with industry.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part 1271; establish and maintain records	Number of recordkeepers	Number of records per recordkeeper [2]	Total annual records	Average burden per recordkeeping [2]	Total hours [3]
1271.47; Establishing SOPs	157	1	157	48	7,536
1271.47; Updating SOPs	2,374	1	2,374	24	56,976

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR part 1271; establish and maintain records	Number of recordkeepers	Number of records per recordkeeper [2]	Total annual records	Average burden per recordkeeping [2]	Total hours [3]
1271 Subpart C & Subpart D: Establishing and maintaining records documenting methods used in, and the facilities and controls used for, the manufacture of HCT/Ps, including but not limited to all steps in recovery, donor screening, donor testing, processing, storage, labeling, packaging, and distribution.	2,531	3,311.36	8,381,049	0.26 (~15 minutes)	2,170,493
Total	.....	.....	8,383,580	.....	2,235,005

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Decimals rounded to the nearest hundredth.
[3] Rounded to the nearest whole number.

To calculate burden associated with the establishment and maintenance of operating procedures in accordance with applicable CGTP requirements, we assume twice the time is necessary for new establishments. Burden we attribute to recordkeeping activities associated with the remaining provisions in part 1271 is assumed to be distributed among the individual elements and averaged among respondents.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR part 1271—Human cells, tissues, and cellular and tissue-based products; activity	Number of respondents	Number of disclosures per respondent [2]	Total annual disclosures	Average burden per disclosure [2]	Total hours
Disclosing information as required under applicable good manufacturing practices/CGTP provisions.	1,611	4,984.75	8,030,435	0.30 (~18 minutes)	2,389,226

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Decimals rounded to the nearest hundredth.

As part of the recordkeeping requirements, certain provisions in part 1271 require the disclosure of information to third parties, particularly as it pertains to the distribution of HCT/Ps. We estimate a proportion of the respondents to the information collection (1,611) will incur burden resulting from these disclosures and have therefore accounted for burden that may be attributable to these distinct activities.

We therefore retain our currently approved burden estimates.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18333 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–E–4125; FDA–2024–E–4128; FDA–2024–E–4129; FDA–2024–E–4130; and FDA–2024–E–4131]

Determination of Regulatory Review Period for Purposes of Patent Extension; ANKTIVA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ANKTIVA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of patents which claim that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 9, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 8, 2027. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2024–E–4125; FDA–2024–E–4128; FDA–2024–E–4129; FDA–2024–E–4130; and FDA–2024–E–4131 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ANKTIVA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Patrick Clouser, Office of the Commissioner, Food and Drug Administration, 240–402–5276.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biological product, ANKTIVA (nogapendekin alfa inbakicept-pmln). ANKTIVA in combination with Bacillus Calmette-Guérin (BCG) is indicated for the treatment of adult patients with BCG-unresponsive nonmuscle invasive bladder cancer with carcinoma in situ with or without papillary tumors. Subsequent to this approval, the USPTO received a patent term restoration application for ANKTIVA (U.S. Patent Nos. 8,507,222; 9,255,141; 9,328,159; 10,150,805; and 11,173,191) from Altor BioScience, LLC, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated August 19, 2025, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of ANKTIVA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ANKTIVA is 3,922 days. Of this time, 3,222 days occurred during the testing phase of the regulatory review period, while 700 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 26, 2013. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 26, 2013.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* May 23, 2022. FDA has verified the applicant's claim that the biologics license application (BLA) for ANKTIVA (BLA 761336) was initially submitted on May 23, 2022.

3. *The date the application was approved:* April 22, 2024. FDA has verified the applicant's claim that BLA 761336 was approved on April 22, 2024.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,827 days, 1,827 days, 1,807 days, 1,331 days, or 795 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must

comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18297 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–8361]

Agency Information Collection Activities; Proposed Collection; Comment Request; Pregnancy Exposure Registry Enrollment Project: A Survey of Health Care Providers To Advance Pregnancy Safety Data Collection and Improve Health Communications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed study entitled ''Pregnancy Exposure Registry Enrollment Project: A Survey of Health Care Providers to Advance Pregnancy Safety Data Collection and Improve Health Communications.''

DATES: Either electronic or written comments on the collection of information must be submitted by November 9, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–8361 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Pregnancy Exposure Registry Enrollment Project: A Survey of Health Care Providers to Advance Pregnancy Safety Data Collection and Improve Health Communications.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–1244, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget

(OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, in the **Federal Register** of April 26, 2024 (89 FR 32447), FDA published a 60-day notice requesting public comment on the proposed collection of information. In response to a request by OMB, FDA is republishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Pregnancy Exposure Registry Enrollment Project: A Survey of Healthcare Providers To Advance Pregnancy Safety Data Collection and Improve Health Communications

(OMB Control Number 0910—NEW)

I. Background

FDA has a need for data on pregnancy exposure registries (registries). The goal of the proposed Pregnancy Exposure Registry Enrollment Project survey is to determine healthcare providers' (HCPs) perceived barriers to sufficient patient enrollment in pregnancy exposure registries. FDA's authority to conduct research related to drugs and other FDA regulated products is set forth in the Federal Food, Drug, and Cosmetic Act (FD&C Act), (21 U.S.C. 393(d)(2)(C) and (D)).

To ensure that pregnancy information in product labeling is accurately communicated to HCPs so that they can make informed decisions about treatment options for their patients, human pregnancy safety data are collected postapproval. Registries are an important tool for pregnancy safety data collection in the postmarketing setting. Their prospective design and ability to collect detailed patient information are critical to obtain human data to inform pregnancy labeling in a timely manner.

The pharmaceutical industry typically sponsors registries often as a result of a postmarketing requirement (PMR) or commitment (PMC) FDA issues at the time of drug approval under section 505(o)(3) of the FD&C Act (21 U.S.C. 355(o)(3)). Under a PMR or PMC, pharmaceutical industry sponsors often work with private companies, nonprofits, and/or academic health centers to operate registries. Other times, private companies, nonprofits, Federal agencies other than FDA, or academic health centers may develop registries without FDA involvement to facilitate pregnancy-related research with other scientific goals. When developing registry protocols, sponsors and those who operate registries must comply with 45 CFR part 46 and meet the Criteria for IRB approval of research under 45 CFR 46.111, which provides protection of human research subjects, subjects' privacy, and the confidentiality of subjects' data.

Although registries are crucial to understanding the safety and potential toxicity of prescription products in the perinatal population, many registries fail to adequately enroll pregnant women. HCPs are a trusted source of information about health, and they serve as gatekeepers for recruiting pregnant individuals to enroll in clinical studies such as registries. Thus, HCPs are integral to the registry enrollment process. Publications suggest that low enrollment in registries may be related to HCPs' lack of awareness, time, incentives, and comfort with discussing clinical research with patients. Despite this speculation about the barriers that HCPs face, however, researchers have not surveyed HCPs to understand their challenges. FDA reviewed existing literature and engaged with other Offices and Centers within FDA and external experts and determined that this data collection is not duplicative.

During this voluntary, FDA-funded, qualitative survey, we will recruit through an existing panel of HCPs currently licensed to practice in clinical settings in the United States who routinely care for or counsel pregnant patients. We will engage three groups of HCPs: (1) primary HCPs (obstetrician/gynecologists, family practice physicians, certified nurse-midwives, physician assistants); (2) consulting HCPs (neurologists, infectious disease specialists, psychiatrists, rheumatologists, cardiologists, pulmonologists, dermatologists), and (3) pharmacists. To be eligible for the study, primary HCPs must routinely care for or counsel five or more pregnant patients per month, and consulting HCPs and pharmacists must routinely care for or counsel three or more pregnant patients per month. All eligible HCPs must have either a degree as a Doctor of Medicine, a Doctor of Osteopathic Medicine, or a Doctor of Pharmacy. Although we will recruit with representativeness in mind, we will weigh the data to ensure a nationally representative sample of HCPs. Generated tables will compare the weighted distributions of the variables used for weighting against their corresponding benchmarks.

A contracted research firm will collect data through internet administration. One hundred percent (100%) of participants will self-administer the internet survey via a computer, which will record responses and provide appropriate probes when needed. We will use automated technology in data collection, data reduction, and analyses. To identify eligible HCPs, we will send a recruitment email that links to a prequalifying screener on the internet. The screener will include questions about the HCP's specialty, number of years in practice, number of pregnant patients counseled per month, and demographics (age, race/ethnicity, and sex) and will confirm that the respondent does not work for FDA or a pharmaceutical company. We will invite all respondents who meet eligibility requirements to participate in the survey within 24 hours of completing the screener and obtain informed consent from all survey participants. The survey will assess experienced HCPs' knowledge of registries, their attitudes toward them, the barriers they face to recruiting patients, and their ideas about improving registry enrollment. Results from this project will advance pregnancy safety data collection from registries and ultimately improve health communications through inclusion of human safety data in pregnancy labeling. The survey is available on request at *pedsdrugs@fda.hhs.gov.*

We have the following specific research questions:

1. What proportion of HCPs know about pregnancy exposure registries?
2. What proportion of HCPs have referred patients to pregnancy exposure registries?

3. What proportion of HCPs have provided information from patient medical records to pregnancy exposure registries?
4. What barriers to patient enrollment in pregnancy exposure registries are identified by HCPs?
5. What ideas do HCPs have to improve enrollment in pregnancy exposure registries?

The target sample size for this study is 400 completed surveys. The sample will include an equal number of primary HCPs, consulting HCPs, and pharmacists. Such a design will help to ensure assessment of not only HCPs' perceptions generally, but also potential variations between different types of HCPs. HCPs are a difficult group to recruit, so several strategies will be put into place to achieve a high response rate. These strategies include tailoring contact materials, disclosing FDA sponsorship on survey materials, and providing a cash incentive.

To obtain 400 completed surveys, we estimate that 2,000 experienced HCPs will need to be screened. We estimate that participation in the study will take 17 minutes.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Screener	2,000	1	2,000	0.0335 (2 minutes)	67
Main Study Survey	400	1	400	0.25 (15 minutes)	100
Total			2,400		167

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Prior to the main analysis, an outlier analysis will be performed for the time spent on any screen visited and total time to complete the survey. Extreme survey time will be identified and appropriate adjustments will be made prior to the final data analysis. The extent of any missing information will also be assessed to determine the data quality. Descriptive statistics will afford a look at the frequency of responses. Assessment of potential differences between primary HCPs, consulting HCPs, and pharmacists can be accomplished with pairwise comparisons between groups. We will also produce national-level estimates about attitudes toward pregnancy exposure registries and other key questions.

An analysis of item nonresponse will be made in the screener, if needed, and in the main survey. Item nonresponse rates will be tabulated for the questionnaire items, allowing for skip patterns. An analysis will be made of any questionnaire items that register unusually high item nonresponse rates. Multivariate item nonresponse relationships will be evaluated, including monotonicity patterns such as breakoffs (all items dropped after a particular item), and other types of ''blocks'' of multivariate item nonresponse. High levels of item nonresponse in particular items will have their correlations with other questionnaire item results in both the screener and main survey analyzed (tabulating how much the item nonresponse is concentrating in a particular subgroup of health providers).

The FDA anticipates disseminating the results of the study after final analyses of the data are completed, reviewed, and cleared. The information gathered on this topic will be used to inform regulatory guidance to sponsors and investigators designing pregnancy exposure registry protocols.

As noted, FDA published a 60-day notice requesting public comment on the proposed collection of information on April 26, 2024 (89 FR 32447). FDA is republishing the 60-day notice in order to satisfy PRA requirements in response to a request by OMB to republish the **Federal Register** Notice. No changes have been made to the information collection.

II. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. Gelperin, K., H. Hammad, K. Leishear, et al., ''A Systematic Review of Pregnancy Exposure Registries: Examination of Protocol-Specified Pregnancy Outcomes, Target Sample Size, and Comparator Selection,'' Pharmacoepidemiology and Drug Safety, 2017 Feb;26(2):208–214. doi: 10.1002/pds.4150. Epub 2016 Dec 27. PMID: 28028914.
2. FDA, ''Postapproval Pregnancy Safety Studies (May 2019).'' Available at: *https://www.fda.gov/media/124746/download.*
3. National Institutes of Health, Task Force on Research Specific to Pregnant Women and Lactating Women (PRGLAC). Available at: *https://www.nichd.nih.gov/about/advisory/PRGLAC.*
4. FDA, ''Study Approaches and Methods to Evaluate the Safety of Drugs and Biological Products During Pregnancy in the Post-Approval Setting,'' May 28–29, 2014. Available at: *https://www.fda.gov/media/88387/download.*
5. Daniels, J.L., D.A. Savitz, C. Bradley, et al., ''Attitudes Toward Participation in a Pregnancy and Child Cohort Study,'' Paediatric and Perinatal Epidemiology, 2006 May;20(3):260–266. doi: 10.1111/j.1365–3016.2006.00720.x. PMID: 16629701.
6. Hartman, R.I. and A.B. Kimball, ''Performing Research in Pregnancy: Challenges and Perspectives,'' Clinics in Dermatology, 2016 May–Jun;34(3):410–415. doi: 10.1016/j.clindermatol.2016.02.014. Epub 2016 Feb 11. PMID: 27265080.
7. Krueger, W.S., M.S. Anthony, C.W. Saltus, et al., ''Evaluating the Safety of Medication Exposures During Pregnancy: A Case Study of Study Designs and Data Sources in Multiple Sclerosis,'' Drugs Real World Outcomes, 2017 Sep;4(3):139–149. doi: 10.1007/s40801–017–0114–9. PMID: 28756575; PMCID: PMC5567459.
8. Sarker A., P. Chandrashekar, A. Magge, et al., ''Discovering Cohorts of Pregnant Women From Social Media for Safety Surveillance and Analysis,'' Journal of Medical internet Research, 2017 Oct 30;19(10):e361. doi: 10.2196/jmir.8164. PMID: 29084707; PMCID: PMC5684515.
9. Sinclair S., M. Cunnington, J. Messenheimer, et al., ''Advantages and Problems With Pregnancy Registries: Observations and Surprises Throughout the Life of the International Lamotrigine Pregnancy Registry,'' Pharmacoepidemiology and Drug Safety, 2014 Aug;23(8):779–786. doi: 10.1002/pds.3659. Epub 2014 Jun 27.

PMID:24974947; PMCID: PMC4406353.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18299 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–E–3939]

Determination of Regulatory Review Period for Purposes of Patent Extension; ANZUPGO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ANZUPGO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 9, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 8, 2027. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2025–E–3939 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ANZUPGO.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Patrick Clouser, Office of the Commissioner, Food and Drug Administration, 240–402–5276.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug

product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, ANZUPGO (delgocitinib). ANZUPGO is indicated for the topical treatment of moderate to severe chronic hand eczema in adults who have had an inadequate response to, or for whom topical corticosteroids are not advisable. Subsequent to this approval, the USPTO received a patent term restoration application for ANZUPGO (U.S. Patent No. 8,609,647) from Japan Tobacco Inc., and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated October 15, 2025, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ANZUPGO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ANZUPGO is 3,532 days. Of this time, 3,167 days occurred during the testing phase of the regulatory review period, while 365 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 20, 2015. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on November 20, 2015.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* July 23, 2024. FDA has verified the applicant's claim that the new drug application (NDA) for ANZUPGO (NDA 219155) was initially submitted on July 23, 2024.

3. *The date the application was approved:* July 23, 2025. FDA has verified the applicant's claim that NDA 219155 was approved on July 23, 2025.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,827 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18298 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2025–E–3595 and FDA–2025–E–3596]

Determination of Regulatory Review Period for Purposes of Patent Extension; ANDEMBRY

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ANDEMBRY and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of patents which claim that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect must submit either electronic or written comments and ask for a redetermination by November 9, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 8, 2027. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket Nos. FDA–2025–E–3595 and FDA–2025–E–3596 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ANDEMBRY.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Patrick Clouser, Office of the Commissioner, Food and Drug Administration, 240–402–5276.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biological product, ANDEMBRY (garadacimab-gxii). ANDEMBRY is indicated for prophylaxis to prevent attacks of hereditary angioedema in adult and pediatric patients aged 12 years and older. Subsequent to this approval, the USPTO received a patent term restoration application for ANDEMBRY (U.S. Patent Nos. 9,518,127 and 11,174,321) from CSL Behring GmbH and CSL Ltd., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 15, 2025, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of ANDEMBRY represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ANDEMBRY is 2,528 days. Of this time, 1,916 days occurred during the testing phase of the regulatory review period, while 612 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 14, 2018. The applicant claims July 13, 2018, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 14, 2018, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* October 13, 2023. The applicant claims June 29, 2023, as the date the biologics license application (BLA) for ANDEMBRY (BLA 761367) was initially submitted. However, FDA records indicate that BLA 761367, submitted on June 29, 2023, was incomplete. FDA refused this application and notified the applicant of this fact by letter dated August 28, 2023. The complete BLA was then submitted on October 13, 2023, which is considered to be the initially submitted date.

3. The *date the application was approved:* June 16, 2025. FDA has verified the applicant's claim that BLA 761367 was approved on June 16, 2025.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,626 and 610 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask

for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18300 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–D–9571]

Temporary Policies for Compounding Certain Starter Parenteral Nutrition Drug Products for Neonates; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a guidance for industry titled ''Temporary Policies for Compounding Certain Starter Parenteral Nutrition Drug Products for Neonates.'' This guidance describes the FDA's regulatory and enforcement priorities regarding the compounding of certain starter parenteral nutrition drug products for neonates by outsourcing facilities and by State-licensed pharmacies and Federal facilities that are not registered with FDA as outsourcing facilities. This guidance is being published for immediate implementation due to the expected market exit of the predominant source of certain starter parenteral nutrition drug products for neonates in the United States.

DATES: The announcement of the guidance is published in the **Federal Register** on September 9, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–D–9571 for ''Temporary Policies for Compounding Certain Starter Parenteral Nutrition Products for Neonates.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send two self-addressed adhesive labels to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Heather Messick, Center for Drug Evaluation and Research, Food and

Drug Administration, 10903 New Hampshire Ave, Silver Spring, MD 20903, 240–402–4641.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry, titled ''Temporary Policies for Compounding Certain Starter Parenteral Nutrition Drug Products for Neonates.'' We are issuing this guidance consistent with our good guidance practices (GGP) regulation (§ 10.115 (21 CFR 10.115)). We are implementing this guidance without prior public comment because we have determined that prior public participation is not feasible or appropriate (§ 10.115(g)(2)). This guidance document is being implemented immediately to help ensure patient access to certain starter parenteral nutrition products for neonates, which are essential to the care of this vulnerable patient population. Although this guidance document is immediately in effect, it remains subject to comment in accordance with FDA's GGP regulation.

FDA has determined that temporary enforcement policies for both pharmacy compounders operating under Section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 353a) and for outsourcing facilities registered under Section 503B of the FD&C Act (21 U.S.C. 353b) are needed to help ensure that treatment options for neonates remain available to hospitals and health systems.

The guidance represents the current thinking of FDA on the ''Temporary Policies for Compounding Certain Starter Parenteral Nutrition Drug Products for Neonates.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collections of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information for current good manufacturing practice requirements have been approved under OMB control number 0910–0139. The collections of information for registration of human drug compounding outsourcing facilities under section 503B of the FD&C Act and associated fees under section 744K of the FD&C Act (21 U.S.C. 379j–62) have been approved under OMB control number 0910–0776. The collections of information for human drug compounding and adverse event reporting under sections 503A and 503B (21 U.S.C. 353a and 353b) of the FD&C Act have been approved under OMB control number 0910–0800. The collections of information for adverse product experience reporting under the MedWatch System has been approved under OMB control number 0910–0291.

In addition, the guidance mentions certain records, including records regarding information about which patients received specific compounded products, that FDA expects generally exist as a result of recordkeeping requirements imposed by Federal and State regulatory authorities independent from FDA, including the Centers for Medicare and Medicaid Services and individual State pharmacy licensing authorities. FDA does not believe the guidance includes conducting or sponsoring a collection of information regarding those records.

III. Electronic Access

Persons with access to the internet may obtain the document at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18368 Filed 9–4–26; 4:15 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–10232]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—2027 Southern Hemisphere Influenza Virus Vaccines

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 1, 2026, from 9:00 a.m. to 1:00 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

The online web conference meeting will be available at the following link on the day of the meeting at: *https://youtube.com/live/K881o0O6Vrg?feature=share.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2026–N–10232. The docket will close on September 29, 2026. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 29, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 24, 2026, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–10232 for ''Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—2027 Southern Hemisphere Influenza Virus Vaccines''. Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Cicely Reese; Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, 301–796–9025, email: *CBERVRBPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On October 1, 2026, the Committee will convene in open session to discuss strain selection for influenza virus vaccines for the 2027 Southern Hemisphere influenza season and provide recommendations.

FDA intends to make background material available to the public no later than two (2) business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at: *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before September 24, 2026, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 11:05 a.m. and 12:05 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with the names, email addresses, and direct contact phone numbers of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on September 22, 2026. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak on September 24, 2026.

For press inquiries, please contact the HHS Press Room at: *www.hhs.gov/press-room/index.html* or 202–690–6343. FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cicely Reese at *CBERVRBPAC@fda.hhs.gov* (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/*

ucm111462.htm for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18349 Filed 9–8–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, Division of Injury Compensation Programs, 5600 Fishers Lane, Room 8W–25A, Rockville, Maryland 20857; 1–800–338–2382, or visit our website at: *https://www.hrsa.gov/vaccine-compensation.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on 07/01/2026, through 07/31/2026. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 8W–25A, Rockville, Maryland 20857. The Court's caption (Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Thomas J. Engels,

Administrator.

List of Petitions Filed

1. Molina Morgan, Kayenta, Arizona, Court of Federal Claims No: 26–0948V
2. Alexya Rodriguez, Englewood, New Jersey, Court of Federal Claims No: 26–0949V
3. Erika Rider, Houston, Texas, Court of Federal Claims No: 26–0950V
4. Jena Baumann, Dresher, Pennsylvania, Court of Federal Claims No: 26–0951V
5. Michelle Lindo, Stockbridge, Georgia, Court of Federal Claims No: 26–0952V
6. Sherman Dickinson, Santa Ana, California, Court of Federal Claims No: 26–0953V
7. Janis Hoppe, Rifle, Colorado, Court of Federal Claims No: 26–0955V
8. Hui Zhou, New York, New York, Court of Federal Claims No: 26–0956V
9. Karen Lowitz, Bethesda, Maryland, Court of Federal Claims No: 26–0957V
10. Ryan Starks, Long Beach, California, Court of Federal Claims No: 26–0959V
11. Venkata Praveen Kondreddi, High Point, North Carolina, Court of Federal Claims No: 26–0960V
12. James E. Schoenbeck, St. Petersburg, Florida, Court of Federal Claims No: 26–0961V

13. Asau Rodriguez, Rapid City, South Dakota, Court of Federal Claims No: 26–0962V
14. Carole Sanek, Greenville, South Carolina, Court of Federal Claims No: 26–0963V
15. Cyrlett Banks, Kernersville, North Carolina, Court of Federal Claims No: 26–0965V
16. George Scobie, Haverhill, Massachusetts, Court of Federal Claims No: 26–0966V
17. Norma Ines Jordan, Claremont, California, Court of Federal Claims No: 26–0968V
18. Jessica Engle, Bend, Oregon, Court of Federal Claims No: 26–0969V
19. Barbara Irby, Murray, Kentucky, Court of Federal Claims No: 26–0970V
20. Charles Ponder, Duluth, Georgia, Court of Federal Claims No: 26–0971V
21. Jamie Malyn, Towson, Maryland, Court of Federal Claims No: 26–0972V
22. Norma Allen, Glenn Allen, Virginia, Court of Federal Claims No: 26–0974V
23. Mary Kristen Clark, Clayton, North Carolina, Court of Federal Claims No: 26–0976V
24. Holly Johnson, Saint Joseph, Missouri, Court of Federal Claims No: 26–0981V
25. Patricia Zwaska, Wake Forest, North Carolina, Court of Federal Claims No: 26–0983V
26. Misty Wefer on behalf of the estate of Robert Austin Bowers, Deceased, Washington, District of Columbia, Court of Federal Claims No: 26–0985V
27. Margaret Sparrow, Windham, Maine, Court of Federal Claims No: 26–0987V
28. Naga Pratapa, Chicago, Illinois, Court of Federal Claims No: 26–0988V
29. Rudolph Rhoades, Catonsville, Maryland, Court of Federal Claims No: 26–0989V
30. Charles Johnson, Chicago, Illinois, Court of Federal Claims No: 26–0990V
31. Alyee Gilbert, Chesapeake, Virginia, Court of Federal Claims No: 26–0993V
32. Candace List, Kalamazoo, Michigan, Court of Federal Claims No: 26–0995V
33. Sylvia Adamec, Peoria, Arizona, Court of Federal Claims No: 26–0997V
34. Dana Avila, Walnut Creek, California, Court of Federal Claims No: 26–0998V
35. Muhammad Nadeem, Halethorpe, Maryland, Court of Federal Claims No: 26–0999V
36. Emily Whitcomb, Hilo, Hawaii, Court of Federal Claims No: 26–1000V
37. Ronald Finney, Huber Heights, Ohio, Court of Federal Claims No: 26–1001V
38. Chelsea Lumbert and Cameron Lumbert on behalf of A. L., San Mateo, California, Court of Federal Claims No: 26–1004V
39. Syeda Omer, Gilroy, California, Court of Federal Claims No: 26–1007V
40. Sukhdip Sangha, Los Angeles, California, Court of Federal Claims No: 26–1008V
41. Nancy Oakley, Fort Worth, Texas, Court of Federal Claims No: 26–1010V
42. Sarah Lineberry, Mount Pleasant, South Carolina, Court of Federal Claims No: 26–1011V
43. Ellen Martin, Glen Allen, Virginia, Court of Federal Claims No: 26–1012V
44. Elizabeth Davis, Germantown, Tennessee, Court of Federal Claims No: 26–1013V
45. Mary Jo Pugh, Pickerington, Ohio, Court of Federal Claims No: 26–1015V
46. April Monet McFadden, Greenville, South Carolina, Court of Federal Claims No: 26–1016V
47. Michelle Wiley, Harrisburg, Pennsylvania, Court of Federal Claims No: 26–1018V
48. Goldi D. Dawson, Black River Falls, Wisconsin, Court of Federal Claims No: 26–1019V
49. Gail Psirogianes, Washington, District of Columbia, Court of Federal Claims No: 26–1020V
50. Lillian Novo, Miami, Florida, Court of Federal Claims No: 26–1027V
51. Kathleen R. Even, Waterloo, Iowa, Court of Federal Claims No: 26–1028V
52. Francis McDonald, New York, New York, Court of Federal Claims No: 26–1029V
53. Kelly Titano, Washington, District of Columbia, Court of Federal Claims No: 26–1030V
54. Lynn Jobe, Sacramento, California, Court of Federal Claims No: 26–1032V
55. Kastin Elliott Slaybaugh, New Castle, Indiana, Court of Federal Claims No: 26–1033V
56. Mark A. Weiss, Winnebago, Wisconsin, Court of Federal Claims No: 26–1034V
57. Corey Anderson, Chippewa Falls, Wisconsin, Court of Federal Claims No: 26–1035V
58. Heather Florance, Boston, Massachusetts, Court of Federal Claims No: 26–1036V
59. Brandi Heath, Richmond, Virginia, Court of Federal Claims No: 26–1037V
60. Marilyn Jimenez, Staten Island, New York, Court of Federal Claims No: 26–1038V
61. Abderrahman Y. Madina, Bayonne, New Jersey, Court of Federal Claims No: 26–1041V
62. Bernadean Ross, Paramount, California, Court of Federal Claims No: 26–1042V
63. Taylor Krut, Everett, Washington, Court of Federal Claims No: 26–1043V
64. Jennifer Giesler, Winter Garden, Florida, Court of Federal Claims No: 26–1046V
65. Craig Carlson, Fairmont, North Carolina, Court of Federal Claims No: 26–1049V
66. Diana Granger, Dresher, Pennsylvania, Court of Federal Claims No: 26–1050V
67. Latina Henderson Vallery, Galveston, Texas, Court of Federal Claims No: 26–1051V
68. Leslie Lewis, Anaheim, California, Court of Federal Claims No: 26–1055V
69. Destinie Montano, Springfield, Massachusetts, Court of Federal Claims No: 26–1056V
70. Anastassia Linkova, Boston, Massachusetts, Court of Federal Claims No: 26–1058V
71. Jinyan Lu, Seattle, Washington, Court of Federal Claims No: 26–1062V
72. Adrienne Gopie Wright, Forney, Texas, Court of Federal Claims No: 26–1065V
73. Mohammad Ali Saghiri, New York, New York, Court of Federal Claims No: 26–1066V
74. Barry Johnson, West Jordan, Utah, Court of Federal Claims No: 26–1068V
75. Giorgiana Angelica Kim, Okemos, Missouri, Court of Federal Claims No: 26–1069V
76. Carletta Badoni, Dresher, Pennsylvania, Court of Federal Claims No: 26–1072V
77. Diana Rivera Acevedo, Jacksonville, Florida, Court of Federal Claims No: 26–1073V
78. Kathy Sims, Mexico, Missouri, Court of Federal Claims No: 26–1075V
79. Cortez Robinson, Waupun, Wisconsin, Court of Federal Claims No: 26–1076V
80. Martha Wyatt, Kenneth Square, Pennsylvania, Court of Federal Claims No: 26–1077V
81. Elizabeth Blazer, Glen Rock, New Jersey, Court of Federal Claims No: 26–1078V
82. Walter Magnuson, Mineola, New York, Court of Federal Claims No: 26–1079V
83. Madison Rae Pierce on behalf of O.D.T., Willits, California, Court of Federal Claims No: 26–1080V
84. Liesl Picard, Key Biscayne, Florida, Court of Federal Claims No: 26–1081V
85. Maryann R. Turner, St. Louis, Missouri, Court of Federal Claims No: 26–1082V
86. Erica LaPlante, Washington, District of Columbia, Court of Federal Claims No: 26–1083V
87. Laurie Goodrich, Woodbury Heights, New Jersey, Court of Federal Claims No: 26–1084V
88. Kelly Maggiotto, Washington, District of Columbia, Court of Federal Claims No: 26–1085V
89. Ursula Miller, Minneapolis, Minnesota, Court of Federal Claims No: 26–1089V
90. Mary Herron, Hamden, Connecticut, Court of Federal Claims No: 26–1091V
91. Takara Taylor, Kentwood, Michigan, Court of Federal Claims No: 26–1094V
92. Emily Brienza-Larsen, Stockton, California, Court of Federal Claims No: 26–1095V
93. Steven Albert Thaxton, Ripley, West Virginia, Court of Federal Claims No: 26–1097V
94. Keisha Lavender, Pasadena, California, Court of Federal Claims No: 26–1098V
95. Princessa Tobias, Lewisville, Texas, Court of Federal Claims No: 26–1099V

[FR Doc. 2026–18283 Filed 9–8–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2026–0562]

Agency Information Collection Activities: Health Care Credentialing Form, DHS Form 5207, OMB Control No. 1601–NEW

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until November 9,

2026. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket #DHS–2026–0562, at:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #DHS–2026–0562. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the following laws, statutes, and DHS authorities, the Office of Health Security (OHS), conducts a process to verify credentials, which permits DHS healthcare providers to provide designated medical services to, for, or on behalf of DHS. Once credentialed, DHS healthcare providers may provide care in any U.S. jurisdiction, and as part of authorized DHS duties, if they maintain a current, active, valid, and unencumbered license, registration, or certification, in compliance with Department and Component policies.

6 U.S.C. 597 pertains to the Chief Medical Officer of the Department of Homeland Security. This section outlines that the Chief Medical Officer must be a licensed physician with expertise in medicine and public health, serving as the principal advisor on medical and public health issues to the Secretary and other officials. The Chief Medical Officer is responsible for providing operational medical support across the Department. Letter from OHS Secretary Mayorkas to The Honorable Bennie Thompson, U.S. House of Representatives, re: Notice of Office of Health Security Reorganization Pursuant to 872 of the Homeland Security Act of 2002 and 513(d) of the Department of Homeland Security Appropriations Act, 2022 (May 19, 2022).

DHS Delegation 26000 Chief Medical Officer (CMO)/Director of the Office of Health Security (OHS), the OHS Director/DHS CMO is responsible for (1) Overseeing all medical, public health, and workforce health and safety activities of DHS. (2) In collaboration with DHS components with medical personnel, establish credentialing policies and programs for medical personnel within the Department. Note: Delegation 26000 supersedes Delegation 5001 Delegation to the Assistant Secretary for Health Affairs and Chief Medical Officer.

DHS Medical Quality Management Directive 248–01 and Instruction 248–01–001, the DHS Chief Medical Officer (1) performs credentialing on behalf of DHS for those personnel (or applicants) whose position description explicitly requires that the individual has the duties/qualifications to provide designated medical services (2) Develops a centralized Credentialing Management System.

The OHS Healthcare Systems and Oversight Directorate (OHS/HCSOD) is responsible for managing DHS Medical Quality Management Directive 248–01 and Instruction 248–01–001.

OHS approves credentials for all DHS employee health care providers and establishes credentialing requirements for all DHS contractors and detailee health care providers. Component human capital offices have integrated completion of the DHS Health Care Provider Credentialing Form (DHS Form 5207) into their hiring process; and it requires OHS/HCSOD to clear all medical professionals requiring medical licenses, certifications, registrations, and professional education prior to a final offer of employment. OHS/HCSOD processes the DHS Form 5207 and conducts primary source credentialing verification. Additionally, OHS/HCSOD conducts continuous monitoring and quarterly audits, informing Component medical offices of any of their personnel who have been identified as having credentialing issues. The system also generates deidentified statistical information to support analytics and decision making. During the pre-hiring process, Component Human Capital emails the DHS Form 5207 to the applicant. The applicant emails the completed form to Component Human Capital for coordinating the primary source credentialing and education verification with OHS/HCSOD. If the applicant is hired, OHS/HCSOD inputs the DHS Form 5207 information into the Health and Medical Credentialing System. As a result, the system contains a credential record for every medical professional hired to work at DHS. These records contain data fields that mirror those on DHS Form 5207 information required to meet the objectives of Directive 248–01 and Instruction 248–01–001.

Hereafter, once the medical professional has a DHS personal identity verification (PIV) card, the system emails a unique record link to the medical professional which allows them to update their license and certifications, when they are renewed, to add additional license and certifications, and update demographic information. This prevents the medical professional from having to submit a new DHS 5207 Form with each license or certification renewal which could be annually or bi-annually, depending on the state of licensure and certifying body frequency. Using information technology reduces burden on the medical professional. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83–I), describe any methods used to minimize burden.

Maintaining a valid, unencumbered professional medical license is a condition of employment for federal and contractor medical professionals who provide health care services on behalf of DHS. If credentialing verification is not conducted or conducted less frequently. DHS will increase its liability and will be unable to mitigate risk to the DHS mission, safeguard against health care fraud, waste, and abuse, and provides assurance when filling critical medical professional positions.

There are 3 main user roles for the Health and Medical Credentialing system—Medical Professionals, Credentialing Specialists, and Component Human Resource professionals. The personally identifiable information (PII) collected is date of birth, other names used, home address and secondary email (personal). All credentialing records in Health and Medical Credentialing System are accessible to approximately two employees in OHS's Healthcare and Oversight Division (HCSOD) who serve as DHS Credentialing Program Manager and Health and Medical Credentialing system administrators. These employees conduct verifications for onboarding employees and for employees whose credentials are due for updates or renewals. They also conduct periodic credentialing audits. Human Capital professionals from the relevant Components have access to the system to initiate a record for verification as part of the new hire process and view the status of the record. All DHS personnel are required to participate in annual privacy and security awareness training. The system also generates deidentified statistical information to support analytics and decision making.

The security system plan is developed according to the DHS 4300 Security requirement sand industry standards which include audit trails and PIV cards for access controls. Medical credentialing information is collected in accordance with DHS Privacy Impact Analysis (PIA) DHS/ALL/PIA–034 Medical Credentials Management

System and System of Record Notice (SORN) OPM/GOVT–1, General Personnel Records (71 FR 35356). This is an existing collection in use. DHS is seeking approval to ensure this collection is compliant with all requirements outlined under the Paperwork Reduction Act.

The DHS Health and Medical Credentialing Form 5207 is vital for the Department's process of verifying and approving the credentials of federal and contractor medical professionals who provide health care services to, for, or on behalf of DHS. The following information is collected: Name (first, middle, last, and other names used), date of birth, address and phone (home and DHS duty station), college or graduate school attended, degree awarded, and graduation date, provider type, state license number, certification number, drug enforcement administration number, national provider identification number, and basic life support certification with all associated issue and expiration dates. This information is necessary to confirm that a DHS healthcare provider holds a current, active, valid, and unencumbered licenses, registrations, certifications, education, and related qualifications required for their positions. This credentialing verification process helps DHS ensure that medical professionals are qualified to perform designated medical duties and supports the Department's medical quality management responsibilities. DHS also uses deidentified statistical information for analytics and decision-making, such as looking at the number of nurses licensed in a particular state.

During the pre-hiring process applicants submit the completed DHS Form 5207 through Component Human Capital staff, who coordinate with the Office of Health Security, Healthcare Systems and Oversight Directorate, to complete primary source verification of medical credentials and education. If the applicant is hired, the information is entered into the DHS Health and Medical Credentialing System to create and maintain a credentialing record. After a medical professional receives a DHS PIV card, the system allows the individual to access their unique credentialing record to update their license, certification, and demographic information electronically. This reduces the need to resubmit a new form each time credentials are renewed or updated.

The collected information is used to support onboarding, credential verification, renewals, audits, and compliance with DHS medical quality management requirements. It also helps DHS reduce risk, protect the mission, safeguard against healthcare fraud, waste, and abuse, and ensure qualified individuals fill critical medical professional roles. Access to records is limited to authorized DHS personnel with a need to know, including credentialing program staff and relevant component human capital professionals. The system uses access controls, audit trails, and personal identity verification (PIV) based authentication. The collection does not impact small businesses or other small entities. This is an existing collection for which DHS is seeking approval to ensure compliance with Paperwork Reduction Act requirements.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Health Care Credentialing Form DHS Form 5207.

OMB Number: 1601–NEW.

Frequency: Annually.

Affected Public: Medical Professionals.

Number of Respondents: 70.

Estimated Time per Respondent: 30 Minutes.

Total Burden Hours: 2,100.

Robert Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2026–18374 Filed 9–8–26; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2509–014–004–125222; LLCA942000]

Filing of Plats of Survey, Amended Plat and Supplemental Plat: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey, amended plat, and supplemental plat 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) California State Office. The surveys announced in this notice, which were executed at the request of the U.S. Fish and Wildlife Service, Department of the Navy, U.S. Forest Service, and Bureau of Land Management, are necessary for the management of these lands.

DATES: Protests must be received by the BLM California State Office prior to the scheduled date of official filing, October 9, 2026.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM California State Office, Cadastral Survey, 2800 Cottage Way, W–1623, Sacramento, CA 95825, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Joan Honda, BLM Chief Cadastral Surveyor for California and Hawaii, 916–978–4316, *jhonda@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 telecommunications relay services for contacting Ms. Honda. 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:

Mount Diablo Meridian, California

T. 45 N., R. 8 W., dependent resurvey, subdivision, and metes-and-bounds survey, Group No. 1774, California, accepted June 30, 2025.

T. 14 N., R. 11 E., dependent resurvey and subdivision, Group No. 1767, California, accepted July 7, 2025.

T. 3 N., R. 26 E., dependent resurvey and subdivision of sections 12, 13 and 14, Group No. 1822, California, accepted March 5, 2026.

T. 3 N., R. 27 E., dependent resurvey and subdivision of sections 1, 7 and 18, Group No. 1822, California, accepted March 5, 2026.

T. 6 S., R. 31 E., dependent resurvey and subdivision of section 17, Group No. 1829, California, accepted June 15, 2026.

San Bernardino Meridian, California

T. 10 N., R. 23 W., dependent resurvey and subdivision, Group No. 1747, California, accepted September 25, 2025.

T. 4 N., R. 2 E., dependent resurvey and metes-and-bounds survey, Group No. 1806, California, accepted June 24, 2026.

T. 4 N., R. 3 E., dependent resurvey and metes-and-bounds survey, Group No. 1806, California, accepted June 24, 2026.

T. 2 N., R. 2 W., amended plat for the dependent resurvey, subdivision of sections and metes-and-bounds survey, Group No. 1580, California, accepted July 9, 2026.

T. 5 N., R. 3 E., supplemental plat of section 21 showing new lotting, Group No. 1739, California, accepted July 15, 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 California, 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 California 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 California 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. Plat(s) 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.)

Timothy Jackson,

Acting Chief Cadastral Surveyor for California and Hawaii.

[FR Doc. 2026–18269 Filed 9–8–26; 8:45 am]

BILLING CODE 4331–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7478; NPS–WASO–NAGPRA–NPS0043683; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Antelope Valley College, Lancaster, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Antelope Valley College (AVC) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Darcy L. Wiewall, Antelope Valley College, Department of Anthropology, 3041 W Ave. K, Lancaster, CA 93536, email *darcy.wiewall@avc.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of AVC, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two lots of cultural items have been requested for repatriation. The two lots of objects of cultural patrimony include 17 boxes of flaked stone and ground stone. The Lovejoy Springs (CA–LAN–192/AVC–174) site is located along a series of buttes on the floor of the southeastern Antelope Valley, north of the San Gabriel Mountains, Los Angeles County. Between 1994 and 1996, Roger W. Robinson, Consulting Archaeologist and Professor of Anthropology at AVC, along with a group of his students and volunteers, performed several site inspections on behalf of the LA County Department of Parks and Recreation (DPR) and monitored construction of the original Lake Los Angeles Community Park (now Stephen Sorensen Park). All recovered materials were catalogued, and a report was produced (Robinson 1996). No hazardous substances are known to have been used to treat any of the cultural items.

The site has been investigated numerous times (see Price *et al.* 2009). Based on these excavations, archaeologists have determined Lovejoy Springs was occupied as early as 2525 BC (4000 BP) during the Gypsum Period and through the Late Prehistoric Period (cal A.D. 1100–1769) (Price *et al.* 2009:182–184). The deep midden deposits, an extensive quantity of milling implements, and a cemetery suggests it was a major village location (Mason *et al.* 2018:30; Sutton 2016).

Archaeologists have asserted that Serrano peoples have continuously occupied the San Gabriel Mountains and the surrounding areas for up to 5,000–6,000 years BP. Linguistic sources demonstrate a strong continuous shared group identity between those people and modern Native Americans of Serrano descent Golla (2011). Ethnographic evidence and Traditional Knowledge document the Antelope Valley region as home to Serrano peoples since time immemorial (Earle 1990, 2005). These records, combined with communication and consultation with representatives of the Yuhaaviatam of San Manuel Nation (previously listed as the San Manuel Band of Mission Indians) and non-federally recognized California Tribes including the Fernandeño Tataviam Band of Mission Indians and the San Fernando Band of Mission Indians, these individuals are Native American.

Determinations

AVC has determined that:

- The two lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, AVC must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The AVC is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18344 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7461; NPS–WASO–NAGPRA–NPS0043667; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ball State University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email *NAGPRA@bsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ball State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. Acquired through unknown means by William Henry Shrawder prior to 1938, reportedly from an unknown location in Florida. In 1938, Shrawder Collection was purchased for the Ball State Teachers College. The collection was formally cataloged in 1953 and the catalog states ''Indian skull from Florida'' with no additional provenance or provenience information. Ball State University is not aware of the presence of any potentially hazardous substances used to treat any of the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Ball State University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Eastern Shawnee Tribe of Oklahoma; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; Shawnee Tribe; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, Ball State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Ball State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18330 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7474; NPS–WASO–NAGPRA–NPS0043679; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Huntington Museum of Art, Huntington, WV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Huntington Museum of Art (HMoA) intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural

item in this notice to Liz Simmons, Executive Director, HMoA, 2033 McCoy Road, Huntington, WV 25701, email *lsimmons@hmoa.org* or *nagpra@hmoa.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the HMoA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is one pair of dance moccasins. On an unknown date between 1882 and 1958, the moccasins were collected by James L. Chaffin from an unknown location in Montana. According to his great nephew, Chaffin spent many years living with Native American Tribes in Minnesota, North Dakota, South Dakota, and nearby states in the region. Chaffin left the moccasins to relatives Mr. and Mrs. Taylor Vinson (nephew and nephew's wife), who donated the moccasins to the HMoA in 1969. In museum records, the moccasins are identified as ''Assiniboine Tribe—19th Century.'' HMoA has no knowledge or record of the presence of any potentially hazardous substances used to treat the sacred object.

Determinations

The HMoA has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the HMoA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The HMoA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18340 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7463; NPS–WASO–NAGPRA–NPS0043669; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Milwaukee Public Museum intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dawn Scher Thomae, Milwaukee Public Museum, 800 W Wells Street, Milwaukee, WI 53233, email *thomae@mpm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Milwaukee Public Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 161 cultural items has been requested for repatriation. The 161 sacred objects include stone images, a whale tooth necklace, a whale tooth pendant, kapa cloths, kapa markers, kapa beaters, poi pounders, model canoes, bowls, bowl carrying nets, cups, platters, lamps, wrist ornaments, bracelets, shell necklaces, a fish hook, stone net weights, slingstones, bowling stones, adzes, scrapers, a celt, a stirrup pounders, hammerstone, fans, rope, musical bows, smoking pipes, a club, pillows, a mat, a basket, a burnishing stone, a skirt, a gourd rattle, a mirror, a ritual cuspidor, a head ornament, and a fossil coral. The items were collected by various individuals during the 19th and 20th centuries and came to the Milwaukee Public Museum through donation and purchase between the years 1889 and 1982. Of the 161 items, 114 of these items were donated to the Milwaukee Public Museum by George E. Copeland of Milwaukee, Wisconsin in 1922.

All of the items note ''Hawaii'' as the provenience except for the following items: two game stones from the island of Oahu; two poi bowls and a kapa from the island of Hawai'i; one poi pounder from the island of Molokai; two stirrup pounders and a shell necklace from the island of Kaua'i. There are nine kapa (bark cloth) with a recorded provenience of ''South Sea Islands'' and one kapa (bark cloth) with no provenience but were identified through consultation as being from Hawai'i.

The Milwaukee Public Museum has no specific information about the above items being treated with pesticides or preservatives that may represent a potential hazard. However, we do know that some items in the museum collection, mainly clothing and other textiles, were treated with chemicals by our museum in the first part of the 20th century.

Determinations

The Milwaukee Public Museum has determined that:

- The 161 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional

knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the Milwaukee Public Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Milwaukee Public Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18335 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–NTIR- NPS0043263; PPIMBUOV00, PPMPSPD1Z.S00000]

Official Trail Marker for Butterfield Overland National Historic Trail

AGENCY: National Park Service, Interior.

ACTION: Notice of designation.

SUMMARY: This notice issues the official trail marker insignia for the Butterfield Overland National Historic Trail in the National Trails System. The original graphic image for Butterfield Overland National Historic Trail was developed in 2026 with the completion of the Butterfield Overland National Historic Trail Comprehensive Plan. The National Park Service and related agencies have officially adopted and use this insignia to help mark all designated alignments of the Butterfield Overland National Historic Trail.

FOR FURTHER INFORMATION CONTACT: Patrick Malone, Superintendent, Butterfield Overland National Historic Trail, National Park Service; 1100 Old Santa Fe Trail, Santa Fe, NM 87505; via email at *patrick_malone@nps.gov;* or via phone at (303) 562–8071. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The insignia depicted below is prescribed as the official trail marker logo for the Butterfield Overland National Historic Trail. Authorization for use of this trail marker is controlled by the Superintendent of the Butterfield Overland National Historic Trail.

In making this prescription, notice is hereby given that whoever manufactures, sells, or possesses this insignia, or any colorable imitation thereof, or photographs or prints or in any other manner makes or executes any engraving, photograph or print, or impression in the likeness of these insignia, or any colorable imitation thereof, without written authorization from the United States Department of the Interior is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Authority: National Trails System Act, 16 U.S.C. 1246(c); and Protection of Official Badges, Insignia, etc., 18 U.S.C. 701.

Patrick Malone,

Superintendent, Butterfield Overland National Historic Trail, National Park Service.

[FR Doc. 2026–18306 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7477; NPS–WASO–NAGPRA–NPS0043682; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Birmingham Museum of Art, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Birmingham Museum of Art (BMA) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Anne Forschler-Tarrasch, Director of Collections & Exhibitions, Birmingham Museum of Art, 2000 Rev. Abraham Woods, Jr. Blvd., Birmingham, AL 35203, email *aforschler@artsbma.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BMA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. Sometime prior to 1954, human remains (Ancestors) representing a minimum of three individuals were disinterred from an unknown geographic location, possibly Alabama. On an unknown date, the Ancestors were acquired by the Birmingham Public Library (BPL). BPL loaned the Ancestors to the BMA in 1954 along with other Native American items from multiple regions and cultural groups. In 1978, BPL permanently transferred the collection to BMA. Collection records describe the Ancestors as Native American. In 2017–2018, the University of Alabama conducted an osteological analysis to confirm the number of individuals, age, biological sex and ancestry.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The BMA has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegee Tribal Town; Mississippi Band of Choctaw Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the BMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The BMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18332 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7475; NPS–WASO–NAGPRA–NPS0043680; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Birmingham Museum of Art, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Birmingham Museum of Art (BMA) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Anne Forschler-Tarrasch, Director of Collections & Exhibitions, Birmingham Museum of Art, 2000 Rev. Abraham Woods, Jr. Blvd., Birmingham, AL 35203, email *aforschler@artsbma.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BMA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The 12 associated funerary objects are seven earthenware vessels, one gaming piece, and four pipes. Sometime prior to

1961, the human remains (Ancestor) representing at least one individual were disinterred from Coosa County, Alabama. According to museum records, the individual and associated funerary objects were removed from the 'Wynn Plantation', the property of the Wynn family and donated to the Birmingham Museum of Art (BMA) in 1961.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The BMA has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 12 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creek Indians; Seminole Tribe of Florida; Shawnee Tribe; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the BMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18323 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7479; NPS–WASO–NAGPRA–NPS0043684; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Davis (UC Davis) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megon Noble, Repatriation Coordinator and Senior Strategic Advisor, University of California, Davis, 251 Mrak Hall, One Shields Avenue, Davis, CA 95616, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least two individuals has been identified from CA–SON–34 (UC Davis Accession 372). There is a total of 1,196 lots of associated funerary objects, five of which are currently missing or discarded, from the site. The 1,191 lots of present associated funerary objects are 41 lots of charcoal, two charmstones, 897 lots of chipped stone, four lots of faunal/shell mix, 68 lots of fauna, 56 groundstone, 12 lots of historic materials, two lots of quartz crystal, 15 lots of soil, 25 lots of unmodified shell, 46 lots of unmodified stone, 20 lots of worked bone, two lots of worked shell, and one lot of worked stone. The five lots of missing or discarded associated funerary objects are one lot of charcoal, two lots of chipped stones, one lot of historic material, and one lot of unknown, missing material. Charles Slaymaker led a University of California, Davis field school excavation at CA–SON–34 between May 10 and June 19, 1988. On August 15, 1989, Slaymaker conducted an additional surface collection at the site. No human remains were noted during field work. However, human remains were later identified by NAGPRA staff.

There is a total of 118 lots of associated funerary objects from CA–SON–15/Oakmont 15 (UC Davis Accession 372); none are currently missing. The present associated funerary objects are 82 lots of chipped stone, one lot of fauna, 10 lots of groundstone, four lots of historic material, one lot of ochre, four lots of soil, 14 lots of unmodified stone, and two lots of wood. Charles Slaymaker excavated the site July 10–24, 1984. Specifically, one of three flake scatters at the site was excavated, identified in the records as ''Flake Scatter 1.'' Slaymaker examined the site with both surface and subsurface investigations.

There is a total of seven lots of associated funerary objects from CA–SON–35/Oakmont 2 (UC Davis Accession 372); none are currently missing. The present associated funerary objects are seven lots of chipped stone. DL True conducted a surface collection at the site in 1976.

There is a total of eight lots of associated funerary objects from CA–SON–36 (UC Davis Accession 372), none are currently missing. The present associated funerary objects are seven lots of chipped stone and one lot of

unmodified stones. Charles Slaymaker investigated this site on September 22, 1986.

There is a total of 281 lots of associated funerary objects from CA–SON–861 (UC Davis Accession 372), three of which are currently missing. The present associated funerary objects are 14 lots of charcoal, 74 lots of chipped stone, one lot of clay, 20 lots of fauna, four lots of groundstone, nine lots of historic materials, one lot of soil, 33 lots of unmodified shell, one lot of unmodified stone, 12 lots of worked bone, and 109 lots of worked shell. The three lots of missing or discarded associated funerary objects are one lot of chipped stone, one lot of worked shell, and one lot of unknown, missing material. Charles Slaymaker and Suzanne Griset excavated the site between November 22 and 29, 1987. Human remains, representing at least two individuals from this site, were reported in a 2009 Notice of Inventory Completion (74 FR 42107, August 20, 2009) and later repatriated.

There is a total of two associated funerary objects from CA–SON–882 (UC Davis Accession 372); none are currently missing. The present associated funerary objects are two groundstones. Charles Slaymaker conducted a surface survey of CA–SON–882 in March 1985.

There is a total of 152 associated funerary objects from CA–SON–1221 (UC Davis Accession 372); none are currently missing. The present associated funerary objects are five lots of charcoal, one charmstone, 86 lots of chipped stone, six lots of fauna, five groundstone, five lots of historic materials, two lots of ochre, 30 lots of soil, five lots of unmodified shell, five lots of unmodified stone, and two lots of worked bone. Charles Slaymaker excavated the site between May and June 1985.

There is a total of 38 lots of associated funerary objects from CA–SON–1463 (UC Davis Accession 372), five of which are currently missing. The present associated funerary objects are 28 lots of chipped stone, two groundstone, and three lots of historic materials. The five missing associated funerary objects are four lots of chipped stone and one lot of unknown missing material. Charles Slaymaker excavated the site between May 13 and 20, 1985.

There is a total of 14 associated funerary objects from CA–SON-Oakmont Annex 1 (UC Davis Accession 372); none are currently missing. The present associated funerary objects are nine lots of chipped stone, one groundstone, two lots of historic material, and two lots of unmodified stone. Little is known about the site and the circumstances surrounding its archaeological investigation. It was likely investigated by D.L. True in the 1970s when he was working at the other Oakmont sites. All the materials from the site are assumed to have been found on the surface.

There is a total of 10 associated funerary objects from an unknown site associated with UC Davis Accession 372; none are known to be missing. The present associated funerary objects are nine lots of chipped stone, and one groundstone. This material was identified stored with CA–SON–35. However, the items do not appear to be from CA–SON–35.

There is a total of 10 lots of associated funerary objects from Oakmont Development area in Sonoma County in the UC Davis Department of Anthropology Teaching Collection, two of which are currently missing. The present associated funerary objects are five obsidian flake tools, one obsidian biface, and two obsidian cores. The two missing associated funerary objects are one obsidian biface and one lot of unknown, missing material. The date and manner of these items' collection is unknown.

The affiliation of the above collections is with the Federated Indians of Graton Rancheria, California. UC Davis is unaware of any treatment of the human remains and associated funerary objects with pesticides, preservatives, or other substances. However, UC Davis has not conducted any pesticide testing.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

UC Davis has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 1,836 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18338 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7467; NPS–WASO–NAGPRA–NPS0043674; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of Defense, Navy, Marine Corps Recruit Depot Parris Island, Beaufort, SC

AGENCY: National Park Service, Interior, DOI.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Defense, Navy, Marine Corps Recruit Depot Parris Island (MCRDPI) intends to carry out the disposition of human remains removed from Federal or Tribal lands to the

lineal descendants or Indian Tribe with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after October 9, 2026. If no claim for disposition is received by September 9, 2027, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Commanding General MCRDPI, ATTN Ms. Tracey Gould, P.O. Box 5028, Beaufort, SC 29905, email *tracey.gould@usmc.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MCRDPI, and additional information on the human remains or cultural items in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing up to 18 individuals have been reasonably identified. No associated funerary objects are present. These remains were removed from eight precontact archaeological sites during excavations that took place in 1997 and 2006 on MCRDPI in Beaufort County, SC and include five ancestral fragments possibly cranial, one fragment navicular foot, five unidentified fragments, one fragment Prox. Phalange (probably #3), five long bone fragments, and one bone fragment. These remains are currently curated at the South Carolina Institute of Archaeology and Anthropology (SCIAA) in Columbia, South Carolina.

Determinations

The MCRDPI has determined that:

- The human remains described in this notice represent the physical remains of up to 18 individuals of Native American ancestry.
- The Absentee-Shawnee Tribe of Indians of Oklahoma; Catawba Indian Nation; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Seminole Tribe of Florida; Shawnee Tribe; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the Tuscarora Nation have priority for disposition of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by September 9, 2027, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant or Indian Tribe identified in this notice.
2. Any lineal descendant or Indian Tribe not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after October 9, 2026. If competing claims for disposition are received, the MCRDPI must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. The MCRDPI is responsible for sending a copy of this notice to the lineal descendants or Indian Tribes identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18328 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7462; NPS–WASO–NAGPRA–NPS0043668; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and associated funerary objects has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least 33 individuals have been identified from Nueces County, TX. The five associated funerary objects are one lot consisting of faunal remains, two lots of plant remains, one lot of ceramic items, and one lot of stone items. These ancestors and associated funerary objects were removed from the Texas site #41NU2, Nueces County, TX, by George Woodbury in 1934 and donated to the Peabody Museum by the Gila Pueblo Archaeological Foundation later that year.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of 33 individuals of Native American ancestry.
- The five objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Tribe (previously listed as Kiowa Indian Tribe of Oklahoma); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Shawnee Tribe; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the Wichita and Affiliated Tribes

(Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18342 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7473; NPS–WASO–NAGPRA–NPS0043678; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Huntington Museum of Art, Huntington, WV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Huntington Museum of Art (HMoA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Liz Simmons, Executive Director, HMoA, 2033 McCoy Road, Huntington, WV 25701, email *lsimmons@hmoa.org* or *nagpra@hmoa.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the HMoA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. The four unassociated funerary objects are three stone pipes and one fossilized coral pipe. On an unknown date, two of the stone pipes and the one fossilized coral pipe were removed from ''Ashvill'' (Asheville), Buncombe County, North Carolina. On an unknown date, one stone pipe was removed from a location known as ''Frazer Farm'' in Frazier Bottom, Putnam County, West Virginia. The pipes were collected by John J. Adams, an avocational archaeologist and charter member of the West Virginia and Ohio Archaeological Societies. Adams donated the pipes to the HMoA in 1980. The pipes are culturally affiliated with the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Determinations

The HMoA has determined that:

- The four unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Eastern Band of Cherokee Indians.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the HMoA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The HMoA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18326 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7472; NPS–WASO–NAGPRA–NPS0043687; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Buffalo Bill Center of the West, Cody, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Buffalo Bill Center of the West intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the

Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Hunter C. Old Elk, Buffalo Bill Center of the West, 720 Sheridan Avenue, Cody, WY 82414, email *huntero@centerofthewest.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Buffalo Bill Center of the West, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items has been requested for repatriation. The two sacred objects are a stone and pouch, catalog NA.800.219. Reverend W. F. Petzoldt and his wife, Anna, were Baptist missionaries. Arriving in 1903, they built a schoolhouse and church in Lodge Grass, Montana, on the Crow Indian Reservation. The two cultural items were collected from Goes Ahead, a warrior and spiritual leader in the early 20th century. The Petzoldt's daughter Genevieve Fitzgerald donated her parents' collection *The Crow Indian Collection of Dr. William and Anna Petzoldft, Gift of Genevieve Petzoldt Fitzergerald* to the Buffalo Bill Center of the West in 1980. No hazardous substances are known to have been used to treat any of the sacred objects.

Determinations

The Buffalo Bill Center of the West has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Crow Tribe of Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the Buffalo Bill Center of the West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Buffalo Bill Center of the West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18318 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7483; NPS–WASO–NAGPRA–NPS0043689; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas Parks and Wildlife Department, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Texas Parks and Wildlife Department (TPWD) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Aina Dodge, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, TX 78744, email *aina.dodge@tpwd.texas.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Texas Parks and Wildlife Department, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

No human remains have been identified. The three associated funerary objects are three ceramic vessels. One vessel is identified as Ripley Engraved and two are identified as Taylor Engraved. The vessels were removed from Caddo Mounds State Historic Site (41CE19) in Cherokee County, Texas, a site formerly operated by TPWD. The site has historically been associated with the Caddo Nation of Oklahoma.

Sometime in 1982 or earlier, the vessels were placed in an exhibit at Goliad State Park. At a later date, the vessels were removed from the Goliad exhibit and moved to the TPWD curation facility in Austin, where they remained housed with the Goliad collection. Accession records clearly state that the vessels are from Caddo Mounds.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the associated funerary objects described in this notice.

Determinations

The Texas Parks and Wildlife Department has determined that:

- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the Texas Parks and Wildlife Department must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Texas Parks and Wildlife Department is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18320 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7471; NPS–WASO–NAGPRA–NPS0043677; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: University of California San Diego, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California San Diego has amended a notice of inventory completion published in the **Federal Register** on March 18, 2026. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

DATES: Repatriation of the human remains and associated funerary objects may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects to Eva Trujillo, University California of San Diego, 9500 Gilman Drive, La Jolla, CA 9209, email *e7trujillo@ucsd.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California San Diego, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Amendment

This notice amends the determination of cultural affiliation published in a Notice of Inventory Completion in the **Federal Register** (91 FR 13055, March 18, 2026). Repatriation of the human remains or associated funerary objects in the original notice of inventory completion has not occurred.

Determinations

The University of California San Diego has determined that:

- There is a connection between the human remains and associated funerary objects described in the original notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the University of California San Diego must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of California San Diego is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18343 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7481; NPS–WASO–NAGPRA–NPS0043688; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historic Site, Stanton, ND

AGENCY: U.S. Department of Interior, National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historic Site (KNRI) intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains in this notice may occur on or after October 9, 2026. If no claim for disposition is received by September 9, 2027, the human remains in this notice will become unclaimed human remains.

ADDRESSES: Send written claims for disposition of the human remains in this notice to Tom Smith, Superintendent, Knife River Indian Villages, P.O. Box 9, Stanton, ND 58571, email *Tom_Smith@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of KNRI, and additional information on the human remains in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. In 2024, the human remains were identified during laboratory analysis of collections removed between 2019–2021 from an archeological setting within KNRI, in Mercer County, North Dakota.

Determinations

The KNRI has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota has priority for disposition of the human remains described in this notice.

Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by September 9, 2027, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after October 9, 2026. If competing claims for disposition are received, KNRI must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. KNRI is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18319 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7466; NPS–WASO–NAGPRA–NPS0043673; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Michael Chavez, Repatriation Coordinator, University of California Riverside, 900 University Avenue, Riverside, CA 92521, email *mchavez@ucr.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the UC Riverside and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present.

In September of 1985, human remains representing one adult Native American individual, represented by approximately 15 human bone fragments (Accession #: UA–2022–001 Catalogue #: 6111 (UCR–2125)), were recovered during the excavation of a swimming pool at a private residence in Beverly Hills. The human remains were removed by Detective Zoeller of the Beverly Hills Police Department and brought to Dr. Judy Suchey, forensic anthropologist at CSU Fullerton, for analysis. Dr. Suchey examined the remains and believed that they likely represented a prehistoric individual, rather than a modern forensics case. Dr. Suchey sent the remains to the UCR Radiocarbon Laboratory under the direction of Dr. Ervin Taylor to determine an age. According to laboratory records the individual was approximately 2150 years old and therefore was confirmed to be a Native American ancestor. Dr. Taylor, for reasons unknown, kept the remains and did not alert anyone at UCR of the presence of Native American ancestral remains on campus, despite being asked by campus administration in the early 2000s about possible human remains from the radiocarbon laboratory.

In 2022, Megan Murphy, UCR Repatriation Coordinator, discovered the remains along with a large amount of other hidden materials in an off-campus storage facility that had been used by the late Dr. Taylor to conceal the samples he retained from the laboratory. Megan Murphy contacted Megan Lonski, CSU Fullerton NAGPRA Repatriation Coordinator, who confirmed that no other remains from said individual were at the CSUF campus. Murphy and Lonski then contacted the Los Angeles County Medical Examiner's office to determine if any additional remains could be present at their facility. Investigators with the LA Medical Examiner's office confirmed that they could not locate any additional remains. The absence of any known remains from said individual at other locations along with the comparison of the photographs of the burial compared with the remains present at UCR suggest that the entire individual was sent by Dr. Suchey to UCR for radiocarbon dating. Due to the individual being housed at UCR, the notice and subsequent repatriation will be handled by UCR. No known funerary objects were found with the remains and no known individual could be identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The University of California has determined that:

- The human remains described in this notice represent the physical remains of, at minimum, one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Morongo Band of Mission Indians, California and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the University of California Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of California Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18322 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7470; NPS–WASO–NAGPRA–NPS0043676; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Putnam Museum and Science Center, Davenport, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Putnam Museum and Science Center has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Hailey Lorenzen, Putnam Museum and Science Center, 1717 West 12th Street, Davenport, IA 52804, email *hlorenzen@putnam.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Putnam Museum and Science Center and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Associated funerary objects have been identified. The six associated funerary objects are two funerary vessels, two shell tools, one lot of shell ornaments, and one lot of pearl beads.

In 1896, Clarence B. Moore removed a funerary vessel from ''Mound A'' of the Middle Settlement on Ossabaw Island in Chatham County, GA, and donated it to the Museum in 1897.

In 1897, Clarence B. Moore removed a funerary vessel from a ''Mound north of Contentment'' in McIntosh County, GA and donated it to the Museum the same year.

In 1904, Clarence B. Moore removed two shell tools from ''Mound C'' of the Middle Settlement on Ossabaw Island in Chatham County, GA, and donated them to the Museum the same year. The items were removed from ''Burial 66''. Through consultation, it was determined that the location of the associated human remains were known to the consulting parties.

In 1904, Clarence B. Moore removed one lot of perforated shells from Bourbon Field, Sapelo Island, in McIntosh County, GA, and donated them to the Museum the same year. The items were removed from ''Burial 133''. Through consultation, it was determined that the location of the associated human remains were known to the consulting parties.

Between 1925 and 1926, Warren K. Moorehead removed one lot of pearl beads from ''Mound C'' of the Etowah Mound Group in Bartow County, GA. The beads are associated with human remains which were transferred to the Robert S. Peabody Museum in 1996 and reported in a Notice of Inventory Completion published in the **Federal Register** on September 13, 2005 (70 FR 54075).

The Putnam Museum and Science Center has no evidence of potentially hazardous substances being used to treat any of the associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The Putnam Museum and Science Center has determined that:

- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Alabama-Quassarte Tribal Town; Kialegee Tribal Town; Poarch Band of Creek Indians; The Muscogee (Creek) Nation; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the Putnam Museum and Science Center must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Putnam Museum and Science Center is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18336 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7484; NPS–WASO–NAGPRA–NPS0043690; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: History Colorado. Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chance Ward, History Colorado, 1200 Broadway, Denver, CO 80203, email *Chance.Ward@state.co.us.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the History Colorado and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 20 cultural items have been requested for repatriation. The 20 sacred objects/objects of cultural patrimony are Eagle bone whistle (E.1893.16), Eagle bone whistle (E.1989.3), Pipe stem (2004.24.197), Quilled arm bands (E.983.1), Chekpa pouch, turtle (2004.24.250), Chekpa pouch, turtle (E.1915.4), Chekpa pouch, lizard (E.1946.2), Chekpa pouch, lizard (E.1524.1), Beaded pipe bag (E.1845.1), Beaded pipe bag (1932.2.1), Beaded pipe bag (E.2041.1), Cradleboard hood (E.2042.1), Rattle (E.1526.1), Horn spoon (E.1525.1), Leggings (H.294.1), Shirt (E.1007.1), Headdress (MC.Prop.200.B), Moccasin (E.1992.15), Horse whip/quirt (E.1531.1), and Drawing (E.1176.1).

Based on available information, these cultural items were collections items of James R. Walker. Walker was a physician and ethnographer who served in South Dakota from 1896 to 1914. Walker documented information concerning Lakota society, religion, and material culture. Over the course of his work in South Dakota, Walker collected numerous Lakota cultural materials, which became part of his broader ethnographic collection. The leggings are from the John D. Howland collection. John D. Howland (1840–1915) was a Colorado-based artist and former Captain in the 1st Colorado Cavalry. Available information indicates that Howland collected Native American cultural materials during his time in Colorado. All cultural items were taken out of South Dakota. Available information does not indicate that these cultural items were tested for or treated with hazardous substances. However, during their time in museum collections, they may have been stored in proximity to or alongside other cultural materials that had been treated with hazardous substances.

Determinations

History Colorado has determined that:

- The 20 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, History Colorado must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. History Colorado is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18341 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7464; NPS–WASO–NAGPRA–NPS0043670; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Placer Nature Center, Auburn, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Placer Nature Center intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kira Greene, Placer Nature Center, 3700 Christian Valley Road, Auburn, CA 95602, email *kgreene@placernaturecenter.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the

sole responsibility of the Placer Nature Center, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one lot of stone objects that are cultural items have been requested for repatriation.

The one lot of objects of cultural patrimony are *stone tools.* These stone tools were obtained at an unknown date from Norman Wilson. More likely than not they were obtained from the foothills in Placer county or a neighboring county.

Determinations

The Placer Nature Center has determined that:

- The one lot of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, the PNC must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PNC is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18325 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7480; NPS–WASO–NAGPRA–NPS0043685; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: History Colorado. Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado intends to repatriate certain a cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Chance Ward, History Colorado, 1200 Broadway, Denver, CO 80203, email *chance.ward@state.co.us*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of History Colorado and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a beaded cradleboard (E.1987.3). Available information indicates that the cradleboard was removed from a grave near Ashland, Montana in an unknown year. The bottom portion of the cradleboard is damaged and missing, and the remaining portion appears to have been burned. Mr. L.D. Bax donated the cradleboard to History Colorado (then the Colorado Historical Society) in September 1960. L.D. Bax (Lionel Drewyer Bax, 1898–1984) was a Colorado-based collector who assembled a collection of Native American cultural materials associated with Native peoples of the Great Plains and western United States. Available information does not indicate that the cradleboard itself was tested for or treated with hazardous substances. However, during its time in museum collections, it may have been stored in proximity to or alongside other cultural materials that had been treated with hazardous substances.

Determinations

History Colorado has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, History Colorado must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are

considered a single request and not competing requests. History Colorado is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18327 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7485; NPS–WASO–NAGPRA–NPS0043691; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San Bernardino County Museum intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after October 9, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *tserrao-leiva@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 10 cultural items have been requested for repatriation.

The two lots of objects of cultural patrimony are groundstone and lithics. Gerald Smith and R.J. Sayles collected these in 1934 from Cajon Canyon No. 2, Previously P1333–5, whose trinomial is listed as CA–SBR–02207 (SBCM–64). The land was privately owned by one Mrs. Freeman.

The two lots of objects of cultural patrimony are groundstone and lithics. These were collection from Summit Valley (P36–0173), whose trinomial is CA–SBR–00173 (SBCM–85). The site was recorded as a temporary camp site by Gerald Smith and R.J. Sayles in 1940, and published in *An Archaeological Survey of the Mojave River Region* as having an estimated age of 1000 years. It was recorded again later in 1966 by Reeder and White, where they reported house pits at the southern side, and once more in 1974 by G. Teal and R.E. Reynolds. Records include maps, photographs, and a rough catalog.

The one lot of objects of cultural patrimony is lithics. These were collections from Davis Ranch #1, Cajon Site, whose trinomial is CA–SBR–02669 (SBCM–578). The site was recorded in 1963 by Paul Chace, and Eugene Shepard.

The three lots of objects of cultural patrimony are groundstone, lithics, and ceramics. These were collected from Cajon Site ''Z,'' Summit Bluff, whose trinomial is CA–SBR–03698 (SBCM–3969).

The one lot of objects of cultural patrimony is lithics. These were collected from a lithic scatter at CA–SBR–05063 (SBCM–5269).

The one lot of objects of cultural patrimony is lithics. Benjamin McCown collected these from Camp Cajon-Muscupiabit, whose trinomial is CA–SBR–00425 (SBCM–5858), at an unknown date.

Determinations

San Bernardino County Museum has determined that:

- The 10 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Morongo Band of Mission Indians, California and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18321 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7465; NPS–WASO–NAGPRA–NPS0043671; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Princeton University, Princeton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Princeton University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian

Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Lauren Jakobsson, Princeton University Art Museum, Princeton University, Princeton, NJ 08544, email *HROBPrinceton@princeton.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Princeton University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The two associated funerary objects are one snuff box and one drum. The human remains were originally acquired by John Green Brady, a Presbyterian missionary and founder of the Sitka Industrial and Training School. Brady gifted the Ancestor to Sheldon Jackson, who confirmed receipt in a letter dated February 2, 1880, referring to them as ''the Medicine Man.'' Correspondence between Brady and Jackson reveals Brady's efforts in acquiring objects in Sitka on Jackson's behalf. The two associated funerary objects match descriptions in collection records of items that Brady removed from the Ancestor's grave. The Ancestor and associated funerary objects were transferred from Princeton Theological Seminary (PTS) to the now-defunct Princeton University Museum of Natural History, known as the ''Guyot Museum,'' when PTS donated the Sheldon Jackson collection in 1881. Princeton University has no knowledge or record of the presence of any potentially hazardous substances used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Princeton University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Sitka Tribe of Alaska.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, Princeton University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Princeton University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18339 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7476; NPS–WASO–NAGPRA–NPS0043681; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Birmingham Museum of Art, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Birmingham Museum of Art (BMA) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Anne Forschler-Tarrasch, Director of Collections & Exhibitions, Birmingham Museum of Art, 2000 Rev. Abraham Woods, Jr. Blvd., Birmingham, AL 35203, email *aforschler@artsbma.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BMA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. Sometime before 1969, Dr. Samuel Fischer III removed human remains from an unknown geographic location. Fischer donated the Ancestors to the BMA in 1969. The Ancestor was donated as part of a larger collection that included Ancestors removed from Detroit, Lamar County, Alabama (repatriated to The Choctaw Nation of Oklahoma in December 2025 following consultation and the publication of a Notice of Inventory Completion in the **Federal Register**), as well as material removed from archaeological contexts near Florence, Alabama, and from various locations near the Tennessee

River. Due to Fischer's known collecting activities, the human remains are likely to have been removed from Northern Alabama.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographic location and acquisition history of the human remains described in this notice.

Determinations

BMA has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegee Tribal Town; Mississippi Band of Choctaw Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Choctaw Nation of Oklahoma; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, BMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The BMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18329 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7469; NPS–WASO–NAGPRA–NPS0043675; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Transportation (Caltrans) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after October 9, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Cesar Villanueva, PQS Principal Investigator—Precontact Archaeology, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, CA 94612, email *Cesar.Villanueva@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Associated funerary objects have been identified totaling six lots representing soil samples. These cultural items are from five archaeological sites in Sonoma County along State Routes 12 and 116 and are housed at Sonoma State University (SSU). The six collections from these sites are the result of Caltrans project-delivery related excavations at the following sites between 1978 and 2022: CA–SON–25/H (Acc. 92–004, 92–041), CA–SON–26 (Acc. 92–004), CA–SON–120 (Acc. 86–14), CA–SON–1940 (Acc. 92–004), CA–SON–1941/H (Acc. 92–004). There are no known/documented potentially hazardous substances used to treat any of the cultural items.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

Caltrans has determined that:

- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between associated funerary objects described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after October 9, 2026. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 1, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–18331 Filed 9–8–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–764–766 and 731–TA–1747–1749 (Final)]

Hardwood and Decorative Plywood From China, Indonesia, and Vietnam; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of hardwood and decorative plywood (excluding all softwood structural plywood) from China, Indonesia, and Vietnam, provided for in subheadings 4412.10.05, 4412.31.06, 4412.31.26, 4412.31.42, 4412.31.45, 4412.31.48, 4412.31.52, 4412.31.61, 4412.31.92, 4412.33.06, 4412.33.26, 4412.33.32, 4412.33.57, 4412.34.26, 4412.34.32, 4412.34.57, 4412.39.40, 4412.39.50, 4412.41.00, 4412.42.00, 4412.51.10, 4412.51.31, 4412.51.41, 4412.51.51, 4412.52.10, 4412.52.31, 4412.52.41, 4412.91.06, 4412.91.10, 4412.91.31, 4412.91.41, 4412.92.07, 4412.92.11, 4412.92.31, and 4412.92.42 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and imports of the subject merchandise from China, Indonesia, and Vietnam that have been found to be subsidized by the governments of China, Indonesia, and Vietnam.[2] [3] [4] [5]

[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 45766, 91 FR 45788, 91 FR 45770, 91 FR 45778, 91 FR 45774, and 91 FR 45782, July 21, 2026.

[3] Commissioners Bartholomew Thanhauser and David Foley Jr. did not participate.

[4] The Commission terminates its investigations concerning softwood structural plywood downfall and stamped and certified softwood structural plywood from China, Indonesia, and Vietnam on the grounds of negligibility.

[5] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing orders on hardwood and decorative plywood (excluding all softwood structural plywood) from China and Vietnam and the antidumping duty order on hardwood and decorative plywood (excluding all softwood structural plywood) from China.

Background

The Commission instituted these investigations effective May 22, 2025, following receipt of petitions filed with the Commission and Commerce by the Coalition for Fair Trade in Hardwood Plywood, the members of which are Columbia Forest Products, Greensboro, North Carolina; Commonwealth Plywood Co., Ltd., Whitehall, New York; Manthei Wood Products, Petoskey, Michigan; States Industries LLC, Eugene, Oregon; and Timber Products Company, Springfield, Oregon. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of hardwood and decorative plywood from China, Indonesia, and Vietnam were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 26, 2026 (91 FR 14709). The Commission conducted its hearing on July 16, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on September 4, 2026. The views of the Commission are contained in USITC Publication 5784 (September 2026), entitled *Hardwood and Decorative Plywood from China, Indonesia, and Vietnam: Investigation Nos. 701–TA–764–766 and 731–TA–1747–1749 (Final).*

By order of the Commission.

Issued: September 4, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–18367 Filed 9–8–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1442]

Certain Glow Fish Tape Systems, Safety Helmet Systems, and Components Thereof; 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, Remedy, Bond, and the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''the Commission'') has determined to review in part a final initial determination (''FID'') issued by the presiding chief administrative law judge's (''CALJ'') in the above-captioned investigation finding a violation of section 337 of the Tariff Act of 1930, and to solicit briefing on the issues under review as well as remedy, bonding, and the public interest.

FOR FURTHER INFORMATION CONTACT: Carl Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2382. 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 on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On March 19, 2025, the Commission instituted this investigation based on a complaint, as supplemented, filed by Klein Tools, Inc., of Lincolnshire, Illinois (''Klein'') alleging violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain glow fish tape systems, safety helmet systems, and components thereof by reason of the infringement of asserted claims 1, 3–8, 10–11, and 13–17 of U.S. Patent Nos. 11,452,327 (''the '327 patent''); claims 6, 8–9, 11, and 14–17 of U.S. Patent No. 11,713,209 (''the '209 patent''); and claims 1–2, 4, 6–8,

10, and 14–17 of U.S. Patent No. 12,187,573 (''the '573 patent''). 90 FR 12790. The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondent Milwaukee Electric Tool Corporation, of Brookfield, Wisconsin (''Milwaukee''). *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 30, 2025, the Commission amended the notice of investigation to include allegations of infringement of claims 1–4 of U.S. Patent No. 12,268,265 (''the '265 patent''). Order No. 6 (May 1, 2025), *unreviewed by* Comm'n Notice (May 30, 2025). The '265 patent and related '327 patent are referred to collectively herein as the ''Helmet Patents.'' The '209 patent and related '573 patent are referred to collectively herein as the ''Glow Fish Tape Patents.''

On December 12, 2025, the Commission partially terminated the investigation with respect to claims 1, 3–7, 11, and 16 of the '327 patent; claims 11 and 14–17 of the '209 patent; and claims 1–2, 4, 10, and 14–17 of the '573 patent. Order No. 14 (Nov. 20, 2025), *unreviewed by* Comm'n Notice (Dec. 12, 2025). On January 28, 2026, the Commission partially terminated the investigation with respect to claims 13–15 of the '327 patent, claims 8 and 9 of the '209 patent, and claims 7 and 8 of the '573 patent.

On January 20, 2026, the Commission granted Klein's motion for summary determination that it satisfied the domestic industry requirement for the Glow Fish Tape Patents. Order No. 17 (Dec. 19, 2025), *unreviewed by* Comm'n Notice (Jan. 20, 2026).

The presiding CALJ held an evidentiary hearing from January 5–8, 2026. By the time of the hearing, the claims of the Helmet Patents still at issue for infringement or domestic industry purposes were claims 8, 10, and 17 of the '327 patent and claims 1–4 of the '265 patent. The claims of the Glow Fish Tape Patents still at issue for either purpose were claims 1, 5, and 6 of the '209 patent and claims 1, 5, and 6 of the '573 patent.

On June 5, 2026, the CALJ issued the FID. With respect to the Helmet Patents, the FID finds that: (i) Milwaukee infringed the '265 patent but not the '327 patent; (ii) the asserted claims of the Helmet Patents are not invalid; and (iii) Klein satisfied both the technical and economic prongs of the domestic industry requirement for both Helmet Patents. FID at 216. With respect to the Glow Fish Tape Patents, the FID finds that: (i) Milwaukee did not infringe either the '209 patent or '573 patent; (ii) the asserted claims of the Glow Fish Tape Patent are not invalid; and (iii) Klein also satisfied the technical prong of the domestic industry requirement with respect to claim 6 of each Glow Fish Tape Patent (the economic prong having already been decided by Order No. 14, *supra*). *Id.* The FID concludes that Milwaukee violated section 337 with respect to the '265 patent (a Helmet Patent) but not the 327 patent or either of the Glow Fish Tape Patents. *Id.*

The FID includes the CALJ's Recommendation on Remedy and Bond (''RD''). The CALJ recommends that if a violation is found, the Commission should issue a limited exclusion order (''LEO'') and cease and desist order (''CDO'') against Milwaukee with respect to the asserted claims of the '265 patent. The RD also recommends that the Commission set a bond in the amount of 100 percent of the entered value of covered hard hats and safety helmet products that may be imported during the 60-day period of Presidential review.

On June 22, 2026, both Milwaukee and Klein filed petitions or contingent petitions for review of certain adverse findings in the FID. Milwaukee filed a petition for review of: (i) the FID's construction and infringement findings for the 265 patent; (ii) its finding that the asserted claims of the Helmet Patents are not invalid as obvious under 35 U.S.C. 103 or for lack of sufficient written description under 35 U.S.C. 112(a); (iii) its finding that the claims of the Glow Fish Tape Patents are not invalid as obvious; and (iv) its finding that Klein satisfied the technical and economic prongs of the domestic industry requirement for the Helmet Patents. Klein, in turn, filed a contingent petition for review of: (i) the FID's construction and non-infringement findings for the '327 patent; (ii) its construction and non-infringement findings for the Glow Fish Tape Patents; and (iii) its finding that copying is not among the objective indicia of non-obviousness of the Glow Fish Tape Patents. On June 30, 2026, the parties filed their respective responses to the opposing party's petition.

On July 10, 2026, Klein's counsel submitted a letter to the Commission identifying certain allegedly false statements in Milwaukee's opposition to Klein's petition. On the same date, Milwaukee's counsel submitted a response, to which it attached a copy of a letter to Klein's counsel dated July 8, 2026, explaining why Milwaukee's representations are allegedly correct. Upon review of the letters, the Commission has declined to consider them because they are not permissible under the Commission's rules.

On July 15, 2026, the Commission issued a notice requesting submissions on public interest issues raised by the recommended relief, should the Commission find a violation. 91 FR 43402–03 (July 15, 2026). The Commission has not received any third-party responses to its request.

Upon review of the FID, the petitions for review and responses thereto, and the evidence of record, the Commission has determined to review the following findings in the FID. With respect to the Helmet Patents, the Commission has determined to review the FID's finding that: (i) the asserted claims of the '265 patent and '327 patent are not obvious under 35 U.S.C. 103 and (ii) Klein satisfied the economic prong of the domestic industry requirement. With respect to the Glow Fish Tape Patents, the Commission has determined to review: (i) the construction of the claim term ''wherein at least a portion of the case is configured to allow the luminescent material to be energized by light passing through the portion'' in the '573 patent and related findings; (ii) the finding of non-infringement of the '209 and '573 patents, both literal and under the doctrine of equivalents; and (iii) the finding that the asserted claims of the Glow Fish Tape Patents are not invalid as obvious. 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) Explain whether the evidence and argument presented by Milwaukee show that a person skilled in the art at the time of the invention of the Helmet Patents would have been motivated or have any reason to combine the prior art Chinese Patent Publication CN 202026888 U to Yan with (i) U.S. Patent No. 9,993,043 to Daley; (ii) U.S. Patent No. 4,304,009 to Nesbitt; and/or (iii) German Patent Application DE 20 2006 007 009 U1 to Kiessler to produce the claimed inventions of the Helmet Patents with a reasonable likelihood of success.

(2) With respect to the Glow Fish Patents, explain whether the passage of light through a solid transparent material versus passage of light through an open slot or window affects the ''way'' the light energizes the luminescent surface of the fish tape and its relevance, if any, to analyzing infringement under the doctrine of equivalents.

(3) Regarding the proposed combination of the prior art European Patent Application Publication EP 1391412 (''Hartranft'') with U.S. Patent No. 6,293,519 (''Farretta''), explain

whether either reference teaches away from such a combination, whether there is a motivation or reason to combine the references, and the extent to which the alleged objective indicia of non-obviousness are directed to the claimed inventions of the Glow Fish Tape Patents versus other, unclaimed features.

(4) Under a holistic approach to the domestic industry analysis consistent with the Federal Circuit's holding in *Wuhan Healthgen Biotechnology Corp.* v. *Int'l Trade Comm'n,* 127 F.4th 1334, 1339 (Fed. Cir. 2025), please explain whether Klein presented sufficient evidence to the ALJ to show the asserted investments significant pursuant to section 337(a)(3)(B) or substantial pursuant to section 337(a)(3)(C) for the Helmet Patents. Under such a holistic approach, does the record contain evidence to enable the Commission to compare the domestic investments in engineering, research, and design or in manufacturing of the DI products to foreign manufacturing and other foreign costs of the DI products? *See Certain Soft Projectile Launching Devices, Components Thereof, Ammunition, and Products Containing Same,* Inv. No. 337–TA–1325 (Jan. 5, 2026) (including Separate Views of Chair Karpel in Dissent); *Certain Movable Barrier Operator Systems and Components Thereof,* Inv. No. 337–TA–1118, Comm'n Op. at 26 (Jan. 12, 2021). For the Helmet Patents, in comparing domestic labor or capital investments relating to the DI products to foreign investments to demonstrate significance, what foreign investments are relevant? Citing to the evidentiary record, what evidence is on record regarding Klein's foreign investments?

(5) The FID found a certain number of ''Texas-Made Hard Hats'' and ''Customized Hard Hats'' were manufactured from 2023 to 2024, and found an associated amount of domestic manufacturing labor costs. FID at 208. Please explain, using the evidence in the record, how Klein was able to produce this amount of hats with the amount of domestic manufacturing labor costs cited.

The parties are invited to brief only the discrete issues requested above, with reference to the applicable law and limited to arguments and evidence in the existing evidentiary record. The parties are not to brief any 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 order 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. *See* 19 U.S.C. 1337(d)(1). 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: The parties to the investigation are requested to file written submissions on the issues identified in this notice. 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 the Asserted Patents will expire, the HTSUS subheadings under which the accused products are imported, and 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 18, 2026. All reply submissions must be filed no later than the close of business on September 25, 2026. Opening submissions from the parties are limited to 45 pages. Reply submissions from the parties are limited to 30 pages. All submissions 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–1442) 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 September 3, 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: September 3, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18302 Filed 9–8–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Electronic Devices and Components Thereof, DN 3934;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of trinamiX Sensing LLC and trinamiX GmbH on September 4, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices and components thereof. The complaint names as a respondent: Apple, Inc. of Cupertino, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon the respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondent, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3934'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS,.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 4, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–18379 Filed 9–8–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Request for Comments Regarding Implementation of 19 U.S.C. 1338(g)

AGENCY: The United States International Trade Commission

ACTION: Request for comments regarding implementation of 19 U.S.C. 1338(g) in investigation No. MISC–053.

SUMMARY: Pursuant to section 338(g) of the Tariff Act of 1930, the United States International Trade Commission (Commission) has a duty to ascertain and at all times to be informed of discriminations against the commerce of the United States pursuant to section 338(a), (b), and (e) and to provide the President with this information as well as recommendations. In furtherance of this duty, and as described in further detail below, the Commission invites comments from interested persons regarding how the Commission can best meet its statutory obligations under Section 338(g).

DATES: To ensure consideration, written comments must be submitted on or before November 9, 2026.

ADDRESSES: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2595. General information concerning the Commission may be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

Notwithstanding Commission Rule 201.8(d), 19 CFR 201.8(d), you may submit comments, identified by docket number MISC–053, by any of the following methods:

—*Agency Website: https://www.usitc.gov.* You may submit comments on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

—*Email:* Submit comments via to *Secretary@usitc.gov.* Include docket number MISC–053 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number (MISC–053, along with written comments addressing the topics on which the USITC seeks information. All comments received will be posted without change to *https://www.usitc.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *https://www.usitc.gov* and/or the U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: Margaret Macdonald, General Counsel, Office of OGC (202–205–2561, or *Margaret.Macdonald@usitc.gov*) . The media should contact Jennifer Andberg, Office of External Relations ((202) 205–3404, or *Jennifer.Andberg@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information about the Commission is available by accessing the Commission website at *www.usitc.gov.* 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.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 338(g) of the Tariff Act of 1930 (19 U.S.C. 1338(g)) the Commission is statutorily required to ''ascertain and at all times be informed'' of any country practicing certain discriminatory actions that burden the commerce of the United States, and when such actions are identified to bring them to the attention of the President and provide recommendations. The Commission's role in providing the President with information and recommendations is mandatory pursuant to the statute.

A review of the history of the Commission's work under Section 338 and its predecessor Section 317 of the Tariff Act of 1922 [i] demonstrates that the Commission previously played a robust and active role implementing these statutes.

Early in its history, the Commission established common rules of procedure for Section 317 investigations, and allowed significant public participation in these investigations.[ii] With the passage of the Tariff Act of 1930, the Commission's procedures for Section 338 activities became more informal and less public, but continued nonetheless.[iii] Across the years, the Commission's Section 317 and Section 338 work led it to identify a range of discriminatory trade actions, ranging from inconsistent duty calculation methods by French customs officials to Australia's requirement that U.S.

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

[i] Section 338(g) originated at Section 317 of the Tariff Act of 1922 and was reenacted with minor changes as section 338(g) of the Tarriff Act of 1930.

[ii] The Commission structured its Section 317 activities as formal investigations into ''discriminations'' by individual foreign countries against U.S. commerce broadly, or against specific U.S. exports, and would initiate investigations on its own initiative, at the request of the president, or based on petitions filed by private parties. The Commission would also routinely send out questionnaires to U.S. consular officials and U.S. exporting firms to support its research and information gathering in this work. U.S. Tariff Commission, *Seventh Annual Report of the U.S. Tariff Commission* (1923), Appendix III at 54–55: *https://www.usitc.gov/publications/year_in_review/fy_1923_annual_report.pdf.*

[iii] In the decade following the Act's passage, most of the Commission's work was made up of communications with the U.S. State Department, which would gather complaints, data, and information, upon which the Commission would determine its advice. Complaints were also initiated by State Department officials who sought advice from the Commission as to whether foreign acts violated Section 338. The Commission determined it was necessary to have less public engagement in this work given the sensitive nature of investigations.

products include their ''inland carriage'' in duty assessments. The Commission routinely reported on its Section 317 and Section 338 activities in its annual reports into the 1940s. Following World War II, the establishment of the most-favored-nation obligation—Article I of the {multilateral} General Agreement on Tariffs and Trade of 1947—led some policymakers to question whether Section 338 was a ''dead letter,'' but Congress retained Section 338 in law even when creating new tariff authorities.[iv]

The Commission does not currently have an established practice for identifying applicable discriminatory actions, collecting information relevant to those allegedly discriminatory actions from the public or other sources, or providing the President with the information it collects and its subsequent recommendations. Therefore, the Commission is considering whether establishing a practice will help it better fulfill its statutory obligations. The Commission's statutory mandate under Section 338 is to determine the facts and to provide recommendations. Thoroughness, impartiality, and nonpartisanship are essential to carrying out this work, and the Commission is committed to these principles.

The Commission is requesting comments on the types of activities of foreign countries that interested persons believe fall within the scope of section 338(a), (b), and/or (e) of the Tariff Act of 1930, including how those activities burden commerce in the United States. The Commission is also seeking comments on how the Commission should ascertain and at all times be informed on activities of a foreign country that would satisfy Section 338(a), (b), and/or (e) of the Tariff Act of 1930, including obtaining information from interested persons regarding foreign discriminatory conduct, and what barriers or impediments may prevent members of the public from providing relevant information to the Commission. Finally, the Commission is seeking information on what form(s) its communications to the President pursuant to Section 338(g) should take to communicate its findings and recommendations. The information received under this request for comments will inform how the Commission moves forward with its section 338(g) responsibilities.

II. Topics on Which USITC Seeks Information

The Commission invites comments from interested persons providing information on any or all of the following topics:

1. Section 338 (19 U.S.C. 1338) addresses ''unreasonable'' and ''discriminatory'' conduct by foreign governments. What makes conduct ''unreasonable'' or ''discriminatory'' in the context of international commerce? How should the Commission understand those terms for the purposes of Section 338?

2. Information regarding the specific methods and mechanisms by which foreign countries burden United States commerce via:

a. Imposing, directly or indirectly, any unreasonable charge, exaction, regulation, or limitation on the disposition in, or transportation in transit through, or re-exportation from such country of any article wholly or in part the growth or product of the United States, that is not equally enforced with respect to like articles of every foreign country;

b. Discriminating, directly or indirectly, against the commerce of the United States by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country; or

c. Discriminating or imposing unequal burdens on the commerce of the United States as described above but with the beneficiary being the industry of a third county.

3. How the Commission should obtain relevant information, including:

a. Processes the Commission should use to obtain information;

b. The degree of sensitivity for the relevant information, and whether safeguards for confidential business information or privacy laws are sufficient protection for this information;

c. Factors that would discourage members of the public with relevant information from sharing it with the Commission, including, for example, the risk of public disclosure that a party provided the Commission with information might prompt direct or indirect reprisal from a foreign government.

d. Steps the Commission should take to mitigate risks that would discourage members of the public with relevant information from sharing it with the Commission.

4. How the Commission should analyze information provided by the public, and how the Commission should convey information and recommendations to the President, including:

a. Should the Commission investigate and report on specific allegations or just use aggregated information;

b. Should the Commission's policy be to use information relating to Section 338 issues for other purposes (such as Section 332 reports), or should the provider of the information have to grant permission for additional uses;

c. When crafting recommendations for the President, what factors should the Commission consider when identifying appropriate options;

d. Historically the Commission did not make the reports it provided to the President public, should the Commission continue this practice?

e. Historically, the Commission would also provide some information about its work under 338(g) to the public. Should the Commission continue this practice? If so, what sort of information would be useful to the public?

5. Is there any additional information the Commission should know to help it best fulfill its obligations under Section 338(g)?

III. Submission Instructions

Written submissions: Interested persons are invited to file written submissions and other information concerning the matters to be addressed in this request. All written submissions should be addressed to the Secretary, and should be received no later than 5:15 p.m., November 9, 2026. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*) or via email. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), email *EDIS3help@usitc.gov,* or consult the Commission's Handbook on Filing Procedures.

[iv] Indeed, in creating Section 301 of the Trade Act of 1974, a report by staff of the Senate Finance committee proposed that existing trade laws, including Section 338, should be amended or repealed rather than ''left as dead letters on the statute books.'' Staff of S. Comm. on Finance, 92d Cong., *A Survey of Issues to be Studied by the Subcommittee on International Trade* 14 (Comm. Print 1971). Officials from the Treasury Department countered that Section 338 was a ''useful authority against foreign countries which discriminate'' against the commerce of the United States and requested that the bill ''not repeal section 338.'' *Trade Reform Act of 1973: Hearing Before the H. Comm. on Ways and Means,* 93rd Cong. 2144–2241 (1973) (statement from Office of Secretary of the Treasury). The Trade Act of 1974 did not alter or repeal Section 338.

Confidential business information: Any submissions that contain confidential business information (CBI) must also conform with the requirements in section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the CBI is clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested persons.

All information, including CBI, submitted 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 for cybersecurity or other security purposes. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: September 4, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–18385 Filed 9–8–26; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a closed teleconference meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on October 23, 2026, from 10:00 a.m. to 5:00 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, 202–317–3648, *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will hold a teleconference meeting on October 23, 2026, from 10:00 a.m. to 5:00 p.m. (Eastern Time). The meeting will be closed to the public.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. 1009(d), that the subject of the meeting falls within the exception to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: September 4, 2026.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2026–18389 Filed 9–8–26; 8:45 am]

BILLING CODE 4830–01–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Invitation for Membership on Advisory Committee

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Request for Applications.

SUMMARY: The Joint Board for the Enrollment of Actuaries (Joint Board), established under the Employee Retirement Income Security Act of 1974 (ERISA), is responsible for the enrollment of individuals who wish to perform actuarial services under ERISA. To assist in its examination duties mandated by ERISA, the Joint Board has established the Advisory Committee on Actuarial Examinations (Advisory Committee) in accordance with the provisions of the Federal Advisory Committee Act (FACA). The current Advisory Committee members' terms expire on February 28, 2027. This notice describes the Advisory Committee and invites applications from those interested in serving on the Advisory Committee for the March 1, 2027–February 28, 2029, term.

DATES: Applications for membership on the Advisory Committee must be received by no later than December 4, 2026.

ADDRESSES: Send applications electronically with APPLICATION FOR ADVISORY COMMITTEE inserted in subject line to *NHQJBEA@irs.gov.* See **SUPPLEMENTARY INFORMATION** for application requirements.

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, 202–317–3648, *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

To qualify for enrollment to perform actuarial services under ERISA, an applicant must satisfy certain experience and knowledge requirements, which are set forth in the Joint Board's regulations. An applicant may satisfy the knowledge requirement by successful completion of Joint Board examinations in basic actuarial mathematics and methodology and in actuarial mathematics and methodology relating to pension plans qualifying under ERISA.

The Joint Board, the Society of Actuaries, and the American Society of Pension Professionals & Actuaries jointly offer examinations acceptable to the Joint Board for enrollment purposes and acceptable to the other two actuarial organizations as part of their respective examination programs.

2. Scope of Advisory Committee Duties

The Advisory Committee plays an integral role in the examination program by assisting the Joint Board in offering examinations that enable examination candidates to demonstrate the knowledge necessary to qualify for enrollment. The Advisory Committee's duties, which are strictly advisory, include (1) recommending topics for inclusion on the Joint Board examinations, (2) developing and reviewing examination questions, (3) recommending proposed examinations, (4) reviewing examination results and recommending passing scores, and (5) providing other recommendations and advice relative to the examinations, as requested by the Joint Board.

3. Member Terms and Responsibilities

Members are appointed for a two-year term. The upcoming term will begin on March 1, 2027, and end on February 28, 2029. Members may seek reappointment for additional consecutive terms.

Members are expected to attend approximately four meetings each calendar year and are reimbursed for travel expenses in accordance with applicable government regulations. Meetings may be held in-person or by teleconference. In general, members are expected to devote 125 to 175 hours, including meeting time, to the work of the Advisory Committee over the course of a year.

4. Member Selection

The Joint Board seeks to appoint an Advisory Committee that is fairly balanced in terms of points of view represented and functions to be performed. Every effort is made to ensure that most points of view extant in the enrolled actuary profession are represented on the Advisory Committee. To that end, the Joint Board seeks to appoint members from each of the main practice areas of the enrolled actuary profession, including small employer plans, large employer plans, and multiemployer plans. In addition, to attain a balanced membership, the Joint Board limits the number of members affiliated with any one actuarial organization or employed with any one firm.

Membership normally will be limited to actuaries currently enrolled by the Joint Board. However, individuals who have academic or other special qualifications of particular value for the Advisory Committee's work also will be considered for membership. Federally registered lobbyists and individuals affiliated with Joint Board enrollment examination preparation courses are not eligible to serve on the Advisory Committee.

5. Member Designation

Advisory Committee members are appointed as Special Government Employees (SGEs). As such, members are subject to certain ethical standards applicable to SGEs. Upon appointment, each member will be required to provide written confirmation that he/she does not have a financial interest in a Joint Board examination preparation course. In addition, each member will be required to attend annual ethics training.

6. Application Requirements

To receive consideration, an individual interested in serving on the Advisory Committee must submit (1) a signed, cover letter expressing interest in serving on the Advisory Committee and describing his/her professional qualifications, and (2) a resume and/or curriculum vitae. Applications must be submitted electronically to *NHQJBEA@irs.gov.* The transmittal email should include APPLICATION FOR ADVISORY COMMITTEE in the subject line. Applications must be received by December 4, 2026.

Dated: September 4, 2026.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2026–18390 Filed 9–8–26; 8:45 am]

BILLING CODE 4830–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request: National Science Foundation Research Traineeship (NRT) Monitoring System.

SUMMARY: The National Science Foundation (NSF) has submitted the following request for revision of the approved collection of research and development data in accordance with the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and one comment was received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 401 Dulany Street, Alexandria, VA 22314; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Comments: As required by 5 CFR 1320.8(d), comments on the information collection were solicited through publication of a 60-Day Notice in the **Federal Register** on January 30, 2026, at 91 FR 4113, and one comment was received. Because it was in support of the information collection, we are moving forward with the request to OMB.

Title of Collection: National Science Foundation Research Traineeship (NRT) Monitoring System.

OMB Number: 3145–0263.

Type of Request: Intent to seek approval to renew an information collection.

Proposed Project: The National Science Foundation's Directorate for STEM Education (EDU) administers the NSF Research Traineeship (NRT) program. The NRT program is designed to encourage the development and implementation of bold, new, and potentially transformative models for STEM graduate education training. The NRT program seeks to ensure that graduate students in research-based master's and doctoral degree programs develop the skills, knowledge, and competencies needed to pursue a range of STEM careers. NRT is dedicated to effective training of STEM graduate students in high-priority interdisciplinary or convergent research areas through the use of a comprehensive traineeship model that is innovative, evidence-based, and aligned with changing workforce and research needs.

Previously, NRT awardees provided NSF with information on their activities through periodic research performance progress reports. The NRT monitoring system (also referred to as the NRT reporting system) has replaced these reports with a tailored program monitoring system that uses internet-based information and communication technologies to collect, review, and validate specific data on NRT awards. EDU is committed to ensuring the efficiency and effectiveness with which respondents provide and NSF staff can access and analyze data on funded projects within the NRT programs.

The NRT monitoring system includes subsets of questions aimed at the different project participants (*i.e.,* Principal Investigators (PIs), and trainees), and allows for data analysis and data report generation by authorized NSF staff. The collection takes a census approach and generally includes three categories of descriptive data: (1) Staff and project participants (data that are necessary to determine individual-level treatment and control groups for future third-party study or for internal evaluation); (2) project implementation characteristics (also necessary for future use to identify well-matched comparison groups); and (3) project outputs (necessary to measure baseline for pre- and post- NSF-funding-level impacts). NRT awardees will be required to report data on an annual basis for the life of their award.

Use of the Information: NSF will primarily use the data from this collection for program planning, management, and audit purposes to respond to queries from the Congress, the public, NSF's external merit reviewers, external third parties who serve as advisors, the NSF Office of the Inspector General, and as a basis for either internal or third-party evaluations of individual programs. This information is required for effective administration, communication, program and project monitoring and evaluation, and for measuring attainment of NSF's program, project, and strategic goals. The data collection is primarily used for accountability and evaluation purposes, including responding to queries from external experts. Some data collected under this collection will serve as baseline data for future research and evaluation studies.

NSF-funded contract or grantee researchers and internal or external evaluators in part may identify control, comparison, or treatment groups for NSF's education and training portfolio using some of the descriptive data gathered through this collection to conduct well-designed, rigorous research and portfolio evaluation studies.

Burden on the Public:

TABLE A.12.1—SURVEYS AND BURDEN COMPRISING THE NRT MONITORING SYSTEM

Survey	Respondent responsible	Response frequency	Burden estimate	Number of respondents	Total annual hour burden
Project Survey	PI*	Once annually	30 hours	130	3,900
PI Survey	PI	Once annually	10 minutes	130	22
Faculty Survey (includes CoPIs)	Faculty/Co-PI	Once annually	10 minutes	1,560	260
Trainee Survey	Trainee	Once annually	90 minutes	1,300	1,950
Total				3,120	6,132

Dated: September 4, 2026.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2026–18351 Filed 9–8–26; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–373 and K2026–363]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. 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

[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).

variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–373 and K2026–363; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1085, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 3, 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. 2026–18347 Filed 9–8–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. C2026–25; Order No. 9714]

Complaint

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is appointing a presiding officer to set a procedural schedule and conduct limited discovery for the purpose of determining disputed issues of law and fact related to alleged discrimination against Carl D. Wilson (Complainant). This document takes certain administrative steps.

ADDRESSES: Documents can be accessed electronically through the Commission's website at *https://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Ordering Paragraphs

I. Background

This complaint stems from a dispute between the Postal Service and Complainant regarding delivery of mail to his home. Complainant asserts three causes of action in his Complaint. Specifically, Count I alleges that the Postal Service has breached a settlement agreement between the parties. Count II alleges that the Postal Service violated 39 U.S.C. 403(1) by failing to maintain an efficient system of sorting and delivering the mail. Count III alleges that the Postal Service violated 39 U.S.C. 403(c) by discriminating against him in the delivery of his mail.

Pursuant to 39 U.S.C. 3662(b), the Commission concludes that Complainant has raised sufficient issues of material law and fact as to Count III. The Commission shall dismiss Counts I and II.

The Commission appoints a presiding officer to preside over the conduct of the proceedings, including but not limited to scheduling, discovery, potential hearings, and briefing in this matter. The Commission finds good cause to waive the appointment of an officer of the Commission designated to represent the interests of the general public in this proceeding as required by 39 CFR 3022.30(c) because the violations alleged in the Complaint pertain solely to Complainant rather than the general public.

II. Ordering Paragraphs

It is ordered:

1. The Commission finds that Complainant's Formal Complaint for Systemic Breach of Settlement Agreement and Violation of Service Standards, filed July 16, 2026, raises material issues of law and fact.

2. Complainant's Motion for Leave to File a Supplemental Filing and Notice of Ongoing Severe Mail Misrouting as Substantive Evidence, filed July 16, 2026, is granted.

3. The Motion of the Rural Carrier Protection & Accountability Alliance for Leave to File Amicus Curiae Brief in Opposition to Postal Service Moton to Dismiss, filed August 6, 2026, is granted.

4. The Complainant's Motion for Leave to Reply, and Reply to Respondent's Opposition to the Motion to Strike, filed August 26, 2026, is granted.

5. The Pro Se Complainant's Motion to Strike Respondent's Untimely Motion to Dismiss, and Alternate Opposition to the Motion to Dismiss, filed August 13, 2026, is denied.

6. The United States Postal Service Motion to Dismiss, August 5, 2026, is granted except for the claim related to the alleged violation of 39 U.S.C. 403(c), for which it is denied.

7. Pursuant to 39 CFR 3010.106, the Commission appoints Joseph K. Press as presiding officer in this proceeding.

8. Pursuant to 39 CFR 3022.12(b) and 3022.14, the Postal Service is directed to file an answer to the Complaint within 10 days of this Order.

9. After the Postal Service files its answer, the presiding officer shall set a procedural schedule, which will incorporate an opportunity for the parties to pursue settlement.

10. The presiding officer shall, pursuant to 39 CFR 3010.335, provide a public written intermediate decision including findings of fact and conclusions of law on the issues raised in this proceeding.

11. In accordance with 39 CFR 3022.41, if a complaint is resolved informally, in whole or in part, subsequent to Commission action under 39 CFR 3022.30(a)(1), the Complainant must promptly file: (1) a statement explaining the resolution; and (2) a motion to dismiss or amend the complaint based on the resolution.

12. The Commission dockets staff shall make Complainant's Motion for Leave to File a Supplemental Filing and Notice of Ongoing Severe Mail Misrouting as Substantive Evidence and Formal Request for Reasonable Accommodations/Section 508 Waiver of Electronic Filing Requirements, both filed by Complainant on July 16, 2026, publicly available on the dockets system.

13. This Order, or an abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Mallory Richards,

Attorney-Advisor.

[FR Doc. 2026–18296 Filed 9–8–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106268; File No. SR–NasdaqTX–2026–039]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing, and Order Granting Accelerated Approval of, a Proposed Rule Change To Amend Rule 5711(d) (Commodity-Based Trust Shares)

September 3, 2026.

On August 20, 2026, Nasdaq Texas, LLC (''Nasdaq Texas'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act'') [1], and Rule 19b–4 thereunder (''Rule 19b–4''),[2] a proposed rule change to amend Nasdaq Texas Rule 5711(d) to modify the generic listing standards for Commodity-Based Trust Shares. The proposed rule change is described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposed rule change (the ''Proposal''), on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5711(d) to modify the generic listing standards for Commodity-Based Trust Shares (as defined below) to: (1) allow for a buffer of up to 15% of the net asset value (''NAV'') of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the eligibility criteria under the generic listing standards; (2) add a definition for digital commodity (as defined below); and (3) allow for actively-managed strategies.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaqtx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5711(d) to modify the generic listing standards (''GLS'') for Commodity-Based Trust Shares [3] to (1) allow for a buffer of up to 15% of the NAV of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the GLS eligibility criteria; (2) add a definition for digital commodity (as defined below); and (3) allow for actively-managed Commodity-Based Trust Shares. The proposed changes are materially identical to Rule 5711(d) of the Exchange's affiliate, The Nasdaq Stock Market LLC (''Nasdaq'').[4] Each change is discussed in detail below.

15% Buffer and Digital Commodity

Today, the GLS in Rule 5711(d)(iii)(A)(3) contemplates that Commodity-Based Trust Shares may hold one or more commodities [5] or commodity-based assets,[6] and in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents.[7] Rule 5711(d)(iv) sets forth specific eligibility requirements that the commodity, commodity-based asset, and security holdings of Commodity-Based Trust Shares must meet on an initial and, with the exception of subparagraph (A)(3) as described below, on a continuing basis. In particular, subparagraph (A) sets forth the eligibility requirements for commodity and commodity-based asset holdings of Commodity-Based Trust Shares. Specifically, each commodity or commodity that underlies a commodity-based asset held by the Trust must fall into at least one of the following categories in subparagraphs (A)(1)–(3):

- (1) the commodity trades on a market that is an Intermarket Surveillance Group (''ISG'') member; provided that the Exchange may obtain information about trading in such commodity from the ISG member; or
- (2) the commodity underlies a futures contract that has been made available to trade on a designated contract market for at least six months; provided that the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, with such designated contract market; or
- (3) on an initial basis only, an exchange-traded fund (''ETF'') designed to provide economic exposure of no less than 40% of its NAV to the commodity lists and trades on a national securities exchange.

The current GLS therefore requires that all commodity or commodity-based asset holdings of the Commodity-Based Trust Share must qualify under one or more of the above eligibility criteria. These criteria are generally designed to ensure that the Exchange can obtain information regarding trading in the commodities or commodities underlying commodity-based assets held by the Trust issuing the Commodity-Based Trust Shares, which would assist in monitoring trading in such Shares on the Exchange and to deter and detect violations of Exchange rules and applicable federal securities laws, thereby making the Commodity-Based Trust Shares less readily susceptible to fraud and manipulation.

In addition, subparagraph (B) of Rule 5711(d)(iv) sets forth the eligibility requirements for the Trust's security holdings. Specifically, if the Trust holds any securities, each security held by the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Commodity-Based Trust Shares'' refers to a type of exchange-traded product (''ETP'') and means a security that: (1) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (2) is designed to reflect the performance of one or more reference assets or an index of reference assets, less expenses and other liabilities; (3) in order to reflect the performance as provided in (d)(iii)(A)(2) above, is issued by a Trust that holds (a) one or more commodities or commodity-based assets as defined in (d)(iii)(C) below, and (b) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (4) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (a) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share; and (5) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (a) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share. *See* current Rule 5711(d)(iii)(A). As discussed later in this filing, the Exchange is proposing to amend this definition to allow for actively-managed strategies.

[4] *See* Securities Exchange Act Release No. 105995 (July 27, 2026), 91 FR 48204 (July 30, 2026) (SR–NASDAQ–032).

[5] The term ''commodity'' is as defined in Section 1a(9) of the Commodity Exchange Act that is not an ''excluded commodity'' as defined in Section 1a(19) of the Commodity Exchange Act. *See* Rule 5711(d)(iii)(B).

[6] The term ''commodity-based asset'' means any future, option, or swap on a commodity. *See* Rule 5711(d)(iii)(C).

[7] The term ''cash equivalent'' means short-term instruments with maturities of less than three months as follows: (1) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (2) certificates of deposit issued against funds deposited in a bank or savings and loan association; (3) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (4) repurchase agreements and reverse repurchase agreements; (5) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (6) commercial paper, which are short-term unsecured promissory notes; and (7) money market funds. *See* Rule 5711(d)(iii)(D).

Trust would need to meet the criteria of Rule 5735 (Managed Fund Shares), Sections b(1)(A) and (B), or if the security is a listed option, trades on an ISG market. Essentially, the GLS requires that the security holdings of the Commodity-Based Trust Shares be either an equity security or a fixed income security, as defined in Rule 5735(b)(1)(A) and (B), respectively, and meet the listing standards thereunder, or if the security holdings are listed options, they trade on an ISG market. The Commission previously found that the generic listing standards for Managed Fund Shares consistent with the Exchange Act, including the requirements relating to component equity and fixed income securities underlying Managed Fund Shares.[8] Further, with respect to listed options, ISG membership would help to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Commodity-Based Trust Shares less readily susceptible to manipulation.

The Exchange now proposes to amend Rule 5711(d)(iv) to allow up to 15% of the NAV of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the GLS eligibility criteria in subparagraph (A) and (B) of Rule 5711(d)(iv) as described above. Specifically, new subparagraph (C) of Rule 5711(d)(iv) will provide that notwithstanding the eligibility requirements described above, up to 15% of the NAV of the Commodity-Based Trust Shares holdings in the aggregate may consist of (i) digital commodities that do not meet the criteria in subparagraph (A) of Rule 5711(d)(iv), or (ii) securities that do not meet the criteria in subparagraph (B) of Rule 5711(d)(iv). For purposes of calculating the 15% limitation, any derivatives held by the Trust will be calculated based on its gross notional value.[9]

In connection with the proposed adoption of the 15% buffer, the Exchange also proposes to add a definition for ''digital commodity'' in new subparagraph (D) of Rule 5711(d)(iii). In connection with this change, the Exchange will also renumber current subparagraphs (D)–(J) to proposed subparagraphs (E)–(K). As proposed, the term ''digital commodity'' will mean a commodity that is a digital asset and is intrinsically linked to and derives its value from the programmatic operation of a functional crypto system, as well as supply and demand dynamics, rather than from the expectations of profits from the essential managerial efforts of others. The Exchange is adopting this definition to make clear what types of digital assets may be included within the 15% buffer described above. The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the Commodity Futures Trading Commission (''CFTC''), effective March 23, 2026.[10] The Exchange represents that to the extent legislation is enacted defining ''digital commodity'' or a substantially similar term, the Exchange will submit a rule filing to conform the definition in the GLS to the statutory definition. The proposed changes would effectively exclude other commodities such as non-fungible assets or non-fungible collectibles from being included in the 15% buffer for generically listed Commodity-Based Trust Shares. However, this would not preclude the Exchange from submitting a 19b–4 rule filing to seek the listing and trading of a Commodity-Based Trust Share that holds other commodities, including commodities that fall outside of the definition of digital commodity, if it determines to do so at a later date. The Exchange notes that generic listing standards are generally intended to apply to products that were known and contemplated at the time of adoption (*e.g.,* Commodity-Based Trust Shares holding digital commodities). They are not intended to apply to novel products or materially distinct structures that were not considered when the standards were adopted. As it relates to the GLS for Commodity-Based Trust Shares, the products that were known and contemplated at the time of adoption included, for example, Commodity-Based Trust Shares holding digital commodities. The Exchange therefore believes it is appropriate to delineate the scope of what can be included in the 15% buffer to digital commodities.

As proposed, the GLS will still require that at least 85% of the NAV of the Commodity-Based Trust Shares holdings be comprised of assets that are already allowed under the GLS.[11] Further, the Trust must otherwise comply with all applicable requirements of the GLS (*e.g.,* Rule 5711(d)(v)'s website disclosure requirements) in order for the Commodity-Based Trust Share to be generically listed. The sponsor of the Commodity-Based Trust Share must monitor compliance with this 85% threshold daily, and must promptly notify the Exchange if the Commodity-Based Trust Share breaches this requirement.[12]

The following examples illustrate how the 15% buffer will be applied:

1. A Commodity-Based Trust Share (''CBTS'') holds $95 million in market value of Bitcoin, Ether, Solana, and XRP, which all presently qualify as eligible commodities under Rule 5711(d)(iv)(A)(2) and (3) (*i.e.,* each commodity underlies a futures contract that has been trading on an ISG market for at least 6 months, and has an ETF that provides at least 40% economic exposure to the commodity). The CBTS also holds $5 million in market value in several digital commodities that do not presently qualify as eligible commodities under the GLS. Because at least 95% of the Trust's NAV ($95 million/$100 million = 95%) meets the eligibility criteria under Rule 5711(d)(iv)(2) and (3), and the additional 5% consists of digital commodities that do not meet the eligibility criteria, consistent with the 15% buffer, the CBTS would qualify under the proposed generic criteria.

2. A CBTS holds gold and gold futures contracts. Both assets presently qualify as an eligible commodity or commodity-based asset under Rule 5711(d)(iv)(A)(2) because the commodity (gold) underlies gold futures contracts that are listed and trading on an ISG market for at least six

[8] *See* Securities Exchange Act Release No. 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (NYSEARCA–2015–110) (approving NYSE Arca's generic listing standards for Managed Fund Shares); Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100) (approving BZX's generic listing standards for Managed Fund Shares); Securities Exchange Act Release No. 78918 (Sep. 23, 2016), 81 FR 67033 (Sep. 29, 2016) (SR–NASDAQ–2016–104) (approving Nasdaq's generic listing standards for Managed Fund Shares).

[9] Today, the Exchange similarly calculates percentage limitations on listed and over-the-counter (''OTC'') derivatives in its Managed Fund Shares rule based on the aggregate gross notional value of the listed and OTC derivatives. *See* Rule 5735(b)(1)(D) and (E).

[10] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[11] Specifically, the Exchange will still require that at least 85% of the NAV of the Commodity-Based Trust Shares holdings consist of (i) commodities, commodity-based assets, and securities that meet the eligibility criteria in subparagraphs (A) and (B) of Rule 5711(d)(iv), and/or (ii) cash and cash equivalents.

[12] The Exchange notes that generally speaking, a company with securities listed under the Rule 5700 Series must provide the Exchange with prompt notification after the company becomes aware of any noncompliance by the company with the requirements of the Rule 5700 Series. *See* Rule 5701(d). Further, the Commodity-Based Trust Shares rule requires that an issuer of Commodity-Based Trust Shares must notify the Exchange of any failure to comply with the continued listing requirements. *See* Supplementary Material .03 to Rule 5711(d).

months. The gold held by the Trust has a market value of $80 million. The gold futures contract trading unit size is 100 troy ounces and an ounce of gold is currently worth $4,000. The Trust holds 100 gold futures contracts with a gross notional value of $40 million (100 contracts * 100 troy ounces * $4,000). Both the gold and gold futures holdings of $120 million in total (100% of NAV) would meet the eligibility criteria under Rule 5711(d)(iv)(A)(2). As such, the CBTS would qualify under the proposed generic criteria.

3. A CBTS holds bitcoin and OTC call options on a bitcoin ETF. Bitcoin presently qualifies as an eligible commodity under Rule 5711(iv)(A)(2) and (3) (*i.e.,* bitcoin underlies a futures contract that has been trading on an ISG market for at least 6 months, and has an ETF that provides at least 40% economic exposure to bitcoin). The bitcoin held by the Trust currently has a market value of $100 million. The Trust also holds 5,000 OTC call options (with each option contract representing 100 shares) on a bitcoin ETF with a current market price of $80 per share, resulting in a gross notional value of $40 million (5,000 option contracts * 100 option contract multiplier * $80 share price). Because these options are traded over-the-counter rather than on an ISG market, they do not meet the GLS eligibility criteria for securities under Rule 5711(d)(iv)(B). Accordingly, only the bitcoin holdings of $100 million or ~71% of NAV ($100 million/$140 million = 71.42%) would meet the GLS eligibility criteria under Rule 5711(d)(iv)(A)(2) and (3). While the CBTS could hold up to 15% of OTC options under the 15% buffer, here, the OTC options exceed the 15% limitation. Accordingly, the CBTS would not qualify under the proposed generic criteria.

The Exchange notes that the proposed 15% buffer for Commodity-Based Trust Shares is consistent with the thresholds recently approved by the Commission for similar digital commodity-based ETPs.[13] In those filings, the Commission approved the listing and trading of digital commodity-based ETPs holding a diversified portfolio of underlying digital commodities that tracked transparent, rules-based indexes. There, the Commission found that the requirement that the Trusts hold at least 85% of its investments in assets approved by the Commission to underlie an ETP as primary investments (and the rest of its assets in other digital commodities) would enable adequate surveillance of the Shares on the Exchange, and found that the Exchange's rules were designed to prevent fraud and manipulation.[14] Although the ETPs in the Grayscale Order and Bitwise Order were listed under a different listing rule for Trust Units,[15] the Exchange believes that the policy rationale applies with equal force to Commodity-Based Trust Shares listed under Rule 5711(d). Here, the Exchange is proposing to require that at least 85% of the NAV of the Trust's holdings be composed of assets that already qualify under the GLS (*i.e.,* commodities, commodity-based assets, and securities that meet the eligibility criteria in Rule 5711(d)(iv) as well as cash and cash equivalents). These eligibility criteria are designed to assist the Exchange in monitoring trading in such Shares on the Exchange, thereby mitigating risks around fraud and manipulation. Also the Exchange is proposing to limit the 15% buffer to just digital commodities and securities that do not meet the eligibility criteria. The Exchange therefore believes that its proposal similarly strikes an appropriate balance between ensuring that the primary exposure of the ETP is to assets meeting established eligibility standards approved by the Commission, and allowing limited exposure to certain additional assets that enhance diversification and flexibility without undermining market integrity or investor protection.

Actively-Managed Commodity-Based Trust Shares

Rule 5711(d)(iii)(A)(2) currently requires Commodity-Based Trust Shares to be designed to reflect the performance of one or more reference assets or an index of reference assets, less expenses, and other liabilities. In other words, Commodity-Based Trust Shares are required to be passively managed under the GLS. The Exchange now proposes to delete paragraph (A)(2) and a similar provision in paragraph (A)(3) in order to allow for both passively- and actively-managed strategies. The Exchange will also make non-substantive changes to renumber the paragraphs in the definition of Commodity-Based Trust Shares to reflect the deletion of paragraph (A)(2). The Exchange also proposes in proposed paragraph (A)(2) (currently paragraph (A)(3)) to add the phrase ''consistent with the Trust's investment objective and policies'' to align with language in the Exchange's Managed Fund Shares rule in Rule 5735(c)(1), which governs the listing of actively-managed ETFs today.

The Exchange also proposes to implement additional requirements around material non-public information in Rule 5711(d)(x) that would apply specifically to actively-managed Commodity-Based Trust Shares. In particular, proposed Rule 5711(d)(x)(3) will provide that any person associated with, or is an agent of (including Reporting Authority (defined below)), the Trust who has access to non-public information regarding the portfolio of the Commodity-Based Trust Shares, including any change thereto, must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. In connection with this change, the Exchange proposes to add a definition for Reporting Authority in proposed Rule 5711(d)(iii)(L), which would provide that the term ''Reporting Authority'' with respect to Commodity-Based Trust Shares means an institution or reporting service designated by the Exchange or the Trust as the official source for calculating and reporting information relating to the CBTS, including, but not limited to, its portfolio, the amount of any cash distribution to holders of Commodity-Based Trust Shares, net asset value, or other information relating to the issuance, redemption or trading of Commodity-Based Trust Shares. Each Commodity-Based Trust Shares may have more than one Reporting Authority, each having different functions.[16] In connection with the foregoing changes, the Exchange will also make a non-substantive change to renumber existing Rule 5711(d)(x)(3) to (4). These additional requirements are substantively rooted in the current prohibitions against the use and dissemination of material non-public information within the Exchange's rules governing actively-managed ETFs, and would apply to anyone associated with, or is an agent of, the Trust who has

[13] *See* Securities Exchange Act Release Nos. 103996 (September 17, 2025) (SR–NYSEARCA–2024–87) (Order Setting Aside Action by Delegated Authority and Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend NYSE Arca Rule 8.500–E (Trust Units) and to List and Trade Shares of the Grayscale Digital Large Cap Fund LLC under Amended NYSE Arca Rule 8.500–E (Trust Units)) (''Grayscale Order''); and 104212 (November 18, 2025) (SR–NYSEARCA–2024–98) (Order Setting Aside Action by Delegated Authority and Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend NYSE Arca Rule 8.500–E (Trust Units) and to List and Trade Shares of the Bitwise 10 Crypto Index ETF under Amended NYSE Arca Rule 8.500–E (Trust Units)) (''Bitwise Order'').

[14] *See* Grayscale Order and Bitwise Order, *supra* note 13.

[15] ''Trust Units'' are listed on the Exchange under Rule 5711(i).

[16] *See, e.g.,* Rule 5735(c)(4) (Managed Fund Shares) for similar provisions.

access to non-public information regarding the Trust's portfolio. These proposed requirements would apply in addition to what is already required under Rule 5711(d)(x).[17] The proposed requirements would provide additional protection against the potential misuse of material, non-public information relating to the Trust's actively-managed portfolio.

Additionally, while the actively-managed Commodity-Based Trust Share would be subject to the existing trading halt requirements of Rule 5711(d)(ix), proposed Rule 5711(d)(ix)(B) will provide that if the Exchange becomes aware that the information required by paragraph (v)(A) is not disseminated to all market participants at the same time, it will halt trading in the Commodity-Based Trust Shares until such time as the information required by paragraph (v)(A) is available to all market participants.[18] The Exchange also proposes to make aligning changes in Rule 5711(d)(ix)(A)(3), which currently provides that the Exchange may halt trading during the day in which the interruption to the information set forth in Rule 5711(d) is not being disclosed in accordance with the requirements of Rule 5711(d)(v), and that if the interruption persists past the trading day in which it occurred, the Exchange would halt trading no later than the beginning of the trading day following the interruption. The Exchange now proposes to add a proviso at the end of this Rule that if the Exchange becomes aware that the information required by paragraph (v)(A) is not disseminated to all market participants at the same time, it will halt trading pursuant to proposed subparagraph (B), as described above. This additional trading halt requirement is substantively identical to the Exchange's rule governing the listing and trading of actively managed ETFs, and would apply in addition to what is required under Rule 5711(d)(ix).[19] This additional trading halt requirement will help ensure that all market participants have transparency relating to the Trust's underlying portfolio, which information is key to pricing the Commodity-Based Trust Shares, and that no market participant has an unfair informational advantage. Ensuring such transparency relating to the Trust's underlying portfolio for all market participants will help facilitate a fair and orderly market for the Commodity-Based Trust Shares, as well as help to ensure that the Commodity-Based Trust Shares are not susceptible to manipulation.

Actively-managed ETFs have become a significant and growing segment of the U.S. and global ETF markets. For example, in 2024, around 49% of all ETFs launched globally were active, and in the U.S., active ETF launches outnumbered index launches by nearly 4:1.[20] Active ETFs in the U.S. represent the vast majority of total ETF launches in 2025,[21] with over a third of U.S. ETF inflows coming from active strategies over the past two years.[22] By the end of 2025, approximately 83% of the year's new ETFs were actively managed.[23] The Exchange believes that these figures demonstrate substantial market demand in actively-managed strategies, and that this proposal would benefit investors by providing a transparent, regulated investment vehicle as an alternative to less regulated avenues that investors could use to obtain commodity (including digital commodity) exposure.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[24] in general, and furthers the objectives of Section 6(b)(5) of the Act,[25] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market, and, in general to protect investors and the public interest because it would facilitate the listing and trading of additional Commodity-Based Trust Shares, which would enhance competition among market participants, to the benefit of investors and the marketplace.

As discussed above, the Exchange is requiring at least 85% of the NAV of the Trust's holdings to be composed of assets that already qualify under the GLS (*i.e.,* cash, cash equivalents, as well as commodities, commodity-based assets, and securities that meet the eligibility criteria in Rule 5711(d)(iv)). By requiring that the primary exposure of Commodity-Based Trust Shares be in assets meeting established eligibility criteria under this Rule, the Exchange believes that its proposal will ensure flexibility for product innovation while maintaining robust investor protections. As discussed above, these eligibility criteria are generally designed to ensure that the Exchange can obtain information regarding trading in the assets held by the Trust issuing the Commodity-Based Trust Shares. This, in turn, would assist in monitoring the trading in such Shares on the Exchange and to deter and detect violations of Exchange rules and applicable federal securities laws, thereby making Commodity-Based Trust Shares less readily susceptible to fraud and manipulation.

[17] *See* Rule 5735(g) (Managed Fund Shares) (setting forth firewall and procedure requirements that apply to the investment adviser to the investment company issuing Managed Fund Shares and to personnel who make decisions on the investment company's portfolio composition). *See also* Rules 5704(b)(1)(B)(i) (Exchange Traded Fund Shares) (setting forth firewall and procedure requirements that apply to the investment adviser to an Exchange Traded Fund and to personnel who make decisions on the Exchange Traded Fund's portfolio composition) and 5704(b)(1)(B)(ii) (setting forth procedure requirements that apply to the ''Reporting Authority'' that provides information relating to the Exchange Traded Fund's portfolio). Nasdaq [sic] Rule 5704(a)(1)(C) defines ''Reporting Authority'' to mean Nasdaq [sic], a wholly-owned subsidiary of Nasdaq [sic], or an institution or reporting service designated by Nasdaq or its subsidiary as the official source for calculating and reporting information relating to Exchange Traded Fund Shares series, including, but not limited to, any current index or portfolio value; the current value of the portfolio of any securities required to be deposited in connection with issuance of Exchange Traded Fund Shares; the amount of any dividend equivalent payment or cash distribution to holders of Exchange Traded Fund Shares, net asset value, and other information relating to the issuance, redemption or trading of Exchange Traded Fund Shares.

[18] Pursuant to paragraph (v)(A) of Rule 5711(d), the Trust must disclose prominently on its website, which is publicly available and free of charge, the following information: (A) Before the opening of regular trading on the Exchange, for the Trust's commodities, commodity-based assets, securities, cash and cash equivalent, to the extent applicable: (1) ticker symbol; (2) identifier; (3) description of the holding; (4) the quantity of each commodity, commodity-based asset, security, cash, and cash equivalent held; and (5) percentage weighting of the Trust's assets.

[19] *See* Rule 5735(d)(2)(D) (Managed Fund Shares).

[20] *See* ''Decoding active ETFs,'' BlackRock, available at *https://www.ishares.com/us/literature/whitepaper/decoding-active-etfs.pdf.*

[21] *See* ''How active ETFs are unlocking innovation and opportunity for investors,'' BlackRock, available at *https://www.ishares.com/us/insights/active-etf-investors* (''Active ETFs accounted for 88% of all U.S.-listed ETF launches through June 2025, and 51% of global ETF launches.''); *see also* ''Monthly Active ETF Monitor (August 31, 2025),'' J.P.Morgan, available at *https://am.jpmorgan.com/content/dam/jpm-am-aem/americas/us/en/insights/etf-insights/monthly-active-etf.pdf* (''60 active ETFs were launched in August. Active ETFs represent 85% of total ETF launches in 2025.'').

[22] *See* ''Decoding active ETFs,'' BlackRock, available at *https://www.ishares.com/us/literature/whitepaper/decoding-active-etfs.pdf* (''31% of net asset inflows come from actively managed strategies,'' sourcing BlackRock Global Business Intelligence data through June 2024); *see also* ''Monthly Active ETF Monitor (August 31, 2025),'' J.P.Morgan, available at *https://am.jpmorgan.com/content/dam/jpm-am-aem/americas/us/en/insights/etf-insights/monthly-active-etf.pdf* (''Over 37% of ETF flows in 2025 have gone into active strategies'').

[23] *See* ''2025 ETF & ETP Market Trends: Flow and Tell year in review,'' BlackRock, available at *https://www.ishares.com/us/insights/2025-etf-market-trends-record-flows.*

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

The Exchange also believes it is consistent with the Act to add the definition of digital commodity in the GLS, and to clearly delineate that the proposed 15% buffer could only include digital commodities that do not meet the GLS eligibility criteria as well as securities that do not meet the GLS eligibility criteria. As discussed above, this approach provides appropriate specificity as to the types of assets that may be included in the buffer, while maintaining flexibility for product innovation. With novel products that were not contemplated at the time of adoption, the Exchange may submit an individual 19b–4 rule filing to seek the listing and trading of such Commodity-Based Trust Shares if it determines to do so at a later date.

The Exchange also believes that the proposed expansion of the GLS to allow for actively-managed Commodity-Based Trust Shares is consistent with the Act. The Exchange notes that the Commission recently approved individual 19b–4 for the listing and trading of an actively-managed Commodity-Based Trust Share under Rule 5711(d).[26] In the iShares Approval Order, the Commission found that the requirements under Rule 5711(d), coupled with the additional firewall and trading halt representations made by the Exchange regarding the listing and trading of the actively-managed product, were designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest consistent with Section 6(b)(5) of the Act.[27] Notably, the Commission cited a prior approval order where it had stated in the context of ETFs that ''the mere addition of active management to a portfolio that would otherwise qualify for generic listing as an index-based ETF should not affect the portfolio's susceptibility to manipulation or the availability of arbitrage between the ETF and its underlying portfolio.'' [28] The Exchange agrees with the Commission when it stated that this principle holds true for Commodity-Based Trust Shares as well,[29] and believes that the proposed amendments to the GLS to permit actively-managed Commodity-Based Trust Shares are therefore consistent with the Act.

As discussed above, the Exchange is adopting safeguards around trading halts and material-non public information that are already in place for other actively-managed products listed and trading on the Exchange today.[30] Further, these actively-managed Commodity-Based Trust Shares would be subject to the same requirements under the GLS that are currently applicable to passively-managed strategies, including requirements related to portfolio transparency, valuation, and dissemination. Consistently applying listing standards across products with economic exposures to the same underlying commodities levels the playing field between issuers, which should promote competition and would more readily afford investors greater investment options. The Exchange believes that extending the GLS to accommodate actively-managed strategies would further this objective by enabling additional issuers to bring innovative products to market through a transparent, regulated framework.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed rule change would facilitate the listing and trading of additional types of Commodity-Based Trust Shares pursuant to generic listing standards, provided that the applicable requirements are satisfied. Accordingly, the proposal is designed to facilitate product innovation and efficient listing processes, thereby enhancing competition among issuers and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR-NasdaqTX–2026–039 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NasdaqTX–2026–039. 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–NasdaqTX–2026–039 and should be submitted on or before September 30, 2026.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the Proposal is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.[31] In particular, the Commission finds that the Proposal is consistent with Section 6(b)(5) of the

[26] *See* Securities Exchange Act Release No. 105582 (May 29, 2026), 91 FR 33252 (June 3, 2026) (SR–NASDAQ–2025–085) (Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to List and Trade Shares of the iShares Bitcoin Premium Income ETF under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)) (''iShares Approval Order''). *See also* Securities Exchange Act Release No. 105681 (June 12, 2026), 91 FR 36629 (June 17, 2026) (SR–NYSEARCA–2025–77) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2 Thereto, To List and Trade Shares of the T. Rowe Price Active Crypto ETF under NYSE Arca Rule 8.201–E (Generic) Commodity-Based Trust Shares).

[27] *See* iShares Approval Order at 33253.

[28] *See* iShares Approval Order at 33253 (citing to Securities Exchange Act Release Nos. 78396 (July 22, 2016), 81 FR 49698, 49702 (July 28, 2016) (SR–BATS–2015–100) (Order Approving Generic Listing Standards for Managed Fund Shares); and 78397 (July 22, 2016), 81 FR 49320, 49324–25 (July 27, 2016) (SR–NYSEArca-2015–110) (Order Approving Generic Listing Standards for Managed Fund Shares)).

[29] *See* iShares Approval Order at 33253.

[30] *See supra* notes 17 and 19.

[31] In approving the Proposal, the Commission has considered the Proposal's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Act,[32] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposal conforms the Exchange's rules to the changes the Commission previously considered and approved for generic listing standards for Commodity-Based Trust Shares.[33] As explained in those past approvals, an exchange-traded product (''ETP'') that holds at least 85% of its investments in commodities approved by the Commission to underlie an ETP as primary investments enables adequate surveillance of the shares by the listing exchange. Likewise, the mere addition of active management to a portfolio that would otherwise qualify for generic listing as an index-based ETF does not affect the portfolio's susceptibility to manipulation or the availability of arbitrage between the ETF and its underlying portfolio.

Rule 19b–4(e) provides that the listing and trading of a new derivative securities product by a national securities exchange shall not be deemed a proposed rule change pursuant to paragraph (c)(1) of Rule 19b–4 [34] if the Commission has approved, pursuant to Section 19(b) of the Act,[35] the exchange's trading rules, procedures, and listing standards for the product class that would include the new derivatives securities product, and the exchange has a surveillance program for the product class.[36] The Exchange proposes to amend its generic listing standards for Commodity-Based Trust Shares to include the 15% buffer and active-management that the Commission has previously considered and approved in separate Rule 19b–4 filings.

Accordingly, the Proposal fulfills the intended objective of Rule 19b–4(e) by permitting Commodity-Based Trust Shares that satisfy the requirements previously found to be consistent with the Act to commence trading without public comment and Commission approval.[37] The Exchange's ability to rely on Rule 19b–4(e) to list and trade additional Commodity-Based Trust Shares that meet the applicable requirements and minimum standards will reduce the time frame for bringing the shares to market and thereby reduce the burdens on issuers and other market participants, while also promoting competition.[38]

Similarly, the Exchange's proposed additional trading halt and firewall provisions are consistent with the Act.[39] Because Nasdaq Texas Rule 5711(d) currently contemplates only passive management,[40] the Exchange proposes changes designed to address active management of Commodity-Based Trust Shares, namely provisions related to (1) trading halts if Commodity-Based Trust Shares' portfolio information [41] is not disseminated to all market participants at the same time,[42] and (2) procedures designed to prevent the use and dissemination of material non-public portfolio information. The Exchange's proposed changes are substantively identical to Nasdaq Texas's rule governing the listing and trading of actively managed ETFs,[43] and apply in addition to what is already required under Nasdaq Texas Rule 5711(d)(ix). The additional trading halt provision will help to ensure that all market participants have transparency relating to the Commodity-Based Trust Shares' underlying portfolio, which information is key to pricing the shares and that no market participant has an unfair informational advantage. Ensuring such transparency relating to the underlying portfolio for all market participants will help facilitate a fair and orderly market for the Commodity-Based Trust Shares, as well as help to ensure that the Commodity-Based Trust Shares are not susceptible to manipulation. Likewise, the additional firewall provision will provide additional protection against the potential misuse of material, non-public information relating to a Commodity-Based Trust Share's actively-managed portfolio.

Finally, Commodity-Based Trust Shares listed pursuant to Nasdaq Texas Rule 5711(d), as modified by the Proposal, would be required to comply with all applicable requirements of Nasdaq Texas Rule 5711(d). In addition, all Commodity-Based Trust Shares listed under Nasdaq Texas Rule 5711(d) will be subject to the rules and procedures of the Exchange that currently govern the trading of equity securities on the Exchange.[44] The

[32] 15 U.S.C. 78f(b)(5).

[33] *See* Securities Exchange Act Release Nos. 105995 (July 27, 2026), 91 FR 48204 (July 30, 2026) (SR–NASDAQ–2026–032) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Amend Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)); 106001 (July 28, 2026), 91 FR 48462 (July 31, 2026) (SR–NYSEArca–2026–42) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Amend NYSE Arca Rule 8.201–E (Generic) Commodity-Based Trust Shares); and 106011 (July 29, 2026), 91 FR 48957 (Aug. 3, 2026) (SR–CboeBZX–2026–061) (Notice of Filing, and Order Granting Accelerated Approval of, a Proposed Rule Change to Amend 14.11(e)(4) (Commodity-Based Trust Shares)).

[34] 17 CFR 240.19b–4(c)(1).

[35] 15 U.S.C. 78s(b).

[36] *See* 17 CFR 240.19b–4(e).

[37] The failure of any particular Commodity-Based Trust Shares to satisfy the proposed generic listing standards pursuant to Rule 19b–4(e) would not preclude the Exchange from submitting a separate filing pursuant to Section 19(b) to list and trade those Commodity-Based Trust Shares. *See* Nasdaq Texas Rule 5711(d)(i).

[38] Nasdaq Texas Rule 5711(d), as modified by the Proposal, also continues to require the Exchange to maintain surveillance procedures for Commodity-Based Trust Shares, consistent with the requirements of Rule 19b–4(e). 17 CFR 240.19b–4(e). *See* Nasdaq Texas Rule 5711(d)(viii)(B).

[39] 15 U.S.C. 78f(b)(5).

[40] *See, e.g.,* Nasdaq Texas Rules 5711(d)(viii)(B)(2) and 5711(d)(ix)(A)(1), requiring the Exchange to initiate delisting procedures and halt trading if the value of the underlying reference asset(s) or index is not made widely available on at least a 15-second basis from a source unaffiliated with the sponsor or the trust; Nasdaq Rule 5711(d)(x)(1), requiring that if the value of a Commodity-Based Trust Share is based on an index that is maintained by a broker-dealer, the broker-dealer erect and maintain a firewall around the personnel responsible for the maintenance of such index or who have access to information concerning changes and adjustments to the index; and Nasdaq Texas Rule 5711(d)(x)(2), requiring that any advisory committee, supervisory board, or similar entity that advises an index licensor or administrator or that makes decisions regarding the index composition, methodology, and related matters must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the applicable index.

[41] *See supra* note 18.

[42] *See supra* note 19 and accompanying text.

[43] *See* Nasdaq Texas Rules 5735(d)(2)(D) (Managed Fund Shares) (setting forth trading halt requirements if certain information with respect to a series of Managed Fund Shares is not disseminated to all market participants at the same time); 5750(d)(2)(D)(ii) (Proxy Portfolio Shares) (setting forth trading halt requirement if certain information with respect to a series of Proxy Portfolio Shares is not being made available to all market participants at the same time). *See also* Nasdaq Texas Rules 3735(g) (Managed Fund Shares) (setting forth firewall and procedure requirements that apply to the investment adviser to the investment company issuing Managed Fund Shares and to personnel who make decisions on the investment company's portfolio composition); 5704(b)(1)(B)(i) (Exchange-Traded Fund Shares) (setting forth firewall and procedures requirements that apply to the investment adviser to an Exchange-Traded Fund and to personnel who make decisions on the Exchange-Traded Fund's portfolio composition); 5704(b)(1)(B)(ii) (Exchange-Traded Fund Shares) (setting forth procedure requirements that apply to the ''Reporting Authority'' that provides information relating to the Exchange-Traded Fund's portfolio) and 5750(b)(6) (Proxy Portfolio Shares) (setting forth procedures and firewall requirements that apply to any person or entity, including a Reporting Authority, who has access to nonpublic information regarding the fund's portfolio). Further, these requirements are substantially similar to requirements applicable to actively-managed Commodity-Based Trust Shares previously approved by the Commission. *See supra* note 26.

[44] *See* Nasdaq Texas Rule 5711(d)(ii).

Exchange would continue to be required to submit a rule filing with the Commission when seeking to list and trade Commodity-Based Trust Shares that do not meet the generic listing standards under Nasdaq Texas Rule 5711(d), as proposed to be modified.

For the same reasons discussed above, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[45] for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[46] to approve the Proposal on an accelerated basis.

V. Conclusion

This approval order is based on all of the Exchange's representations and descriptions in the Proposal, which the Commission has evaluated as discussed above. For the reasons set forth above, the Commission finds, pursuant to Section 19(b)(2) of the Act,[47] that the Proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5) of the Act.[48]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[49] that the proposed rule change (SR–NasdaqTX–2026–039) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18291 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36320; File No. 811–22684]

Daxor Corporation

September 4, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application for deregistration under section 8(f) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

APPLICANT: Daxor Corporation.

FILING DATES: The application was filed on February 9, 2026, and amended on May 21, 2026, June 17, 2026, and September 4, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the request will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicant with a copy of the request by email, if an email address is listed for the Applicant below, or personally or by mail, if a physical address is listed for the Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on September 29, 2026, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicant: Robert J. Michel, Daxor Corporation, 107 Meco Lane, Oak Ridge, TN 37830; and Peter D. Fetzer, Foley & Lardner LLP, 777 East Wisconsin Avenue, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Adam M. Large, Senior Special Counsel, or Thomas M. Ahmadifar, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number at the top of this document, or for the Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings*. You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

Applicant's Representations

1. Applicant was originally incorporated in New York State as Iatric Corporation in May 1971 for cryobanking services and discontinued these services through its wholly-owned subsidiary, Scientific Medical Systems in 2017. In October 1971, the name Iatric Corporation was changed to Idant Corporation. In May 1973, the name Idant Corporation was changed to Daxor Corporation.

2. Applicant currently operates as a radiopharmaceutical company and medical device manufacturer selling Volumex Test Kits used with its BVA Companion Analyzer.

3. The Applicant states that it is not engaged in the business of investing, reinvesting, owning, holding or trading in securities. In the past, the Applicant was dependent upon earnings from its investment portfolio to fund operations and was required under the Act to register with the Commission as an investment company. Specifically, on March 30, 2012, the company filed a Form N–8A with the Commission to register as a closed-end management investment company under the Act.

4. Applicant states that it liquidated the remainder of its investment securities (as defined in section 3(a) of the Act) (''Investment Securities'') over the course of 2024 and 2025. As of December 31, 2024 and June 30, 2025, in aggregate, Applicant's investment securities represented approximately 3.11% and 1.10%, respectively, of Applicant's total assets measured at fair value on an unconsolidated basis (exclusive of Government securities and cash items).

5. Applicant further states that, as of December 31, 2025, Applicant held no Investment Securities, and Applicant continued to hold no Investment Securities as of the filing date of its Second Amended Application.

6. Applicant states that it is no longer dependent upon earnings from its investment portfolio to fund operations, and Applicant is and holds itself out as a radiopharmaceutical company and medical device manufacturer selling Volumex Test Kits used with its BVA Companion Analyzer.

7. Applicant expects to continue to earn a majority of its gross income from its medical device operations and expects to have no income from Investment Securities, as it will hold funds pending use in its operating business in cash items or Government securities.

8. Applicant represents that it has always conducted its business as an operating company, and that it had never primarily been in, or held itself out to be in, the business of investing, reinvesting, owning, holding or trading in securities. Applicant further represents that its registration under the

[45] 15 U.S.C. 78s(b)(2).
[46] 15 U.S.C. 78s(b)(2).
[47] 15 U.S.C. 78s(b)(2)
[48] 15 U.S.C.78f(b)(5).
[49] 15 U.S.C. 78s(b)(2).
[50] 17 CFR 200.30–3(a)(12).

Act resulted from the percentage of its total assets that at one time consisted of investment securities, and not from the nature of its business. As such, because Applicant did not change the nature of its business, Applicant states that neither the disposition of its investment securities, nor its resulting cessation of investment company status, nor the filing of the Application, required the authorization of a majority of Applicant's outstanding voting securities under Section 13(a)(4) of the Act.

9. Applicant states that it is not currently a party to any litigation or administrative proceeding and has timely complied with its obligations to file annual and other reports with the Commission.

10. Applicant represents that its common stock has continuously been traded since its initial public offering. Specifically, the company's common stock is traded on Nasdaq under the symbol DXR. As of May 19, 2025, the company's authorized securities consisted of 10,000,000 shares of common stock.

11. Further, Applicant represents that it is, and will remain, subject to the reporting requirements of Section 13(a) of the Securities Exchange Act of 1934, as amended (the ''Exchange Act. Following deregistration as an investment company under the Act, Applicant will continue to file periodic and current reports with the Commission under the Exchange Act, including reports on Forms 10–K, 10–Q and 8–K, as an operating company.

Applicant's Legal Analysis

1. Section 8(f) of the Act provides that whenever the Commission, upon application or its own motion, finds that a registered investment company has ceased to be an investment company, the Commission shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

2. Section 3(a)(1)(A) of the Act defines an ''investment company'' as any issuer that ''is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.'' Section 3(a)(1)(C) of the Act defines an ''investment company'' as any issuer that ''is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.'' [1]

3. Section 3(b)(1) of the Act provides that ''[n]otwithstanding paragraph (1)(C) of subsection (a), none of the following persons is an investment company within the meaning of this title: (1) any issuer primarily engaged, directly or through a wholly owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.'' Rule 3a–1 under the Act states that ''[n]otwithstanding section 3(a)(1)(C) of the Act, an issuer will be deemed not to be an investment company under the Act, provided, that: (a) no more than 45 percent of the value (as defined in section 2(a)(41) of the Act) of such issuer's total assets (exclusive of Government securities and cash items) consists of, and no more than 45 percent of such issuer's net income after taxes (for the last four fiscal quarters combined) is derived from, securities other than: (1) Government securities; (2) securities issued by employees' securities companies; (3) securities issued by majority-owned subsidiaries of the issuer (other than subsidiaries relying on the exclusion from the definition of investment company in section 3(b)(3) or (c)(1) of the Act) which are not investment companies; and (4) securities issued by companies: (i) which are controlled primarily by such issuer; (ii) through which such issuer engages in a business other than that of investing, reinvesting, owning, holding or trading in securities; and (iii) which are not investment companies; (b) the issuer is not an investment company as defined in section 3(a)(1)(A) or 3(a)(1)(B) of the Act and is not a special situation investment company; and (c) the percentages described in paragraph (a) of this section are determined on an unconsolidated basis, except that the issuer shall consolidate its financial statements with the financial statements of any wholly-owned subsidiaries.''

4. Applicant states that it is no longer an investment company as defined in section 3(a)(1)(A) or section 3(a)(1)(C). As noted above, Applicant states that, as of December 31, 2025, as well as through the date of the filing of its Second Amended Application, it did not hold any investment securities (exclusive of Government securities and cash items). Applicant asserts that it is primarily engaged in the business of owning, operating, and managing its business as a radiopharmaceutical company and medical device manufacturer. Applicant argues that its historical development, its public representations, the activities of its directors and officers, the nature of its present assets and the sources of its present income support this assertion. Applicant states that it is thus qualified for an order of the Commission pursuant to section 8(f) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18387 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

[1] Section 3(a)(2) of the Act defines ''investment securities'' as ''all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which (i) are not investment companies, and (ii) are not relying on the exception from the definition of investment company in paragraph (1) or (7) of subsection (c).''

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106276; File No. SR–NYSETEX–2026–33]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule

September 3, 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 September 2, 2026, the NYSE Texas, Inc. (''NYSE Texas'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I 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 the Connectivity Fee Schedule (''Fee Schedule'') regarding colocation services and fees to make a non-substantive change to the lists in Colocation Notes 4 and 5. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Texas, Inc. (''NYSE Texas'' or the ''Exchange'') proposes to amend the Connectivity Fee Schedule (''Fee Schedule'') regarding colocation services and fees to make a non-substantive change to the lists in Colocation Notes 4 and 5.

Colocation Note 4 includes a table of ''Included Data Products'' that lists the market data feeds that Users [4] can connect to at no additional cost when they purchase a service that includes access to the LCN or IP network.[5] The list currently includes three ''NMS Feeds,'' two of which are referred to as ''CTA'' and ''CQ.''

Similarly, Colocation Note 5 lists the market data feeds available over the NMS network. As in Colocation Note 4, the list in Colocation Note 5 currently includes three ''NMS Feeds,'' two of which are referred to as ''CTA'' and ''CQ.''

The names ''CTA'' and ''CQ'' do not actually refer to the data feeds themselves, but rather, to the names of the NMS Plans pursuant to which the data feeds are currently disseminated—*i.e.,* the CTA Plan [6] and the CQ Plan.[7] The actual names of the data feeds are ''CTS'' and ''CQS.'' [8]

Beginning April 1, 2027,[9] the CTS and CQS data feeds will be produced and disseminated pursuant to a different NMS Plan, the ''CT Plan.'' There will be no changes to the actual data feeds disseminated, and they will retain their current names of CTS and CQS.

In light of this upcoming transition, the Exchange proposes to amend the list of Included Data Products in Colocation Note 4 and the list of feeds available over the NMS network in Colocation Note 5 to refer to these data feeds by their actual names, CTS and CQS.

This is a non-substantive change. Only the names of the data feeds on the lists in Colocation Notes 4 and 5 would change. There would be no change to the data feeds themselves, nor would there be any change to their inclusion as Included Data Products or feeds available over the NMS network.

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.[10] Specifically, the proposal is consistent with Section 6(b)(5) of the Act [11] 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.

The Exchange believes the proposed rule change would protect investors and the public interest and perfect the mechanism of a free and open market and a national market system by adding transparency and specificity to the rule. In light of the upcoming transition to the CT Plan, the Exchange believes that market participants may be confused if the lists in Colocation Notes 4 and 5 continue to refer to the CTS and CQS data feeds as ''CTA'' and ''CQ,'' potentially prompting questions about whether the data feeds themselves will be changing. The Exchange believes investors and the public interest would be protected by revising the list in advance of such transition to refer to these data feeds by their correct names, CTS and CQS.

As noted above, this is a non-substantive change. Only the names of the data feeds on the lists in Colocation Notes 4 and 5 would change. There would be no change to the data feeds themselves, nor would there be any change to their inclusion as Included Data Products or feeds available over the NMS network.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[12] Rather than impacting competition, the proposed changes are non-substantive and would enhance the specificity and transparency of the rule.

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[4] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 at n.6 (November 1, 2019) (SR–NYSECHX–2019–12). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* 84 FR 58778, *supra* note 3.

[6] *See* CTA Plan Composite as of September 23, 2025, available at *https://www.ctaplan.com/plans.*

[7] *See* CQ Plan Composite as of September 23, 2025, available at *https://www.ctaplan.com/plans.*

[8] *See* Technical Documents at *https://www.ctaplan.com/tech-specs.*

[9] *See* CT Plan announcement of April 1, 2027 transition date at *https://consolidatedtape.com.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSETEX–2026–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSETEX–2026–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSETEX–2026–33 and should be submitted on or before September 30, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18295 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106269; File No. SR–FINRA–2026–019]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 4522 (Periodic Security Counts, Verifications and Comparisons) To Simplify Position Statement and Reconciliation Requirements for Certain Alternative Investments

September 3, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 25, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been' prepared by FINRA. 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

FINRA is proposing to amend FINRA Rule 4522 (Periodic Security Counts, Verifications and Comparisons) to simply position statement and reconciliation requirements for certain alternative investments. Specifically, the proposed rule change would amend Rule 4522 to except uncertificated investments in unregistered investment funds from the requirements of paragraph (b)(1) of the rule, as further set forth in the proposed rule change.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Security Count and Verification Challenges Faced by Firms Offering Alternative Investments

Members that offer various types of alternative investments to their customers have sought relief from some of the longstanding count and verification requirements under SEA Rule 17a–13[3] (Quarterly security counts to be made by certain exchange members, brokers, and dealers) and, related to these, a number of requirements under FINRA Rule 4522 (Periodic Security Counts, Verifications and Comparisons) that supplement requirements under the SEC rule.

Broadly, SEA Rule 17a–13 sets forth detailed requirements for broker-dealers that maintain custody of securities, on a quarterly basis, to among other things conduct physical examinations and counts of the securities they hold, verify the securities, and compare the results of their counts and verifications. The SEC rule requires the broker-dealer in part to record on its books and records all unresolved differences in a security count difference account no later than seven business days after the date of each required quarterly security examination, count and verification. FINRA Rule 4522 works in tandem with the provisions of SEA Rule 17a–13 by setting forth requirements on carrying or clearing firms to receive position statements no less than once per month, to reconcile all such securities, to report differences to the contra organization, and to promptly resolve such differences.

Many alternative investments currently do not fit readily within the framework of the specific count and verification requirements as set forth in SEA Rule 17a–13 and FINRA Rule 4522. For example, members have pointed out that because in some instances customers' ownership interests in certain alternative investments are represented in terms of the balance of the investor's capital account, rather than in number of shares or other units, issuers of these investments are not able to provide current quarterly position information. As a result, it is difficult for members to comply with the express terms of SEA Rule 17a–13, as well as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.17a–13 (hereinafter ''SEA Rule 17a–13'').

FINRA Rule 4522, in particular paragraph (b)(1) of that rule, which requires more frequent (not less than monthly) receipt of position statements and related comparisons and reconciliations.[4] Further, members have also stated that issuers of other types of alternative investments, beyond those represented by the balance of the investor's capital account, such as those represented by number of shares or units, also are not always able to provide current position information or position statements to the members with the higher frequency required by FINRA Rule 4522(b)(1). As part of FINRA's rule modernization,[5] members have asked for relief from these requirements for alternative investments.

Recent SEC Staff No-Action Letter

The Commission staff recently issued a no-action letter to a broker-dealer (the ''Letter'')[6] stating that the staff will not recommend enforcement action to the Commission under SEA Rule 17a–13 if the broker-dealer does not record on its books and records all unresolved differences within seven business days after the date of each required quarterly securities count and verification, as long as it performs the securities count, verification, and comparison with respect to the uncertificated alternative investments known as ''capital balance funds,'' as these products are described in the Letter, under the circumstances listed in the Letter.[7]

Achieving Greater Clarity Under FINRA Rules

To align with the SEC's specified relief under SEA Rule 17a–13, and to provide greater clarity for members and their customers that participate in alternative investments, as an interim measure, FINRA has published[8] guidance to firms, expressing FINRA's view that compliance with all circumstances set out in the Letter, as to the capital balance funds described in the Letter, is deemed to comply with the relevant requirements of FINRA Rule 4522(b)(1) with respect to the capital balance funds.

However, to address more broadly the difficulty firms have in receiving position statements no less than monthly from issuers of uncertificated investments in unregistered investment funds, as well as the associated comparison and reconciliation requirements thereunder, the proposed rule change would except from paragraph (b)(1) of FINRA Rule 4522 all uncertificated investments in unregistered investment funds as set forth in the proposed rule language.[9] Specifically, the proposed exception would apply where ownership by the member or its customers of such investments is directly recorded on the issuer's ownership registry maintained by the issuer or its agent or, if no such registry exists, is directly recognized by the issuer.[10] As such, FINRA proposes to revise the first sentence of paragraph (b)(1) to state that each carrying or clearing member subject to the requirements of SEA Rule 17a–13 shall ''[r]eceive position statements as frequently as good business practice requires, but no less than once per month with respect to securities held by clearing corporations, other organizations or custodians, except that this requirement shall not apply to uncertificated investments in unregistered investment funds, where ownership by the member or its customers of such investments is directly recorded on the issuer's ownership registry maintained by the issuer or its agent or, if no such registry exists, is directly recognized by the issuer.'' In the interest of clarity, FINRA notes that this proposed amendment to the first sentence of paragraph (b)(1) does not affect the applicability of SEA Rule 17a–13, in particular the requirement to conduct at least quarterly the specified securities counts and verifications pursuant to that rule. In that regard, FINRA proposes to revise the second sentence of paragraph (b)(1) to add the phrase ''. . . or at least once per quarter with respect to uncertificated investments excepted from the monthly position statement requirement under this paragraph (b)(1) . . .'', so the complete sentence as amended would read: ''Each such member shall at least once per month, or at least once per quarter with respect to uncertificated investments excepted from the monthly position statement requirement under this paragraph (b)(1), reconcile all such securities and money balances by comparison of the clearing corporations' or custodians' position statements to the member's books and records and promptly report difference to the contra organization and such differences shall be promptly resolved by both.''[11]

FINRA believes that adopting the proposed exception for uncertificated investments from the once-per-month cadence for position statements will help to give members greater clarity with regard to the treatment of uncertificated investments and to reduce unnecessary compliance burdens given the difficulties involved in receiving the position statements within the express parameters of the rule as currently written.[12] This in turn may encourage members to offer alternative investments, thereby expanding the investment opportunities available to customers. At the same time, the proposed rule change incorporates the quarterly verification requirements under SEA Rule 17a–13 and as such

[4] Specifically, paragraph (b)(1) of FINRA Rule 4522 currently requires each carrying or clearing member that is subject to the requirements of SEA Rule 17a–13 to ''[r]eceive position statements as frequently as good business practice requires, but no less than once per month with respect to securities held by clearing corporations, other organizations or custodians. Each such member shall at least once per month reconcile all such securities and money balances by comparison of the clearing corporations' or custodians' position statements to the member's books and records and promptly report differences to the contra organization and such differences shall be promptly resolved by both. Where there is a higher volume of activity, good business practice may require a more frequent exchange of statements and their reconciliation . . .''

[5] *See, e.g., Regulatory Notice* 25–04 (March 2025) (FINRA Launches Broad Review to Modernize Rules Regarding Member Firms and Associated Persons).

[6] *See* Letter regarding Capital Balance Fund Reconciliations from Raymond A. Lombardo, Assistant Director, SEC Division of Trading & Markets, to Mark M. Attar of Stradley Ronon Stevens & Young, LLP and counsel to Raymond James & Associates, Inc., dated January 6, 2026, *https://www.sec.gov/files/tm/no-action/raymond-james-associates-inc-010626.pdf.*

[7] In general terms, the circumstances in the Letter include: maintaining a record of the position statement reporting schedule for each capital balance fund issuer; seeking explanations for any deviations from the schedule; reconciling and updating books and records within five business days of receipt of a position statement for a capital balance fund; identifying on customer statements the last reported value for capital balance funds and the date such value was reported to the broker-dealer; and disclosing to customers that the capital balance fund value reported on the customer statement is based on information from the issuer and may not be current or realizable upon liquidation.

[8] *See* FAQ ''FINRA Rule 4522(b)(1) and Certain Capital Balance Funds,'' available at: *https://www.finra.org/rules-guidance/guidance/faqs/finra-rule-4522b1-and-certain-capital-balance-funds.*

[9] *See* the proposed amendments to paragraph (b)(1) in Exhibit 5.

[10] FINRA notes, however, that members will continue to be subject to FINRA Rule 4522(b), which states: ''Each carrying or clearing member subject to the requirements of SEA Rule 17a–13 shall make more frequent counts, examinations, verifications, comparisons and entries where prudent business practice would so require.'' This requirement would continue to apply to uncertificated investments in an unregistered fund or security excepted from FINRA Rule 4522(b)(1) by the proposed amendments, and firms should have policies and procedures in place to ensure compliance with this provision of the rule.

[11] *See* the proposed amendments to paragraph (b)(1) in Exhibit 5.

[12] FINRA notes that the proposed rule change would not impact members that are funding portals or that have elected to be treated as capital acquisition brokers (''CABs''), given that neither funding portals nor CABs are subject to FINRA Rule 4522.

maintains investor protections.[13] Further, FINRA believes the proposed rule change would help align FINRA Rule 4522 with the no-action relief granted by the Commission staff.

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[14] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed exception in the rule change will help to give members greater clarity with regard to the treatment of uncertificated alternative investments and to reduce unnecessary compliance burdens given the difficulties involved in receiving the position statements within the express parameters of Rule 4522 as currently written. This may encourage members to offer more customers the opportunity to participate in these investments, thereby serving the public interest by promoting investor choice.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment to analyze the potential economic impacts of the proposed rule change, including anticipated costs, benefits, and distributional and competitive effects, relative to current baseline, and the alternatives considered in assessing how best to meet FINRA's regulatory objectives.

Regulatory Need

FINRA Rule 4522 works in tandem with the provisions of SEA Rule 17a–13 to protect investors by ensuring that, among other things, member firms maintain accurate records of securities in their possession. As discussed above, however, many alternative investments do not fit readily within the framework of the specific count and verification requirements of these rules. The proposed rule change, together with the relief and requirements specified by the SEC, would reduce the particular compliance challenges related to uncertificated investments while ensuring that member firms maintain accurate records of these securities in their possession.

Economic Baseline

The proposed rule change would impact all carrying or clearing members,[15] particularly those that custody alternative investments for customers, specifically uncertificated investments in unregistered investment funds as is further set forth in the proposed rule change. FINRA does not know the exact number of these carrying and clearing members or the scope of the uncertificated investments in unregistered investment funds. Using information provided by firms in FOCUS Form Custody, FINRA estimates that there are approximately 70 carrying and clearing firms that currently carry U.S. or foreign private funds and potentially carry these products. FINRA understands such products are mostly owned by large institutional investors. FINRA also understands that the relief specified in the Letter would not apply beyond the facts and circumstances specified in the Letter and that the proposed rule change would provide relief and greater regulatory clarity more broadly with regard to uncertificated investments in unregistered investment funds. The number of members that currently offer uncertificated investments in unregistered investment funds, including the products specified in the Letter, and how these members comply with the current rule, are not known with specificity by FINRA.

Economic Impacts

The proposed rule change is expected to provide direct and indirect benefits to carrying or clearing members with regard to the treatment of uncertificated investments in unregistered investment funds. Members that currently offer investment products within the scope of the proposed exception, and have difficulty meeting the current FINRA Rule 4522 requirements for such funds, will benefit from reduced regulatory burden, compliance uncertainty and associated costs and legal risks. The amount of reduction in regulatory burden and associated costs would depend on the scope and magnitude of activity across products covered by the proposed rule change, and the members' practices and procedures for complying with the current rule.

Members that do not currently offer these investment products may begin to offer them if the relief provided by the proposed rule change is material enough. Doing so may lead to expanded access to such alternative investment products. The proposed rule change is also expected to provide indirect benefits to these members' customers by potentially increasing investment options and portfolio diversification opportunities. The proposed rule change maintains investor protections with the additional requirement on recording or recognizing ownership.

Members that currently offer these products and are in compliance with the current rule could continue with their current activities. FINRA expects, however, that these members as well as members that begin to offer these products and could meet current rule requirements would nevertheless make use of the proposed exception. In particular, these members may reduce the frequency of verification to at least quarterly after determining that prudent business practice for specific products does not require monthly verifications. FINRA does not believe that this will have any impact on the protections currently provided under the baseline.

Members that would choose to take advantage of the proposed exception would need to familiarize themselves with the proposed rule amendment and make any necessary changes to their procedures, protocols, and monitoring systems, to ensure compliance. Members will mostly incur these one-time costs if the benefits from doing so are sufficient.

Anticipated Competitive Effects

Regarding competitive effects, the relief stemming from the proposed rule change would be available to all members that meet the specified conditions of the proposal. Relative to the baseline with the relief specified in the Letter, the proposed rule change may enhance competition among members in providing these alternative investments and across various unregistered investment funds. The impacts on competition for customers among members would depend on the magnitude of the direct cost savings and

[13] Uncertificated investments in unregistered investment funds are typically offered by issuers, commonly known as private investment companies, venture capital funds or hedge funds, relying on the exceptions from the definition of ''investment company'' set forth in Section 3(c)(1) and Section 3(c)(7) of the Investment Company Act. 15 U.S.C. 80a–3(c)(1) and 15 U.S.C. 80a–3(c)(7). FINRA understands owners of these products are mostly large institutional investors. *See* the Economic Impact Assessment in Item II. B. of this filing.

[14] 15 U.S.C. 78*o*–3(b)(6).

[15] *See* Section 2.6 of the FINRA 2025 Industry Snapshot, available at: *https://www.finra.org/media-center/reports-studies/2025-industry-snapshot.*

the extent to which those savings would be shared with clients.

Alternatives Considered

The proposed rule change provides relief requested by member firms as part of rule modernization. The proposal builds on the relief and requirements in the Letter. No significant alternatives were considered.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2026–019 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–FINRA–2026–019. 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 FINRA. 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–FINRA–2026–019 and should be submitted on or before September 30, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18292 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36290A; File No. 812–16017]

AMG BBH Asset-Backed Credit Fund, LLC, et al.

September 3, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs''), closed-end, and open-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.[1]

APPLICANTS: AMG BBH Asset-Backed Credit Fund, LLC, Brown Brothers Harriman Credit Partners, LLC, and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on April 17, 2026, and amended on June 23, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on September 28, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Mark J. Duggan, *mark.duggan@amg.com,* AMG Funds LLC, 680 Washington Boulevard, Suite 500, Stamford, CT 06901, Brown Brothers Harriman Credit Partners, LLC, 140 Broadway, New York, NY 10005, Nathan Somogie, Esq., *nathan.somogie@stblaw.com,* Simpson Thacher & Bartlett LLP, 855 Boylston Street, Boston, MA 02116.

FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief or Toyin Momoh, Senior Counsel at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, filed June 23, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

[16] 17 CFR 200.30–3(a)(12).

[1] The Commission issued a notice of application on August 10, 2026, Release No. IC–36290. This amended notice corrects the listed types of entities that may rely on the requested relief.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18294 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No.: 34–106267]

Notice pursuant to Rule 15c3–3a, Note H(b)(3) Regarding Application of the Customer Protection Rule Reserve Computations With Respect to U.S. Treasury Securities

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

SUMMARY: The Securities and Exchange Commission (''Commission'') is publishing notice that broker-dealers may include a debit in the customer protection rule reserve computations when depositing cash, U.S. Treasury securities, and/or qualified customer securities to meet a margin requirement of ICE Clear Credit LLC (''ICC'') resulting from positions in U.S. Treasury securities of the customers of the broker-dealer.

FOR FURTHER INFORMATION CONTACT: Raymond Lombardo, Acting Associate Director; Sheila Dombal Swartz, Senior Special Counsel, or Abraham Jacob, Special Counsel, at (202) 551–5500, Office of Broker-Dealer Finances, Division of Trading and Markets; Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION:

I. Background

On December 13, 2023, the Commission adopted rules under the Securities Exchange Act of 1934 (''Exchange Act'') to amend the standards applicable to covered clearing agencies for U.S. Treasury securities (''U.S. Treasury securities CCAs'') to enhance risk management practices for central counterparties in the U.S. Treasury market and facilitate additional clearing of U.S. Treasury securities transactions.[1] The Commission also amended the formula for computing reserve account requirements under the broker-dealer customer protection rule.[2] The amendments to the formula—which are set forth in Rule 15c3–3a—permit margin required and on deposit with a U.S. Treasury securities CCA to be included as a debit when computing reserve requirements with respect to customers and proprietary accounts of broker-dealers (''PAB''), subject to certain conditions.[3] In particular, the amendments added Item 15 to the customer and PAB reserve computations on which to record the value of the debit and prescribed conditions—set forth in Note H to Item 15—for including the debit in the formulas.[4] Each of the conditions in Note H needs to be met for a broker-dealer to include a debit equal to the amount of customer or PAB account holder margin required and on deposit at the U.S. Treasury securities CCA.[5]

Certain of the conditions in Note H require the broker-dealer to take a number of steps with respect to the customer and PAB account holder margin in its custody.[6] Other conditions provide that the U.S. Treasury securities CCA that will receive the customer or PAB account holder margin from the broker-dealer must have adopted rules—approved by the Commission—that require it to take certain steps with respect to calculating margin requirements and handling customer and PAB account holder margin received from the broker-dealer.[7] The requirements of Note H are designed to permit the inclusion of the debit in the customer and PAB reserve computations under conditions that ''provide maximum protection'' to the broker-dealer's customers and PAB account holders and that do not diminish the customer protection objectives of Rules 15c3–3 and 15c3–3a.[8]

Paragraph (b)(3) to Note H sets forth the final condition: that the Commission has approved rules of the U.S. Treasury securities CCA that meet the conditions of Note H and has published (and not subsequently withdrawn) a notice that broker-dealers may include a debit in the customer and/or PAB reserve computations when depositing cash, U.S. Treasury securities, and/or qualified customer securities to meet a margin requirement of the U.S. Treasury securities CCA resulting from positions in U.S. Treasury securities of the customers or PAB account holders of the broker-dealer.[9] The Commission stated that its staff would analyze the U.S. Treasury securities CCA's approved rules and practices regarding the treatment of customer position margin and make a recommendation as to whether they adequately implement the customer protection objectives of the conditions set forth in Note H.[10] If satisfied with the staff's recommendation, the Commission stated it will publish a positive notice.

II. Notice

On August 1, 2025, ICC filed with the Commission an application on Form CA–1 under section 17A of the Exchange Act[11] seeking to register as a clearing agency to provide central counterparty clearing services with respect to secondary cash market transactions and repurchase and reverse repurchase transactions in U.S. Treasury securities.[12] On January 30, 2026, the Commission approved ICC's application.[13] ICC's application, among other things, included rules, and policies and procedures to address the conditions of Note H of the customer and PAB reserve computations set forth in Rule 15c3–3a. On July 24, 2026, the Division of Trading and Markets, pursuant to delegated authority, approved proposed rule change SR–ICC–2026–002 (''ICC rule change'').[14]

[1] *See Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule With Respect to U.S. Treasury Securities,* Exchange Act Release No. 99149 (Dec. 13, 2023), 89 FR 2714 (Jan. 16, 2024) (''Treasury Clearing Release'').

[2] *See* Treasury Clearing Release, 89 FR at 2760–68. *See also* 17 CFR 240.15c3–3a (the formula for computing reserve requirements under the customer protection rule) (''Rule 15c3–3a''); 17 CFR 240.15c3–3 (the customer protection rule) (''Rule 15c3–3''). Rule 15c3–3 requires a broker-dealer to compute the net amount of cash owed to customers and PAB account holders under a formula in Rule 15c3–3a (''customer and PAB reserve computations''). Generally, broker-dealers must perform their customer and PAB reserve computations and make any required deposits in a special reserve account at a bank weekly or daily. *See* paragraph (e)(3) to Rule 15c3–3.

[3] *See* Treasury Clearing Release, 89 FR at 2760–68.

[4] *See id.* The amendments also modified Note B to Item 2 of the customer and PAB reserve computations to provide that this item in the reserve computations must include as a credit the market value of customers' and PAB account holders' securities on deposit at a U.S. Treasury CCA. *See id.* at 2761.

[5] *See* Treasury Clearing Release, 89 FR at 2760–68.

[6] *See* Rule 15c3–3a, Note H(a) and (b)(1).

[7] *See* Rule 15c3–3a, Note H(b)(2).

[8] *See* Treasury Clearing Release, 89 FR at 2760.

[9] *See* Rule 15c3–3a, Note H(b)(3).

[10] *See* Treasury Clearing Release, 89 FR at 2768.

[11] 15 U.S.C. 78q–1.

[12] *See* Notice of Filing of an Application for Registration as a Clearing Agency Under section 17A of the Securities Exchange Act of 1934, Exchange Act Release No. 103727 (Aug. 18, 2025), 90 FR 40879 (Aug. 21, 2025).

[13] Order Granting an Application for Registration as a Clearing Agency under section 17A of the Securities Exchange Act of 1934, Exchange Act Release No. 104762 (Jan. 30, 2026), 91 FR 5528 (Feb. 6, 2026).

[14] Order Approving Proposed Rule Change Relating to the Treasury Clearing Rules and Treasury Clearing Service Treasury Operations Policies and Liquidity Risk Management

The ICC rule change makes, among other changes, certain modifications to its rulebook regarding the conditions of Note H of the customer and PAB reserve computations set forth in Rule 15c3–3a. The staff has analyzed ICC's rules, as well as the changes made pursuant to the ICC rule change, and made a recommendation to the Commission that they adequately implement the customer protection objectives of the conditions set forth in Note H.

Accordingly, the Commission is publishing this notice to advise broker-dealers that they may include a debit in their customer and/or PAB reserve computations when depositing cash, U.S. Treasury securities, and/or qualified customer securities to meet a margin requirement of ICC resulting from positions in U.S. Treasury securities of the customers of the broker-dealer.[15] Any changes to the relevant ICC rules and practices that would undermine these customer protection objectives could result in the Commission withdrawing this notice, at which point a broker-dealer could no longer include the debit in the customer and/or PAB reserve computations.

By the Commission.

Dated: September 3, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18278 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106275; File No. SR–FINRA–2026–018]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rules 0150 (Application of Rules to Exempted Securities Except Municipal Securities), 2165 (Financial Exploitation of Specified Adults) and 4512 (Customer Account Information) and To Adopt FINRA Rule 2166 (Temporary Delays for Suspected Fraud)

September 3, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 20, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. 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

FINRA is proposing to amend FINRA Rules 0150 (Application of Rules to Exempted Securities Except Municipal Securities), 2165 (Financial Exploitation of Specified Adults) and 4512 (Customer Account Information) and to adopt new FINRA Rule 2166 (Temporary Delays for Suspected Fraud) to modernize protections for senior and vulnerable investors and to make additional fraud prevention tools available for all customers.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

I. Background

A. FINRA's Existing Senior Investor Protection Rules

FINRA has long been committed to protecting senior investors and combating financial fraud through regulation, investor education and assistance, and engagement with member firms, state and federal agencies and investor protection advocates. FINRA recognizes that member firms are on the front line of protecting customers from threat actors and has developed a regulatory framework designed to provide member firms with flexible tools to help protect senior and vulnerable investors from financial exploitation. This framework includes two rules that facilitate early detection and intervention through member firms' ability to contact a customer's trusted contact person and place a temporary hold on a transaction or disbursement when they have a reasonable suspicion of financial exploitation.[3]

Trusted Contact Persons

Rule 4512, in part, requires member firms to make reasonable efforts to obtain the information for a trusted contact person upon the opening of all non-institutional customer accounts. The trusted contact person is intended to serve as a resource for the member firm in various situations, including helping to update customer contact information when a customer becomes unavailable, assisting when concerns arise over possible diminished capacity or other health issues, protecting assets, and responding to possible financial exploitation. Rule 4512 is not limited to senior investors, and a trusted contact person can be a valuable tool for customers of all ages. Designation as a trusted contact person does not give the person power of attorney-type authority over customer accounts, and does not give the person authority to execute transactions or make decisions about an account. Rather, trusted contact persons are an important resource for member firms and customers in special circumstances.

While the trusted contact framework has proven valuable, greater rates of adoption could significantly improve investor protection. According to the FINRA Foundation's National Financial Capability Study: 2024 Investor Survey, 42 percent of respondents say they have authorized a trusted contact person for their investment accounts, up from 38 percent in 2021, while over half (53 percent) say they have not.[4] Among those who have not named a trusted contact person, nearly half (49 percent, or just over one-quarter of all survey respondents) say they would be willing to do so.[5]

Framework, Exchange Act Release No. 105986 (Jul. 24, 2026), 91 FR 47864 (Jul. 29, 2026).

[15] *See supra* note 5 and accompanying text (discussing Note H conditions).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Other FINRA rules that are generally applicable to all customers, but can be particularly relevant in protecting senior investors, include FINRA Rule 3240 (Prohibition on Borrowing From or Lending to Customers) and FINRA Rule 3241 (Registered Person Being Named a Customer's Beneficiary or Holding a Position of Trust for a Customer).

[4] Judy T. Lin, Christopher Bumcrot, Olivia Valdes, Gary Mottola, Susan Sarver, Robert Ganem, Christine Kieffer, & Gerri Walsh, *Investors in the United States: A Report of the National Financial Capability Study,* FINRA Investor Education Foundation (December 2025) (''National Financial Capability Study'').

[5] To increase familiarity with and use of this important tool, FINRA has sought to educate

Continued

Temporary Hold Framework

Rule 2165 represents the first uniform national standard for placing temporary holds to address suspected financial exploitation. The rule permits a member firm to place a temporary hold, with stated time limits, on a securities transaction or disbursement of funds or securities from the account of a ''Specified Adult'' when the member firm reasonably believes that financial exploitation of that adult has occurred, is occurring, has been attempted or will be attempted. For purposes of Rule 2165, Specified Adult means: ''(A) a natural person age 65 and older; or (B) a natural person age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests.'' [6]

Currently, Rule 2165 permits a temporary hold for initial periods of 15 to 25 business days, with the possibility of a single 30-business-day extension (for a total maximum of 55 business days) if the member firm has reported the matter to a state regulator or agency of competent jurisdiction or a court of competent jurisdiction and the member firm continues to have a reasonable belief of financial exploitation. The rule allows member firms to extend a temporary hold beyond the 55-business-day maximum upon a state agency's request to do so, which is not required to be accomplished through a formal order.[7]

Temporary holds under Rule 2165 have played an important role in providing member firms a way to quickly respond to suspicions of financial exploitation before losses occur for customers. However, FINRA has learned through research and feedback from member firms and other interested parties that, in some cases, the current 55-business-day limit poses challenges. Notably, according to the National Adult Protective Services Association (''NAPSA''), financial exploitation investigations are often the most complex and time-consuming, and in many instances can take longer than a year.[8]

B. The Growing Threat of Fraud and Financial Exploitation

The Federal Trade Commission (''FTC'') found the overall cost of fraud to older adults in 2024 to be approximately $81.5 billion when accounting for underreporting.[9] Representing a portion of fraud losses, the Federal Bureau of Investigation's internet Crime Complaint Center (''FBI IC3'') received reports of more than $7.7 billion lost to fraud by Americans over age 60 in 2025.[10] These estimates represent not only devastating financial losses but also the profound personal toll fraud takes on victims, including shame, isolation and diminished quality of life.

For senior investors, fraud losses can be catastrophic. Unlike younger investors who may have years of future earnings to rebuild their financial security, senior investors are often living on fixed incomes derived from a lifetime of savings, with limited or no ability to offset significant losses. The frequently irreversible nature of these losses underscores why FINRA has placed special emphasis on protecting this vulnerable population and why member firms play such a crucial role as the first line of defense against financial exploitation.

While the impact of fraud can be devastating for senior investors as a group, the threat of fraud extends across all age demographics and is growing at an alarming pace.[11] The FTC estimated overall fraud losses in 2024, adjusted to account for underreporting, at $195.9 billion.[12] The FBI IC3 had a record-breaking $20.877 billion in reported fraud losses in 2025, representing a 26 percent increase from 2024.[13] Globally, consumers lost over $1 trillion to scams in 2024.[14]

Criminal perpetrators employ increasingly sophisticated tactics using technology and artificial intelligence (''AI''), making it more difficult for both member firms and investors to identify scams.[15] These advances have contributed to the rapid evolution and proliferation of fraud schemes that can victimize investors regardless of age, capacity or sophistication.[16]

C. Overview of Proposed Rule Changes

In light of these evolving threats and based on extensive engagement with member firms and other interested parties, FINRA is filing this proposed rule change to make additional fraud prevention tools available for all customers. As discussed in more detail below, FINRA is proposing:

- Amendments to Rule 4512 (Customer Account Information)

investors about trusted contact persons and highlight the benefits of naming a trusted contact person. *See, e.g.,* FINRA, SEC & North American Securities Administrators Association, Inc. (''NASAA''), *Investor Bulletin: Why You Should Consider Adding a Trusted Contact to Your Account* (August 25, 2025). FINRA has also shared effective practices with member firms to highlight approaches that have helped some member firms achieve higher rates of trusted contact adoption. *See Regulatory Notice* 22–31 (December 2022); *see also* FINRA, *2025 FINRA Annual Regulatory Oversight Report* (January 2025); FINRA, *2026 FINRA Annual Regulatory Oversight Report* (December 2025).

[6] Rule 2165(a)(1).

[7] *See* FINRA, *Frequently Asked Questions Regarding FINRA Rules Relating to Financial Exploitation of Senior Investors* at Q.3.2 (''FINRA Seniors FAQs'').

[8] *See* Letter from Jennifer Spoeri, Executive Director, William Benson & Kendra Kuehn, National Policy Advisors, and Joe Snyder, Policy Chair, National Adult Protective Services Association, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated June 12, 2025 (noting that FINRA's prior amendments to Rule 2165, extending the temporary hold period to 55 business days, ''mirror the average time it takes to conduct an APS investigation. This average encapsulates all categories of reports that APS investigates (*i.e.,* physical, sexual and emotional abuse, self-neglect, caregiver neglect), in addition to financial abuse. Financial exploitation investigations are often the most complex and time-consuming and there are many examples of cases being open for more than a year.'').

[9] Federal Trade Commission (''FTC''), *Protecting Older Consumers 2024–2025: A Report of the Federal Trade Commission* at 28 (December 1, 2025), *https://www.ftc.gov/system/files/ftc_gov/pdf/P144400-OlderAdultsReportDec2025.pdf* (''FTC Protecting Older Consumers''). The actual magnitude of fraud losses is challenging to estimate due to underreporting. *See, e.g.,* Rachel E. Morgan & Susannah N. Tapp, *Examining Financial Fraud Against Older Adults,* Nat'l Inst. of Justice J. (March 20, 2024) (citing data on fraud against older adults, but noting that ''the actual number of fraud cases is unknown as many people do not report their victimization, and underreporting is especially high for older adults''); U.S. Department of the Treasury's Financial Crimes Enforcement Network (''FinCEN''), *FIN–2022–A002: Advisory on Elder Financial Exploitation* at 1–2 (June 15, 2022) (''FinCEN 2022 Advisory'') (''Despite the fact that [elder financial exploitation] is the most common form of elder abuse, the majority of incidents go unidentified and unreported as victims may choose not to come forward out of fear, embarrassment, or lack of resources.'').

[10] *See* FBI IC3, *FBI internet Crime Report 2025* at 6 (''FBI IC3 Report''). This represents a 59 percent increase in losses from 2024.

[11] For example, FTC data show that median losses are highest for older adults, but individuals under age 60 accounted for 64 percent of reported fraud in 2024. *See* FTC Protecting Older Consumers, *supra* note 9, at 18; *see also* FTC, *Consumer Sentinel Network Data Book 2024* (March 2025) (''FTC 2024 Data Book''). The FTC's Consumer Sentinel data are available online in an interactive format.

[12] *See* FTC Protecting Older Consumers, *supra* note 9, at 28.

[13] *See* FBI IC3 Report, *supra* note 10.

[14] Sam Rogers, *International Scammers Steal Over $1 Trillion in 12 Months in Global State of Scams Report 2024,* Global Anti-Scam Alliance (November 7, 2024).

[15] *See, e.g.,* FBI, *Alert Number: I–120324–PSA: Criminals Use Generative Artificial Intelligence to Facilitate Financial Fraud* (December 3, 2024).

[16] *See, e.g.,* FBI IC3 Report, *supra* note 10, at 3 (''It has never been more important to be diligent with your cybersecurity, social media footprint, and electronic interactions. Cyber threats and cyber-enabled crime will continue to evolve as the world embraces emerging technologies such as artificial intelligence.''); INTERPOL, *INTERPOL Global Financial Fraud Threat Assessment* at 17 (March 2026) (''The proliferation of AI-driven tools, large language models (''LLMs''), cryptocurrencies, and the rapid expansion of the Fraud-as-a-service (''FaaS'') platforms have collectively lowered barriers to entry, enabling widespread access to sophisticated fraud capabilities, elevating the generation of financial gain through fraud schemes to an efficient, global industry.'').

designed to increase adoption and effectiveness of trusted contacts, by permitting member firms to use the alternative term ''emergency contact'' and to provide additional flexibility for a customer to name a trusted or emergency contact for use across all the customer's accounts at the member firm;

- Amendments to Rule 2165 (Financial Exploitation of Specified Adults) to extend the maximum temporary hold period under Rule 2165 from 55 business days to 145 business days, in three 30-business day increments, subject to safeguards, along with additional modifications that provide enhanced clarity and flexibility; and
- New Rule 2166 (Temporary Delays for Suspected Fraud) to offer member firms a separate safe harbor framework, modeled on existing Rule 2165, to protect all customers (irrespective of age or capacity) from suspected fraud, by permitting a temporary delay of up to 10 business days on disbursements or transactions when there is a reasonable belief of fraud. The addition of proposed new Rule 2166 would also require a conforming amendment to Rule 0150 (Application of Rules to Exempted Securities Except Municipal Securities).

II. Proposed Amendments To Rule 4512

A. Enabling Use of the Alternate Term ''Emergency Contact''

The proposed addition of new paragraph (e) of Rule 4512.06 would give member firms the option to use the term ''emergency contact'' as an alternative to ''trusted contact person.'' FINRA believes that providing member firms the flexibility to use the term ''emergency contact'' as an alternative to ''trusted contact person'' would clarify the role for customers who are unfamiliar with the term ''trusted contact person'' and potentially increase use of this tool. Member firms' written supervisory procedures and training materials would need to reflect that the terms have the same meaning and obligations.

B. Providing Additional Flexibility in Naming a Trusted Contact Person for All Accounts

The trusted contact provisions are part of Rule 4512 and apply to each non-institutional customer account. FINRA has previously provided guidance permitting a member firm to seek to obtain trusted contact person information collectively where a customer has more than one account (*e.g.,* in one update letter for all the customer's accounts), provided that each of the affected accounts is clearly identified to the customer.[17]

To provide additional flexibility, FINRA is proposing to expand this guidance in proposed new paragraph (d) of Rule 4512.06. This would permit member firms to seek the customer's authorization to apply a trusted contact person to all of the customer's existing and future accounts with the member firm, provided that the customer is also offered the choice to assign the trusted contact person on an account-by-account basis rather than to all accounts.

C. Clarifying and Other Ministerial Changes

As a ministerial matter, the proposed amendments delete from Rule 4512.06(a) a transitional provision that addressed the application of the trusted contact requirement to accounts that were opened pursuant to a prior rule. Due to the passage of time, this provision is no longer needed.

In addition, to clarify that member firms are permitted to obtain more than one trusted contact person, FINRA proposes a minor addition to Supplementary Material .06 to clarify that nothing in the rule shall prevent a member from obtaining more than one trusted contact person from a customer.[18]

III. Proposed Amendments to Rule 2165

A. Proposed Changes To Extend the Maximum Temporary Hold Period

FINRA is proposing a structured framework for extending temporary holds beyond the current 55-business-day maximum, by adding three 30-business-day extensions to a new maximum of 145 business days (unless otherwise terminated or extended by the relevant authority) in proposed Rule 2165(b)(5). While many financial exploitation situations are resolved within the existing framework of the rule, these additional extensions are designed to be used in those limited circumstances where Adult Protective Services (''APS''), law enforcement, and other relevant agencies and regulators may need additional time to assess referrals, determine whether to investigate, and communicate to member firms that additional time will be needed to investigate or resolve the matter.[19]

The new structured framework would impose measured conditions and other safeguards to prevent inappropriate extensions of a temporary hold. The ability to extend for each 30-business-day period would be conditioned on the member firm making reasonable follow-up efforts with the relevant authority regarding the status of the reported matter; not having received a response;[20] and continuing to have a reasonable belief of financial exploitation.[21]

The first extension beyond 55 business days would require notification, which may be oral, to all parties authorized to transact business on the account and to the trusted contact person(s) (subject to certain exceptions).[22] These individuals would need to be notified of the extension, the reason for and potential duration of the extension, and how the member firm can be contacted for questions or concerns.[23]

The amendment would also require documentation associated with any additional extension, including the documentation of follow-up efforts, the lack of a response from the relevant regulator or agency of competent jurisdiction or court of competent jurisdiction, and the member's continuing belief of financial exploitation.[24] In accordance with

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[17] *See* FINRA Seniors FAQs, *supra* note 7, at Q.4.5.

[18] For example, Rule 2165 expressly includes reference to plural ''Trusted Contact Person(s).'' *See* Rule 2165(b)(1)(B)(ii). *See also, e.g.,* SEC, FINRA, & NASAA, *Investor Bulletin: Why You Should Consider Adding a Trusted Contact to Your Account* (August 25, 2025), *https://www.finra.org/investors/insights/trusted-contact* (''A trusted contact person must be age 18 or older. They may be a family member, close friend, attorney, accountant or another third party you believe would respect your privacy and be willing to help. *You may also choose to add more than one trusted contact to your account.* Finally, you may change your trusted contact in your account as often as you wish.'') (emphasis added).

[19] *See supra* note 8 and accompanying text.

[20] An automated response or acknowledgement or other communication that does not address the status of the referral would not be considered a response for these purposes.

[21] Proposed Rule 2165(b)(5)(A).

[22] Proposed Rule 2165(b)(5)(B) (stating that members must ''provide notification of the extension of the temporary hold, the reason for the extension, and the potential for the extension to last 90 business days'' to the trusted contact person(s) and all parties authorized to transact business on the account, unless a party is unavailable or the member reasonably believes that the party has engaged, is engaged, or will engage in the financial exploitation of the Specified Adult).

[23] Currently, Rule 2165 requires notification of the hold and the reason for the hold to authorized parties and the trusted contact person within two business days of placing the hold. FINRA is proposing to amend this requirement to also require information about how the member can be contacted for questions or concerns. *See* proposed Rule 2165.06.

[24] Proposed Rule 2165(d)(7). In circumstances where the member receives no communication from the relevant authority, documentation of a lack of response could include a notation or attestation that no response was received from the relevant authority as of a specified date.

proposed Rule 2165.05, documentation of follow-up efforts with the relevant regulator, agency or court of competent jurisdiction ''shall include dates of communication attempts, methods used, and any communications received.'' [25] Member firms would also be required to maintain records demonstrating that they made reasonable efforts to determine the status of the referred matter.[26] As discussed below, at any time, if the relevant authority requests an extension, the member firm would be permitted to continue the hold outside of the structured time periods.[27]

This balanced approach provides for longer holds in complex cases while maintaining the integrity of the existing temporary hold framework through a clearly defined process.

B. Reporting Financial Exploitation To Federal Authorities

Currently, Rule 2165 permits a temporary hold to be extended if the member firm has provided notification of the member firm's reasonable belief of financial exploitation to a state regulator or agency of competent jurisdiction or a court of competent jurisdiction. In recognition of the multi-jurisdictional nature of many instances of financial exploitation and potential avenues at the federal level for investigation and redress, FINRA proposes to expand existing references in Rule 2165(b)(2)–(4) and 2165(d) to expressly include a federal regulator or federal agency of competent jurisdiction, and include these references in the proposed new provisions.[28]

C. Individuals Authorized To Place, Extend or Terminate a Hold

Pursuant to existing Rule 2165(c)(2), a member firm's written supervisory procedures must identify the title of each person authorized to place, terminate or extend a temporary hold on behalf of the member firm. Such individuals must be associated persons who serve in a supervisory, compliance or legal capacity for the member firm.

To facilitate the administration of the temporary hold provisions by member firm personnel who do not serve in a supervisory, compliance or legal capacity but who have relevant expertise and day-to-day responsibilities, FINRA proposes a limited expansion of the types of individuals whom a member firm can authorize to place, terminate or extend a temporary hold. The proposed addition of Rule 2165(c)(2)(B) would cover associated persons who serve in ''a specialized senior investor protection or fraud prevention role with responsibilities that include, as appropriate, investigating, evaluating, escalating, and reporting potential financial exploitation of Specified Adults.''

D. Codifying Guidance Articulated in Frequently Asked Questions

For clarity, FINRA proposes to largely codify existing guidance articulated in two Frequently Asked Questions (''FAQs''). First, pursuant to proposed Supplementary Material .04, a member firm may extend a temporary hold beyond the periods specified in Rule 2165 upon the request of a federal or state regulator or agency of competent jurisdiction or court of competent jurisdiction, and that request need not be in the form of a formal order or in writing,[29] so long as the member firm maintains a record of the authority's request.[30] Accordingly, if a relevant authority indicates to a member firm, by telephone, email or otherwise, that additional time is needed to address a reported matter, the member firm may extend the hold and retain a record of the request.

Second, pursuant to proposed Supplementary Material .07, a member firm may place restrictions on an entire account rather than a particular disbursement or transaction when the member firm has a reasonable belief of financial exploitation, has procedures reasonably designed to permit legitimate transactions and disbursements (*e.g.,* regular bill payments), and permits such legitimate transactions or disbursements.[31] The provision makes clear that a member firm may not avail itself of the Rule 2165 safe harbor if it blocks transactions or disbursements where there is not a reasonable belief of financial exploitation regarding such transactions or disbursements.[32]

E. Protection of Customer Assets

FINRA recognizes that member firms may hold crypto assets for customers, such as payment stablecoins regulated by the GENIUS Act.[33] FINRA therefore proposes to change the current terminology of ''funds or securities'' to ''funds, securities, or other assets'' throughout Rule 2165, and use this same terminology in proposed Rule 2166 (discussed below), to clarify that Rule 2165 and proposed Rule 2166 would permit member firms to protect any customer assets that may be held

[25] Proposed Rule 2165.05.

[26] *See supra* note 25.

[27] *See* proposed Rule 2165(b)(2)–(4) (''unless otherwise terminated or extended by a federal or state regulator or agency of competent jurisdiction or a court of competent jurisdiction'') and proposed Rule 2165.04; *see infra* Item II.A.1.III.D.

[28] *See, e.g.,* Board of Governors of the Federal Reserve System *et al., Interagency Statement on Elder Financial Exploitation* at 7 (December 2024) (''Some agencies or programs may be able to help victims recover stolen funds. For example, the IC3 Recovery Asset Team is a domestic program designed to 'streamline communication between financial institutions and assist FBI field offices with the freezing of funds for those who made transfers to fraudulent accounts under false pretenses.' Another example is FinCEN's international Rapid Response Program that 'helps victims and their financial institutions recover funds stolen as the result of certain cyber-enabled financial crime schemes, including business email compromise.' '') (citations omitted).

[29] To the extent a member receives an oral request from the relevant authority, the member would be expected to create a record of such communication and maintain it in accordance with proposed Rule 2165.04.

[30] *See* FINRA Seniors FAQs, *supra* note 7, at Q.3.2 (''*May a member extend a temporary hold beyond the period indicated in Rule 2165 if a state agency, such as adult protective services, securities regulator, or other state agency or regulator, asks a member to extend a temporary hold so that it has more time to investigate the matter or does the state agency need to issue a formal order? In addition, would the member need to report the agency's request to FINRA?* Rule 2165 allows a member to extend a temporary hold upon a state agency's request to do so. The state agency would not have to issue a formal order. In addition, Rule 2165 does not require a member to report a state agency's request to FINRA. However, the member would need to maintain a record of the state agency's request.'').

[31] *See* FINRA Seniors FAQs, *supra* note 7, at Q.1.2. (''*Under Rule 2165, may a member that has a reasonable belief of financial exploitation of a Specified Adult regarding a transaction or disbursement place a temporary hold or restrictions on an entire account if the member permits legitimate disbursements from the account?* Where a questionable transaction or disbursement involves less than all assets in an account, a member should not place a blanket hold on the entire account. Each transaction or disbursement should be analyzed separately. In addition, where a transaction or disbursement at issue involves all of the assets of the account (*e.g.,* an ACATS transfer request), the member must permit transactions or disbursements from the account where there is not a reasonable belief of financial exploitation regarding such disbursements (*e.g.,* regular bill payments). FINRA understands that some members intend, for operational reasons, to place a temporary hold or restrictions on an entire account when they have a reasonable belief of financial exploitation regarding a transaction or disbursement from the account, but also intend to permit legitimate transaction or disbursement from the account in these circumstances. FINRA believes that placing a temporary hold or restrictions on an entire account but allowing legitimate transactions or disbursements from the account is consistent with Rule 2165 and members may proceed in such a manner as long as they have procedures reasonably designed to permit legitimate transactions and disbursements. FINRA emphasizes that a member may not avail itself of the Rule 2165 safe harbor if it blocks transactions or disbursements where there is not a reasonable belief of financial exploitation regarding such transactions or disbursements.'').

[32] *See* proposed Rule 2165.07.

[33] *See* Guiding and Establishing National Innovation for U.S. Stablecoins Act, Public Law 119-27, 139 Stat. 419 (2025) (establishing federal guidelines for the use of stablecoins in financial markets).

with the member, including payment stablecoins.

IV. Proposed New Rule 2166

A. Background

The proliferation of fraud and scams targeting individuals of all ages and the evolution of fraud tactics have heightened a need for protective measures that extend beyond the current Specified Adult criteria in Rule 2165. To offer member firms a tool to protect all customers (regardless of age or capacity) from fraud, FINRA is proposing to adopt new Rule 2166.

Proposed Rule 2166 is modeled on Rule 2165 and similarly offers an optional safe harbor approach—but in a more streamlined fashion—with a ''speed bump'' mechanism distinct from the longer-term holds available under Rule 2165 for Specified Adults. Specifically, proposed Rule 2166 would permit a member firm to place a temporary delay of up to 10 business days on a transaction or disbursement in the account of a customer [34] if there is a reasonable belief of fraud [35] targeting the customer, with associated safeguards.[36]

Proposed Rule 2166 is designed to prevent customer losses by giving member firms a brief intervention window to facilitate outreach by the member firm to the customer (away from perpetrator influence). This brief intervention window would also facilitate outreach by the member firm to authorized parties and trusted contact persons, if the member chooses to do so. Further, it would facilitate information gathering, conversation and provision of relevant educational resources about fraud schemes. During that intervention window, a member firm could attempt to persuade the customer to recognize the attempted fraud and not proceed with the transaction or disbursement.

The FBI explains that ''[o]ne of the most common tactics scammers employ is a false sense of urgency or isolation'' and for this reason, the FBI ''urges the public to 'Take A Beat': resist pressure to act quickly, pause for a moment, and assess the situation.'' [37] Using a permissible ''speed bump'' or ''cooling off period'' of this type is consistent with this FBI fraud and scam awareness campaign, and is supported by research suggesting that emotional stimulus can increase susceptibility to fraud.[38] Other research indicates that awareness about specific scams can help protect against financial loss.[39] Accordingly, the ability to pause a transaction or disbursement and educate the customer about the specific type of suspected fraud or scam could help prevent fraud losses. FINRA offers a set of resources in its online Member Firm Hub, including Investor Education Resources and Scam Prevention & Assistance Resources.[40] These Key Topic pages provide consolidated resources that member firms and registered professionals can use or share with their customers.

B. Overview of Proposed New Rule 2166, Including Key Safeguards

Proposed Rule 2166 establishes a ''speed bump'' mechanism, distinct from the longer-term holds available under Rule 2165 for Specified Adults, which would permit a member firm to place a temporary delay of up to 10 business days on a transaction or disbursement in the account of a customer if there is a reasonable belief of fraud targeting the customer, with associated safeguards. The definition of ''fraud'' in Proposed Rule 2166 is intended to be broad and would include, for example, identity theft and account takeovers.[41]

The rule contains safeguards modeled on similar provisions in Rule 2165 to protect customers and prevent misapplication of the rule:

- Proposed Rule 2166(b)(1)(A): The member firm may only place the temporary delay if the member firm reasonably believes that fraud has occurred, is occurring, has been attempted, or will be attempted.
- Proposed Rule 2166(b)(1)(B) and 2166.04: Not later than two business days after placing a temporary delay, the member firm must provide notification, which may be oral, to the customer [42] of the temporary delay, the reason for the delay, and how the member firm can be contacted with questions or concerns.[43] Member firms may choose to also notify other authorized parties and trusted contact persons.
- Proposed Rule 2166(b)(2): The temporary delay would expire no later than 10 business days after the date that the member firm first placed the temporary delay, unless otherwise

[34] For purposes of this rule, ''customer'' would mean ''a natural person age 18 and older.'' Proposed Rule 2166(a)(2). ''Account'' would mean ''any account of a member for which a customer has the authority to transact business.'' Proposed Rule 2166(a)(1). Customers who meet the definition of ''Specified Adult'' under Rule 2165 may be protected by a member under either Rule 2165 or proposed Rule 2166. FINRA notes that a ''mental or physical impairment that renders the individual unable to protect his or her own interests'' can apply to temporary impairments (*e.g.,* due to addiction or temporary illness) as well as permanent or chronic impairments. *See* Securities Exchange Act Release No. 79215 (November 1, 2016), 81 FR 78238, 78246 (November 7, 2016) (Notice of Filing of File No. SR–FINRA–2016–039). In the context of placing a temporary delay in the account of a customer under the age of 65, if the member forms a reasonable belief that the customer has such a mental or physical impairment, the member could choose to rely instead on Rule 2165.

[35] For purposes of this rule, ''fraud'' would be defined as ''a deceptive scheme perpetrated by a third party that targets a customer and results in a request for a disbursement of funds, securities, or other assets or a transaction in securities based on false or misleading information.'' Proposed Rule 2166(a)(4).

[36] Like Rule 2165, proposed Rule 2166 would provide members and their associated persons with a safe harbor from FINRA Rules 2010, 2150 and 11870 when acting in accordance with the requirements of the rule.

[37] *See* FBI, *FBI Announces Nationwide 'Take A Beat' Campaign to Increase Awareness of Frauds and Scams* (August 19, 2024) (noting that perpetrators ''may try to instill trust, induce empathy, or fear, or promise monetary gains, companionship, or employment opportunities—all to lure victims into immediate action.'').

[38] *See* Katharina Kircanski et al., *Emotional Arousal May Increase Susceptibility to Fraud in Older and Younger Adults,* 33(2) Psychol. & Aging 325–337 (March 2018) (''Persuasion tactics used by fraud perpetrators often elicit high levels of emotional arousal; thus, studying emotional arousal may help to identify the conditions under which individuals are particularly susceptible to fraud. We examined whether inducing high-arousal positive (''HAP'') and high-arousal negative (''HAN'') emotions increased susceptibility to fraud. . . . For participants who exhibited the intended induced emotional arousal, both the HAP and HAN conditions . . . significantly increased participants' reported intention to purchase falsely advertised items.'').

[39] *See* Marguerite DeLiema, Yiting Li & Gary Mottola, *Correlates of responding to and becoming victimized by fraud: Examining risk factors by scam type,* 47(3) Int'l J. of Consumer Stud. 1042–1059 (May 2023) (''Using survey data from 1375 American and Canadian consumers who previously reported a scam to a North American consumer complaint organization, this study examines the correlates of responding to and losing money to four categories of consumer fraud: opportunity-based scams, threat-based scams, consumer purchase scams, and phishing scams. . . . Having advance knowledge of fraud prior to being exposed was protective across nearly all scam types. Results suggest that awareness about specific scams helps protect against financial loss.'').

[40] FINRA, *Member Firm Hub: Customer Resources, https://www.finra.org/member-firm-hub.*

[41] *See supra* note 35.

[42] Under Rule 2165, within two business days of placing a hold, a member must notify all parties authorized on the account and the trusted contact. *See* Rule 2165(b)(1)(B). For purposes of the more streamlined approach in proposed Rule 2166, FINRA is proposing to require notification to the customer, while permitting member firms to choose whether to also notify other authorized parties or trusted contact persons.

[43] *See* proposed Rule 2166(b)(1)(B) and 2166.04. FINRA understands that a member firm may not necessarily be able to speak with or otherwise obtain a response from the customer within the two-business-day period. Consistent with guidance provided in connection with Rule 2165, FINRA would consider, for example, a member firm's sending an email to a customer's email address on file with the firm or placing a telephone call and leaving a message with the customer within the two-business-day period to constitute notification for purposes of proposed Rule 2166. *See Regulatory Notice* 17–11 at n.20 (March 2017). A member firm may similarly mail a letter, but due to the short duration of the temporary delay in proposed Rule 2166, delivery by mail may not be the most expedient means of communication.

terminated or extended by a federal or state regulator or agency of competent jurisdiction or a court of competent jurisdiction.

- Proposed Rule 2166(c) and 2166.02: The rule would impose supervision and training requirements consistent with Rule 2165 (as proposed to be amended).
- Proposed Rule 2166(d): The records requirement would be generally consistent with Rule 2165(d) (as proposed to be amended).[44] Proposed Rule 2166(d) would require member firms to retain records of requests for disbursements or transactions that may constitute fraud and the resulting temporary delay, the basis for the reasonable belief of fraud, the name and title of the associated person who authorized the temporary delay, notification to relevant parties, any information provided to the customer in connection with the temporary delay, and information regarding any communications with or by a federal or state regulator or agency or court of competent jurisdiction.

Proposed Rule 2166 seeks to balance investor protection with respect for customer autonomy. It complements Rule 2165 by addressing situations where customers of any age and capacity are targeted by fraud. The differences between Rule 2165 and proposed Rule 2166 recognize that there are some factors that may be unique to senior investors, such as the existence of agencies focused on combating financial exploitation of seniors (*e.g.,* APS). The longer hold periods in Rule 2165 provide the member firm with the time needed to gather information that can form the basis of a referral to such agency, and the time an agency may need to evaluate the matter and conduct its investigation. The length of the Rule 2165 hold period also recognizes the severity of the consequences for seniors who experience financial exploitation, as discussed above. Those same considerations and resources do not necessarily exist for fraud perpetrated on other types of investors.[45]

C. Applying Proposed New Rule 2166 in Practice

FINRA understands that some member firms currently rely on contractual provisions in their account opening agreements to place holds on transactions or disbursements to protect customers from fraud. In some cases, these holds may exceed 10 business days. The optional safe harbor under proposed Rule 2166 would offer a structured framework for member firms (including those that do not currently have such contractual provisions) under FINRA rules, without restricting a member firm's ability to pursue contractual approaches.[46]

As with Rule 2165, Supplementary Material .01 to proposed Rule 2166 makes clear that the rule does not require member firms to place temporary delays.[47]

Consistent with proposed Supplementary Material .07 in Rule 2165, pursuant to Supplementary Material .05 in proposed Rule 2166, a member firm may place restrictions on an entire account rather than a particular disbursement or transaction when the member firm has a reasonable belief of fraud regarding a transaction or disbursement from the account, has procedures reasonably designed to permit legitimate transactions and disbursements (*e.g.,* regular bill payments), and permits such legitimate transactions or disbursements from the account in these circumstances. The provision makes clear that the member firm may not rely on the safe harbor if it blocks transactions or disbursements where there is not a reasonable belief of fraud regarding such transactions or disbursements.

V. Conforming Change To Rule 0150

FINRA proposes amending Rule 0150(c) to add proposed new Rule 2166 to the list of rules applicable to transactions in, and business activities relating to, exempted securities, except municipal securities, conducted by member firms and associated persons.

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[48] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule changes are designed to enhance member firms' ability to prevent and address financial exploitation of senior and vulnerable investors and fraud impacting investors of all ages.

The proposed changes to Rule 4512, including the ability for member firms to use the term ''emergency contact'' as an alternative to ''trusted contact person,'' aim to increase customer understanding and adoption of this safeguard to help protect investors from fraud and financial exploitation, help member firms update contact information when a customer becomes unavailable, assist when concerns arise over possible diminished capacity or other health issues, and protect assets.

The proposed limited expansion of the time period in Rule 2165 would allow additional time for APS agencies, law enforcement, and state and federal regulators to assess referrals of suspected financial exploitation, determine whether to investigate, and, where relevant, communicate to member firms that additional time will be needed to investigate or resolve a matter. The additional proposed changes to Rule 2165 are intended to provide member firms clarity and flexibility in applying this critical investor protection tool. Ultimately, the purpose of these proposed changes is to further empower member firms to help

[44] Proposed Rule 2166(d) would not include the specific records requirements that are related to unique aspects of Rule 2165 concerning internal review and extensions of the temporary hold period.

[45] Under both Rule 2165 and proposed Rule 2166, member firms have the ability to coordinate with relevant parties, as appropriate, to prevent or address customer harm. In addition, Section 314(b) of the USA PATRIOT Act and its implementing regulation provide financial institutions with the ability, upon providing notice to the U.S. Department of the Treasury, to share information with one another, under a safe harbor that offers protections from liability, for purposes of identifying and, where appropriate, reporting activities that may involve possible terrorist activity or money laundering, which may include information about fraud and other specified unlawful activities. *See* 31 CFR 1010.540 (Voluntary information sharing among financial institutions) regarding the requirements that must be met to qualify for the safe harbor from liability. In June 2026, FinCEN issued updated guidance on information sharing under Section 314(b) through a fact sheet that further clarified: (1) the permissibility of real-time information sharing under Section 314(b) of the USA PATRIOT Act; (2) under what circumstances information, including related to fraud, can be shared; and (3) how information can be shared. *See* FinCEN, *Section 314(b) Fact Sheet* (June 12, 2026), *https://www.fincen.gov/system/files/shared/314bfactsheet.pdf. See also supra* note 28; *FinCEN Rapid Response Program Fact Sheet* (April 15, 2026), *https://www.fincen.gov/system/files/2026-04/RRPFactSheet.pdf;* FBI Cyber, *International Kill Chain Process, https://www.justice.gov/elderjustice/media/1364056/dl?inline.*

[46] *See also Regulatory Notice* 22–05 at n.13 (February 2022) (''Regarding whether the best execution obligation applies to a member firm's decision to place a temporary hold on a securities transaction where there is a reasonable belief of customer financial exploitation, '[b]roker-dealers are reminded that nothing under the federal securities laws or FINRA rules obligates them to accept an order where they believe that the associated compliance or legal risks are unacceptable.' '') (citing SEC, *Staff Bulletin: Risks Associated with Omnibus Accounts Transacting in Low-Priced Securities* (last updated October 17, 2023)).

[47] *See* proposed Rule 2166.01.

[48] 15 U.S.C. 78*o*–3(b)(6).

protect senior and vulnerable investors from experiencing unrecoverable losses due to financial exploitation.

Proposed new Rule 2166 is designed to provide member firms with an additional investor protection tool that would be available to any customer, regardless of age or capacity. The proposed new rule would enable member firms to place temporary delays of up to 10 business days on transactions and disbursements where there is a reasonable belief of fraud, during which time member firms can communicate with customers to alert them of suspected fraud and ultimately prevent unrecoverable fraud losses from occurring.

The proposed rule changes incorporate numerous conditions and important safeguards that apply to each temporary hold or delay and are designed to protect investors against misapplication of the rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member firms would be subject to the proposed rule change.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the economic baseline for the proposed rule change and their potentially significant economic impacts, including anticipated costs and benefits, relative to the baseline, and the alternatives considered in assessing how best to meet FINRA's regulatory objectives.

(a) Regulatory Need

Advances in technology and use of sophisticated tactics have made fraud a significant and growing risk for investors and member firms. While investors of all ages face a significant risk of fraud, senior investors are often living on fixed incomes and budgets without the ability to offset significant losses over time. The proposed rule amendments would enhance the tools that member firms have to fight fraud and financial exploitation of senior and vulnerable adult investors, and to protect other investors where there is a reasonable suspicion of fraud.

(b) Economic Baseline

The economic baseline includes current Rules 4512 and 2165, which assist member firms in protecting customer assets through trusted contact persons and, for Specified Adults, the ability to place temporary holds on disbursements and transactions when there is a reasonable belief of financial exploitation. The economic baseline also includes current industry practices relating to compliance with these provisions and relevant state laws as well as current risks of fraud and financial exploitation of individuals who are not Specified Adults. The proposed rule change would mostly affect member firms with retail operations. As of December 31, 2025, there are at least 1,088 member firms that serve retail investors.

Survey data from FINRA's current National Financial Capability Study Report indicate that about 42 percent of investors have authorized a trusted contact person for their investment accounts.[49] Among those investors who do not have a trusted contact person, 81 percent do not recall being asked to name one and 49 percent indicated that they would be willing to do so.[50]

Regarding temporary holds, FINRA conducted a survey of member firms in 2020. At that time, FINRA found that ''[a]pproximately 53 percent of survey respondents stated that they had been unable to resolve a matter within the 25-business day period.'' [51] Furthermore, ''[f]or matters that took longer to resolve than the 25-business day period, approximately 35 percent of survey respondents indicated that it took on average 26–50 days to resolve the matter and approximately 59 percent of survey respondents indicated that it took on average 51–100 days to resolve the matter.'' [52]

(c) Economic Impacts

The proposed amendments would impact member firms and investors, especially senior and vulnerable investors. As discussed above, FINRA is proposing amendments in three areas: (1) amendments to Rule 4512, allowing the use of ''emergency contact'' terminology under the existing trusted contact framework to reduce customer confusion, and codifying existing guidance; (2) amendments to Rule 2165, including extending maximum temporary hold periods and codifying existing guidance; and (3) proposing new Rule 2166 that introduces a new temporary delay mechanism for addressing suspected fraud, applicable to any customer (regardless of age or capacity).

Anticipated Benefits

FINRA believes that the proposed rule change to Rule 4512 allowing the use of the term ''emergency contact'' as an alternative to ''trusted contact person'' would increase customer comfort with designating an individual as a trusted contact person. FINRA also believes that an increase in customer use of this designation would improve member firms' ability to intervene in situations of suspected fraud or other circumstances of potential investor harm. This would subsequently improve the chances to prevent potential financial losses to investors.

FINRA believes that the proposed rule change to Rule 2165 would better address the fact that, in a significant number of instances, relevant authorities, such as APS or law enforcement, require more than the current maximum of 55 business days to evaluate or address financial matters. The data from the 2020 FINRA member firm survey discussed above suggest that about 28 percent of member firms face instances where a matter took more than 50 days to resolve. The data also suggest that the majority of matters are resolved within the current maximum of 55 business days.

The proposed rule change would establish a structured framework to extend temporary holds up to a maximum of 145 business days (absent further extension by the relevant authority) and provide a mechanism whereby the extension of a hold is commensurate to the circumstances. The more flexible structured framework is expected to benefit investors by allowing, when needed, for more time to address situations where fraud or other circumstances of potential investor harm may be occurring. The proposed rule change strikes a balance between addressing circumstances where there is a demonstrated need for longer holds and avoiding overly long holds or misuse.

The newly proposed Rule 2166 would expand temporary hold protections to cover not only senior and vulnerable investors, but all investors. It would do so by introducing an optional safe harbor for member firms to place a temporary delay of up to 10 business days on disbursements or transactions when there is a reasonable belief of fraud targeting a customer, without restricting a member firm's ability to include contractual provisions in their account opening agreements to place holds or delays to protect customers from fraud. The proposed rule change

[49] *See* National Financial Capability Study, *supra* note 4, at 21.

[50] *See* National Financial Capability Study, *supra* note 4, at 22.

[51] *See Regulatory Notice* 20–34 at 5 (October 5, 2020).

[52] *See supra* note 51.

would benefit investors by allowing member firms to intervene in situations of suspected fraud and thereby potentially prevent financial losses to investors, especially if relevant information can be effectively communicated to investors within 10 business days. Accordingly, the expected benefits from the proposed rule change would be greatest where the member firm maintains awareness of common fraud schemes and knows the customer, including how to effectively communicate with them. The proposed rule change benefits member firms by providing them with safe harbor protection from specified FINRA rules if they meet the terms of the rule when implementing a delay of up to 10 business days on disbursements or transactions.

Anticipated Costs

Allowing member firms to use the term ''emergency contact'' as an alternative to ''trusted contact person'' would result in negligible additional costs if they choose to use the ''emergency contact'' terminology. Member firms may incur some minor costs in updating materials that reference ''trusted contact person,'' such as written supervisory procedures, training materials and account opening agreements.

To the extent that member firms choose to take advantage of the proposed amendments to Rule 2165 as well as proposed Rule 2166, additional operational costs such as additional personnel time for communicating with relevant authorities, notifying relevant parties of hold extensions or temporary delays, and enhanced recordkeeping efforts may result. Additionally, member firms would need to update their written supervisory procedures and develop training programs to implement the new provisions.

In addition, there could be indirect costs to member firms and investors in situations where longer temporary holds under Rule 2165 or Rule 2166-based delays are implemented. The possibility exists that the imposition of a temporary hold or delay might cause lost or diminished investment opportunities and dissatisfaction with customer service by some investors. These costs would likely increase with the length of time of the hold. Some investors may view temporary holds or delays as impositions on their autonomy that exceed any benefits resulting from better fraud protection. In some instances, this may prompt some investors to move assets, which would impose costs on them. For member firms, this could result in lost business and diminished client relationships. In addition, if time-sensitive disbursements or transactions are affected by such holds or delays, there may be missed opportunities or other disruptions to the investor. While acknowledging the possibility of member firms and investors incurring the various indirect costs discussed above, FINRA is unable to gauge their magnitude.

Conversely, in situations where proposed Rule 2166 would apply but member firms choose not to place a temporary delay, there is the possibility that member firms expose themselves to the risk of customer complaints and legal action. FINRA believes that a legal risk exists whether or not FINRA adopts the proposed rule, and the safe harbor approach appropriately balances investor protection with member firm liability concerns when member firms act in good faith.

Competitive Effects

FINRA believes the competitive effects of the potential amendments would differ across the impacted member firms, depending on their business model and composition of their customer base and whether and to what extent they choose to use the tools the proposed rule change offer. For example, the competitive effects from the proposed rule change would depend in part on the extent to which a member firm already has business practices in place that facilitate the detection of potential fraud and responses to it. The ability to introduce a 10-business-day delay, based on proposed Rule 2166, may be more useful to member firms with full-service business models than to others. Some member firms may not see much advantage from this additional tool and may instead see mostly risks of additional customer complaints and legal action. Other member firms that currently rely on contractual agreements governing temporary holds (irrespective of customer age) may be indifferent. To the extent that member firms make their practices regarding these tools known to current and prospective customers, member firms may attract additional investors for whom such practices and protections are especially important and salient.

The competitive impact of the proposed rule change on member firms versus non-member firms, such as investment advisory firms, is unclear.

(d) Alternatives Considered

With respect to the appropriate maximum length of delay under proposed Rule 2166, FINRA considered whether five business days would be preferable to 10 business days. With five business days, the potential cost to the investor resulting from missed investment opportunities could be reduced. However, a shorter maximum of five business days would also decrease member firms' ability to collect information, reach the customer, reach the trusted contact person or other authorized parties (if the member firm chooses to), and possibly schedule in-person meetings. Based on commenter feedback that a maximum of five business days may be inadequate to allow member firms to effectively make use of the ''speed bump,'' FINRA is proposing a 10-business-day delay.

While FINRA is proposing to address financial exploitation of non-Specified Adults through proposed Rule 2166, FINRA had alternatively considered expanding existing Rule 2165 to cover non-Specified Adults. Relative to expanding Rule 2165, the proposed approach avoids potential disruption of existing member firm practices geared specifically to Specified Adults. Moreover, while for Specified Adults there are agencies with mandates to investigate financial exploitation (*e.g.,* APS), the same is not necessarily true for fraud perpetrated on non-Specified Adults.[53] Hence, while the hold periods in Rule 2165 provide member firms the time needed to gather information that can form the basis of a referral to such agencies, and the time an agency may need to conduct its investigation, similar considerations do not necessarily exist for non-Specified Adults.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In January 2026, FINRA published *Regulatory Notice* 26–02 (the ''*Notice*''), requesting comment on the proposed rule change (the ''*Notice* Proposal''). FINRA received 26 comments in response to the *Notice.* A copy of the *Notice* is available on FINRA's website at *http://www.finra.org.* A list of the commenters in response to the *Notice* and copies of the comment letters received in response to the *Notice* are also available on FINRA's website.[54]

Most commenters expressed support for FINRA's efforts to provide member firms with additional tools to protect senior and vulnerable investors from financial exploitation and all investors from fraud; however, some commenters

[53] *See supra* note 45.

[54] *See* SR–FINRA–2026–018 (Form 19b–4, Exhibits 2b and 2c) (available on FINRA's website at *http://www.finra.org*). For a list of abbreviations assigned to commenters, *see* SR–FINRA–2026–018, Form 19b–4, Exhibit 2b.

opposed aspects of the proposal. Several commenters supported particular aspects of the *Notice* Proposal, including the proposed amendments to the trusted contact person framework, the proposed extension of the maximum temporary hold period under Rule 2165, and the adoption of proposed Rule 2166. Some commenters requested clarifications or modifications concerning, among other things, the reasonable belief standard, the length and conditions of temporary holds and delays, notification requirements, the use of trusted or emergency contacts, the treatment of customer complaints arising from temporary holds, the interaction of proposed Rule 2166 with contractual hold authority and account transfer requirements, and customer redress mechanisms. A summary of the comments and FINRA's response is set forth below.

Trusted Contact Amendments Under Rule 4512

The proposed amendment to Rule 4512 would give member firms the option to use the term ''emergency contact'' as an alternative to ''trusted contact person.'' This aspect of the proposal received nearly universal support [55] with only Pittsburgh Law Clinic opposing the change and Long & Mierswa requesting additional flexibility for the use of other similar terminology. For example, supporters stated that customers may view ''trusted contact'' as akin to ''trustee,'' a term that many associate with a loss of control over their account(s).[56] In contrast, supporters agreed that the term ''emergency contact'' is more universally understood than ''trusted contact person'' because ''emergency contact'' is known to many ''main street'' investors [57] and often used in other contexts such as healthcare, employment and education.[58] Pittsburgh Law Clinic opposed this proposed amendment, citing medical research showing patients routinely misunderstand emergency medical contacts and assume they have decision-making authority. Some commenters urged enhanced disclosure and more frequent confirmation of trusted contact person information.[59]

FINRA continues to believe that providing member firms the flexibility to use the term ''emergency contact'' as an alternative to ''trusted contact person'' would address practical concerns raised by member firms that some customers are unfamiliar with or hesitant about the term ''trusted contact person.'' FINRA believes that permitting the use of the term ''emergency contact'' would increase familiarity with and use of this important tool. FINRA will continue to consider additional ways to educate investors on this topic and encourages member firms to do so as well.[60]

FINRA believes that permitting the use of two key terms: ''trusted contact person'' and ''emergency contact'' would promote predictability and increase familiarity with the role. FINRA does not believe providing additional flexibility for the use of other terms is appropriate at this time, as it could create confusion about the trusted contact person's role and could have the unintended consequence of decreasing familiarity with and use of this important tool.

Several commenters suggested that FINRA consider allowing firms to request customers to designate more than one trusted contact person because a single contact may be unavailable, unreachable or otherwise unable to assist in some circumstances.[61] To clarify that this is permissible, FINRA has proposed a minor amendment to Rule 4512.06 as described above.[62]

The proposed amendment would also permit member firms to seek a customer's authorization to apply a trusted contact person to such customer's existing and future accounts with the member firm, provided that the customer is offered the choice to assign the trusted contact person on an account-by-account basis rather than to all accounts. This aspect of the proposal also received strong support.[63] For example, DFPG stated that managing trusted contact person information on an account-by-account basis can be operationally burdensome to member firms and confusing and burdensome for customers, particularly as they establish new accounts. DFPG further stated that allowing customers to authorize the application of trusted contact person information to all current and future accounts eases these burdens and maximizes trusted contact coverage, thereby reducing the risk of fraud and exploitation.

While SIFMA supported the proposed flexibility for a customer to name a trusted or emergency contact for use across all the customer's accounts at the member firm, SIFMA requested that FINRA clarify that a firm can choose whether to provide customers the option to appoint a trusted contact person at either the customer or account level only. SIFMA stated that requiring firms to adopt a hybrid approach on a customer-by-customer basis could impose significant technological and substantive challenges that could run counter to the purpose of this change.

Proposed Supplementary Material .06(d) is intended to clarify existing guidance and offer additional flexibility. Member firms may choose whether to offer their customers the ability to authorize the application of their trusted contact person information to all of the customer's accounts. However, if a member firm chooses to do so, it must offer customers the choice to assign trusted contact person(s) on an account-by-account basis rather than to all accounts. This approach seeks to provide additional flexibility for member firms and to appropriately balance operational concerns with investor autonomy.[64]

However, NASAA cautioned that while flexibility to seek a customer's authorization to apply a trusted contact person to such customer's existing and future accounts with the member may be beneficial, members should not be permitted to obtain a single authorization of a trusted contact person at the outset that would apply broadly and indefinitely to all future accounts, without periodically confirming that this remains the customer's intent. NASAA suggested that FINRA consider requiring firms to request confirmation or updates to trusted contact person information at least annually or, at a minimum, FINRA should consider providing guidance to encourage firms

[55] Apex; ASA; CAI; Cambridge; Cardozo Law Clinic; CFP, FPA & NAPFA; Commonwealth; DFPG; Fidelity; FSI; Hicks & Loeffel; Long & Mierswa; LPL; Mustico; NASAA; Robinhood; SIFMA; St. John's.

[56] CFP, FPA & NAPFA; Long & Mierswa; St. John's.

[57] ASA.

[58] CFP, FPA & NAPFA; LPL; NASAA.

[59] Cardozo Law Clinic; CFP, FPA & NAPFA; NASAA; PIABA.

[60] FINRA notes that under Rule 4512.06, ''at the time of account opening a member shall disclose in writing, which may be electronic, to the customer that the member or an associated person of the member is authorized to contact the trusted contact person and disclose information about the customer's account to address possible financial exploitation, to confirm the specifics of the customer's current contact information, health status, or the identity of any legal guardian, executor, trustee or holder of a power of attorney, or as otherwise permitted by Rule 2165.'' Such disclosure may also help to educate customers about the benefits of naming a trusted contact.

[61] *See* CFP, FPA & NAPFA; Mustico; NASAA.

[62] *See supra* note 18 and accompanying text.

[63] Apex; CAI; CFP, FPA & NAPFA; DFPG; Fidelity; FSI; Long & Mierswa; LPL; PIABA; Robinhood; SIFMA; St. John's.

[64] Although some customers may prefer to appoint a single trusted contact person for all accounts, other customers may prefer to appoint different trusted contact persons for different accounts (*e.g.,* a customer prefers one trusted contact person for their personal account and a different trusted contact person for a joint account).

to issue periodic reminders prompting customers to review and maintain current trusted contact person information.

FINRA notes that Rule 4512 requires members to seek to update the trusted contact information for those accounts subject to the requirements in Exchange Act Rule 17a–3. Specifically, Supplementary Material .06(c) to Rule 4512 provides that with respect to any account subject to the requirements of Exchange Act Rule 17a–3(a)(17) to periodically update customer records, a member is required to make reasonable efforts to obtain or, if previously obtained, to update where appropriate the name of and contact information for a trusted contact person consistent with the requirements in Exchange Act Rule 17a–3(a)(17). Consistent with prior guidance, FINRA continues to believe that, with regard to updating the contact information for other accounts that are not subject to the requirements in Exchange Act Rule 17a–3, a member should consider asking the customer to review and update the name of and contact information for a trusted contact on a periodic basis or when there is a reason to believe that there has been a change in the customer's situation.[65]

CFP, FPA & NAPFA recommended that FINRA further amend Rule 4512 to require firms to either have customers designate a trusted contact person or have customers affirmatively opt out of the framework after they have been informed of the benefits of listing a trusted contact person. FINRA believes firms should retain flexibility in designing their trusted contact program implementation rather than mandating a specific opt-out mechanism. Providing firms with implementation flexibility would allow them to innovate and develop effective approaches tailored to their business models, customer bases, and operational capabilities.[66]

Rule 2165 Amendments

The proposed extension of the Rule 2165 maximum temporary hold period from 55 to 145 business days generated strong support by many commenters.[67] For example, several commenters stated that these amendments reflect the reality that fraud investigations frequently take time and may involve coordination across institutions, jurisdictions, and law enforcement or regulatory agencies.[68]

However, several commenters expressed opposition based on concerns regarding risks to investors of prolonged asset freezes and investor autonomy.[69] For example, Pittsburgh Law Clinic stated that the proposed maximum 145-business-day hold period would impose severe and disproportionate financial hardship on elderly investors living on fixed incomes. ASA stated that it did not believe the maximum 145-business-day hold period was necessary in the vast majority of situations and it would risk turning temporary holds into de facto long-term freezes that could impose substantial costs and hardship on seniors and other investors.

FINRA recognizes that many financial exploitation situations are resolved within the existing time limits of Rule 2165, or within a longer time period, when extended by a relevant authority.[70] However, in other situations, the proposed additional extensions would provide relevant government authorities with more time, where necessary, to assess referrals, determine whether to investigate, and evaluate whether additional time will be needed to investigate or resolve the matter. It would also provide additional time for a member to communicate with these authorities regarding whether to terminate or further extend the hold. Accordingly, FINRA continues to believe that a maximum 145-business-day hold period is appropriate.

FINRA notes that the proposed rule change would impose measured conditions and other safeguards designed to ensure that the extension framework is limited to appropriate circumstances, and does not result in a default hold of 145 business days in all cases. Specifically, the ability to extend for each 30-business-day period would be conditioned on the member making reasonable follow-up efforts with the relevant authority regarding the status of the reported matter, not having received a response, and continuing to have a reasonable belief of financial exploitation. The extension framework would also require notification to relevant parties and documentation associated with such extensions.

This balanced approach provides for longer holds in complex cases that have been referred to government authorities while maintaining the integrity of a ''temporary hold'' framework through a clearly defined process.

All commenters addressing the proposal to add ''federal'' agencies and authorities of competent jurisdiction supported the change, with Hicks & Loeffel requesting guidance concerning relevant federal entities.[71] Several commenters supported the proposed expansion of individuals authorized to place a hold,[72] with CAI requesting further broadening and NASAA urging caution. There was minimal feedback on FINRA's proposed codification of existing FAQ guidance,[73] and no opposition.

Proposed New Rule 2166 ''Speed Bump''

The *Notice* Proposal would permit a member firm to place a temporary delay of up to five business days on a transaction or disbursement in the account of a customer if there is a reasonable belief of fraud targeting the customer, with associated safeguards. There was broad support for this proposed new rule; however, there were varying perspectives on duration.[74] Six commenters explicitly supported the initially proposed five-business-day period as appropriate, with some advocating for limited permitted extensions.[75] However, multiple commenters raised concerns that a five-business-day period would be insufficient for investigation and customer outreach, and advocated for a longer period, with specific suggestions ranging from seven to 20 business days.[76]

For example, CFP, FPA & NAPFA stated that a longer ''speed bump'' would allow firms to better evaluate the situation and align with law enforcement and may also help customers recognize what may actually be a high-pressure scam, which could cloud a victim's judgment, especially

[65] *See* FINRA Seniors FAQs, *supra* note 7, at Q.4.4.

[66] For example, FINRA has observed members promoting effective ways of asking for trusted contact person information to increase likelihood of a designation, such as requiring a ''yes'' or ''no'' response to the trusted contact person question in account opening forms or asking, ''Who is your trusted contact?'' rather than, ''Would you like to name a trusted contact?'' *See 2026 FINRA Annual Regulatory Oversight Report, supra* note 5, at 37–40.

[67] CAI; Cardozo Law Clinic; CFP, FPA & NAPFA; Commonwealth; Fidelity; FSI; Hicks & Loeffel; Long & Mierswa; LPL; SIFMA. Fidelity and SIFMA requested 45-business-day intervals in lieu of 30-business-day intervals.

[68] Cardozo Law Clinic (citing research that APS investigation times vary dramatically by state: while the national median stands at 36 days, Kentucky averages 72 days, Vermont 81 days, New Hampshire 90 days, and Washington 113 days); Fidelity; Long & Mierswa; SIFMA.

[69] ASA; PIABA; Pittsburgh Law Clinic.

[70] FINRA notes that existing Rule 2165 permits holds beyond 55 business days at the relevant authority's request.

[71] CAI; Fidelity; Hicks & Loeffel; NASAA; PIABA; SIFMA.

[72] ASA; CAI; Fidelity; Long & Mierswa; SIFMA.

[73] *See supra* Item II.A.1.III.D.

[74] ASA; Apex; CAI; Cambridge; Cardozo Law Clinic; Commonwealth; Fidelity; FSI; Hicks & Loeffel; Long & Mierswa; LPL; PIABA; Pittsburgh Law Clinic; SIFMA.

[75] Apex; ASA; Cardozo Law Clinic; PIABA; Pittsburgh Law Clinic; St. John's.

[76] CAI; CFP, FPA & NAPFA; Fidelity; FSI; Long & Mierswa; LPL; Mustico; SIFMA.

''in the moment.'' [77] Fidelity suggested that a short timeframe could expose clients to greater risk by unnecessarily expediting investigations and removing transaction holds. Fidelity opined that increasing the holding period of the ''speed bump'' would better reflect the operational realities of fraud protection. Commonwealth disagreed with the five-business-day period, noting the ''stark'' difference in length between the Rule 2165 and Rule 2166 holds.[78]

Based on feedback that the initially proposed five-business-day temporary delay period is inadequate, FINRA is proposing a temporary delay of 10 business days. FINRA believes 10 business days would provide members more time to facilitate outreach to the customer (away from perpetrator influence), and, if the firm chooses, authorized parties or trusted contact persons, in order to persuade the customer to recognize the attempted fraud and not to proceed with the transaction or disbursement, thereby preventing customer losses. The additional time would also provide member firms flexibility to engage in the types of fraud prevention activities that commenters described, such as coordination across firm departments, account review and verification processes, trusted contact person engagement and consultation with regulatory agencies or law enforcement.

FINRA does not believe permitting a delay of longer than 10 business days under new Rule 2166 would be appropriate at this time, as it would risk turning what is intended to function as a temporary ''speed bump'' that helps firms disrupt fraud before disbursements or transactions occur into a longer hold process. A substantially longer delay for all adult customers could increase the risk of interfering with customer autonomy. FINRA believes a 10-business-day temporary delay approach balances investor protection with respect for customer autonomy.

Apex sought confirmation that firms would have flexibility to release a Rule 2166 hold early if the fraud concern is cleared before the hold period expires. FINRA confirms that early termination of a hold is permitted and notes that the safe harbor protection of proposed Rule 2166 is conditioned on the member having a reasonable belief that fraud has occurred, is occurring, has been attempted, or will be attempted. Accordingly, FINRA would expect a member to lift a temporary delay when it no longer has a reasonable belief of fraud.[79]

The *Notice* Proposal would require the member firm to provide notification to authorized parties on the account and a trusted contact person of the temporary delay, the reason for the delay, and how the member can be contacted for questions or concerns. Several commenters raised concerns that this mandatory notification to parties other than the customer may be unnecessary to address suspected fraud, could be viewed as overreaching by customers, could create confusion and unnecessary customer friction (especially in the absence of customer vulnerability), and could discourage trusted contact adoption or even chill member firms' willingness to rely on the safe harbor.[80] These commenters advocated for making notification to trusted contact persons and other authorized parties discretionary rather than mandatory under Rule 2166 (unlike Rule 2165, which applies to vulnerable adults and seniors).

Based on these comments, FINRA is proposing to require notification only to the customer, as discussed above. FINRA believes it is appropriate and consistent with the purposes of proposed Rule 2166 to provide member firms flexibility in this regard to address suspected fraud on a case-by-case basis. Notification to authorized parties and trusted contact persons would be permitted at the member's discretion.

Permissive vs. Mandatory Hold Under Rule 2165 and Proposed New Rule 2166

Current Rule 2165 and proposed Rule 2166 are structured as safe harbors, permitting members to place a temporary hold on a transaction or disbursement in a customer's account if there is a reasonable belief of financial exploitation/fraud targeting the customer, with associated safeguards. Two commenters objected to the permissive nature of these rules, instead advocating for a mandatory hold if a member firm observes red flags of exploitation or fraud.[81]

For example, Fitapelli stated that, ''By allowing firms to decline intervention even when credible red flags of exploitation are present, the rule shields members from liability while leaving elderly customers exposed. The permissive nature of the rule undermines its stated purpose of protecting senior investors.'' [82] Fitapelli urged FINRA to amend Rule 2165 to ''require mandatory transaction holds and reporting when objective indicators of elder financial exploitation are present, supported by clear standards and regulatory oversight.'' [83] PIABA echoed similar sentiments, stating that a firm's affirmative duty to delay a disbursement or take other protective actions for its customers when it suspects fraud or abuse must be more explicit. PIABA pointed to the ''growing body of state law that already imposes mandatory reporting obligations on broker-dealers and investment advisers.'' [84]

Tobin recommended FINRA adopt a mandatory escalation framework ''when a licensed industry professional raises a senior-exploitation concern.'' [85] Tobin also recommended FINRA require ''documentation when a broker declines to act under Rule 2165.'' [86]

FINRA continues to believe that a permissive hold framework would better serve both investor protection and operational realities than a mandatory hold framework. The existence of trusted contact persons, internal escalation procedures, and other protective measures (including, as applicable, relevant state laws) under the current framework provides multiple pathways for intervention without requiring holds in every case. Members may determine that customer education, trusted contact person notification, or enhanced monitoring represents a more appropriate response than temporary holds in some instances, and mandatory holds would eliminate this graduated approach.

''Reasonable Belief'' Standard

To rely on Rule 2165 or proposed Rule 2166, a member must have a reasonable belief of financial exploitation targeting the customer under Rule 2165 or a reasonable belief of fraud targeting the customer under proposed Rule 2166.[87] Several

[77] CFP, FPA & NAPFA.

[78] Commonwealth.

[79] This is consistent with the approach in Rule 2165. *See* Securities Exchange Act Release No. 79964 (February 3, 2017), 82 FR 10059, 10067 (February 9, 2017) (Order Granting Accelerated Approval of File No. SR–FINRA–2016–039).

[80] ASA; Fidelity; LPL; SIFMA.

[81] Fitapelli; PIABA.

[82] Fitapelli.

[83] *See supra* note 82.

[84] PIABA, at 3.

[85] Tobin, at 2.

[86] *See supra* note 85.

[87] Separately, under Rule 2165, the definition of Specified Adult incorporates a ''reasonable belief standard'' with respect to impairments (''a natural person age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests''). FINRA notes that a customer's suspected diminished capacity alone is not sufficient to place a temporary hold or delay under Rules 2165 or proposed Rule 2166, but rather the member firm must have a ''reasonable belief'' of fraud or financial exploitation. *See also supra* note 34.

commenters requested guidance on the ''reasonable belief'' standard.[88] The ''reasonable belief'' standard is intentionally designed to accommodate a wide variety of facts and circumstances to which these rules apply.[89] FINRA also notes that members have experience with applying this standard under Rule 2165. However, FINRA remains committed to assisting member firms in protecting investors, and will consider providing additional interpretive guidance if implementation experience reveals areas where members would benefit from further clarification.

ACATS-Related Fraud

Apex focused on the interaction between proposed Rule 2166, FINRA Rule 11870 (Customer Account Transfer Contracts), and National Securities Clearing Corporation (''NSCC'') Rule 50 (Automated Customer Account Transfer Service) in the ACATS context. Apex supported proposed Rule 2166 but raised concerns that its effectiveness would be constrained unless the account transfer framework and indemnification rules are modernized. Apex recommended that FINRA amend Rule 11870 to add suspected fraud as a permissible basis to take exception to a transfer instruction and coordinate with NSCC/DTCC and the Commission regarding indemnification reform.

FINRA appreciates Apex's concerns regarding ACATS-related fraud and the interaction between proposed Rule 2166 and existing account transfer processes. Proposed Rule 2166 would provide member firms with a safe harbor from Rule 11870 when a firm acts in accordance with the requirements of the proposed rule.

Amendments to Rule 11870 are outside the scope of this proposal, but FINRA is separately considering whether additional steps may be appropriate to deter fraud in the new account opening and account transfer processes.[90]

Litigation/Complaint Risk

Several commenters raised concerns that expanded authority to place temporary holds or delays could increase litigation risk, customer complaints or adverse consequences for associated persons.[91]

FINRA recognizes that firms may face competing risks when they act to protect customers from suspected fraud or financial exploitation and when they decline to do so. FINRA emphasizes that Rule 2165 and proposed new Rule 2166 are permissive safe harbors that do not require member firms to place temporary holds or delays, nor do they create private rights of action. Whether a customer complaint is reportable depends on the applicable reporting requirements and the facts and circumstances of the complaint.[92]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2026–018 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–FINRA–2026–018. 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 FINRA. 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–FINRA–2026–018 and should be submitted on or before September 30, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[93]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18293 Filed 9–8–26; 8:45 am]

BILLING CODE 8011–01–P

[88] Cardozo Law Clinic; Mustico; NASAA; Sigma/Parkland; Singer.

[89] FINRA has developed several programs to provide member firms with intelligence, resources and practical guidance that are useful in identifying red flags of fraud and protecting customers from increasingly sophisticated fraud schemes. For example, FINRA launched its Financial Intelligence Fusion Center (''FIFC'') in 2026 to collect, analyze, and disseminate cyber and fraud threat intelligence to member firms in real time through a secure portal. Moreover, FINRA provides member education in various forms including conferences, workshops, the FINRA Annual Regulatory Oversight Report, and continuing education courses. As discussed above, FINRA also publishes investor education materials that member firms can share with customers.

[90] *See, e.g.,* FINRA Quarterly Regulatory Policy Agenda (June 2026), *https://www.finra.org/rules-guidance/rulemaking-process/regulatory-policy-agenda.*

[91] *See* ASA; Cambridge; Sigma/Parkland.

[92] FINRA has indicated that it will consider issuing guidance regarding aspects of customer complaint reporting under FINRA Rule 4530 (Reporting Requirements). *See* Rule 4530; FINRA Quarterly Regulatory Policy Agenda, *supra* note 90; *see also* Form U4 (Uniform Application for Securities Industry Registration or Transfer) at Item 14I(3)(b) and Form U5 (Uniform Termination Notice for Securities Industry Registration) (which, in general, require disclosure if an individual is the subject of a written customer complaint that alleges that a registered or formerly registered individual was involved in forgery, theft, misappropriation or conversion of funds or securities).

[93] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21838 and #21839; KANSAS Disaster Number KS–20042]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Kansas (FEMA–4940–DR), dated September 1, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

DATES: Issued on September 1, 2026.

Incident Period: June 4, 2026 through June 15, 2026.

Physical Loan Application Deadline Date: November 2, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Atchison, Brown, Cherokee, Crawford, Dickinson, Edwards, Geary, Haskell, Hodgeman, Jackson, Lincoln, Marshall, Mitchell, Morris, Nemaha, Ness, Osage, Osborne, Ottawa, Pawnee, Pottawatomie, Rice, Riley, Rush, Russell, Saline, Sherman, Stafford, Wabaunsee, Washington.

Tribal Areas: Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, Iowa Tribe of Kansas and Nebraska.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218386 and for economic injury is 218390.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18272 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21832 and #21833; MISSOURI Disaster Number MO–20034]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Missouri (FEMA–4939–DR), dated September 1, 2026.

Incident: Severe Storms, Straight-line Winds, and Flooding.

DATES: Issued on September 1, 2026.

Incident Period: July 9, 2026 through July 11, 2026.

Physical Loan Application Deadline Date: November 2, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bollinger, Crawford, Iron, Madison, Morgan, Reynolds, Ripley, Washington, Wayne.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218326 and for economic injury is 218330.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18275 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

SBIC License Issuance

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Small Business Investment Company (SBIC) Licenses.

SUMMARY: Pursuant to the authority granted to the United States Small Business Administration under section 301(c) of the Small Business Investment Act of 1958, as amended, to grant Small Business Investment Company licenses under the Small Business Investment Company Program, this notice satisfies the requirement effective August 17, 2023 under 13 CFR 107.501(a) to publish in the **Federal Register** the names of SBICs with date of licensure and Total Intended Leverage Commitments. The following SBICs received SBIC licenses as of the date indicated below:

SBIC Fund name	Date of licensure	Leverage tiers [1]
Stellus Capital SBIC III, L.P	7/14/2026	2.00x.

SBIC Fund name	Date of licensure	Leverage tiers [1]
SpringTide SBIC Fund, L.P	7/16/2026	Non-Leveraged.
Moonshots Capital Fund 4, L.P	7/16/2026	1.25x.
Argentum Capital Partners V, L.P	7/24/2026	1.00x.
Callodine Strategic Credit Fund III, L.P	7/27/2026	2.00x.
Castle Creek Launchpad Fund II (SBIC), L.P	7/27/2026	Non-Leveraged.
Oxer Mezzanine Fund IV, L.P	8/26/2026	2.00x.

[1] Maximum amount of Leverage expressed as a multiple of Leverageable Capital pursuant to 13 CFR 107.1150.

Paul Van Eyl,

Director of Policy, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2026–18271 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Manufacturing in America Advisory Committee

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The U.S. Small Business Administration (SBA) will hold a Manufacturing in America Advisory Committee (MAAC) meeting on Thursday, September 17, 2026. Members will convene to provide strategic guidance, advice, and recommendations to the U.S. government and relevant stakeholders on matters related to growth, supply chain resilience, and innovation of small manufacturing businesses across the country.

DATES: The meeting will be held on Thursday, September 17, 2026, from 3 p.m.–4 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The Manufacturing in America Committee Meeting will be held virtually on Microsoft Teams. The access link will be provided to attendees upon request by email to *FACA@sba.gov.*

FOR FURTHER INFORMATION CONTACT: Lisa Shimkat, Designated Federal Officer, Office of Field Operations, SBA, 409 3rd Street SW, Washington, DC 20416. Anyone wishing to submit questions to the MAAC can do so by submitting them via email to *lisa.shimkat@sba.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App. 2), the SBA announces a meeting of the Manufacturing in America Advisory Committee. The Committee will act as the collaborative body to ensure the sector's needs, challenges, and opportunities are addressed. The Committee's mission will focus on supporting economic growth, job creation, onshoring of critical manufacturing capabilities, and global competitiveness.

Authority: 5 U.S.C. App. 2.

Dated: September 4, 2026.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2026–18352 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21842 and #21843; HAWAII Disaster Number HI–20015]

Presidential Declaration of a Major Disaster for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–4936–DR), dated September 1, 2026.

Incident: Earthquake.

DATES: Issued on September 1, 2026.

Incident Period: May 22, 2026.

Physical Loan Application Deadline Date: November 1, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary County (Physical Damage and Economic Injury Loans): Hawaii.

Contiguous Counties (Economic Injury Loans Only):

Hawaii: City and County of Honolulu, Kalawao, Kauai, Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218422 and for economic injury is 218430.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18274 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21847 and #21848; TEXAS Disaster Number TX–20090]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Texas (FEMA–4935–DR), dated September 1, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

DATES: Issued on September 1, 2026.

Incident Period: July 12, 2026 and continuing.

Physical Loan Application Deadline Date: November 2, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: Visit the MySBA Loan Portal at *https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Tamara Edge, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bandera, Crockett, Dimmit, Edwards, Frio, Gillespie, Kendall, Kerr, Kimble, Kinney, La Salle, Mason, Maverick, Menard, Real, Sutton, Uvalde, Val Verde, Zavala.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218476 and for economic injury is 218480.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18354 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21835 and #21836; IOWA Disaster Number IA–20017]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Iowa (FEMA–4942–DR), dated September 1, 2026.

Incident: Severe Storms and Flooding.

DATES: Issued on September 1, 2026.

Incident Period: July 1, 2026 through July 4, 2026.

Physical Loan Application Deadline Date: November 2, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Jasper, Polk, Story, Warren.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218356 and for economic injury is 218360.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18273 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21851 and #21852; CALIFORNIA Disaster Number CA–20046]

Administrative Declaration of a Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the state of California dated September 4, 2026.

Incident: Foster City Sea Spray Fire.

DATES: Issued on September 4, 2026.

Incident Period: August 2, 2026 through August 3, 2026.

Physical Loan Application Deadline Date: November 3, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 4, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Tamara Edge, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: San Mateo.

Contiguous Counties:

California: Alameda, San Francisco, Santa Clara, Santa Cruz.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	6.000
Homeowners without Credit Available Elsewhere	3.000
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218515 and for economic injury is 218520.

The state which received an SBA Administrative declaration is California.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18394 Filed 9–8–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway Project in Colorado

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final. The actions relate to a proposed highway project, I–270 Corridor Improvements Project from I–25 to I–70 in the City of Commerce City, Adams County and City and County of Denver, Colorado, FHWA Project Number STU 2706–046, Colorado Department of Transportation (CDOT) Number 25611.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the listed project will be barred unless the claim is filed on or prior to February 8, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of fewer than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Schiebel, Federal Highway Administration Colorado Division, 12300 West Dakota Avenue, Suite 180, Lakewood, Colorado 80228, telephone: 720–963–3032; email: *william.schiebel@dot.gov.* Normal business hours are 8:00 a.m. to 5:00 p.m. (Mountain Time), Monday through Friday, except Federal Holidays. David Merenich, Colorado Department of Transportation, 4670 Holly Street, Denver, Colorado 80216, telephone: 720–933–5755; email: *david.merenich@state.co.us.* Normal business hours are 8:00 a.m. to 5:00 p.m. (Mountain Time), Monday through Friday, except Federal and State Holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing a combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the following project in the State of Colorado: I–270 Corridor Improvements Project from I–25 to I–70 in the City of Commerce City, Adams County and City and County of Denver, Colorado. The selected alternative in the FEIS/ROD would add express lanes in both directions to relieve congestion and improve safety performance on I–270. The project would also replace 12 aging bridges, rebuild the I–270/Vasquez Boulevard interchange and improve multimodal connectivity across I–270.

The actions by FHWA, and the laws under which such actions were taken, are described in the FEIS/ROD for the project issued on September 4, 2026. The FEIS/ROD and other project records are available by contacting FHWA or CDOT at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4370h]; Federal-Aid Highway Act [Title 23] and associated regulations [CFR part 23].

2. *Air:* Clean Air Act, [42 U.S.C. 7401–7671(q)] (transportation conformity); Intermodal Surface Transportation Efficiency Act of 1991, Congestion Mitigation and Air Quality Improvement Program (23 U.S.C. 149).

3. Noise: 23 U.S.C. 109(i) (Pub. L. 91–605) (Pub. L. 93–87).

4. *Land:* Section 4(f) of The Department of Transportation Act: [49 U.S.C. 303] Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*); Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

5. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Plant Protection Act [7 U.S.C. 7701 *et seq.*].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(mm)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469 c–2].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C 1251–1387 (Sections 319, 401, 404, and 408)]; Land and Water Conservation Fund Act [16 U.S.C. 460l–4–460l–11]; Safe Drinking Water Act [42 U.S.C. 300f–300j–9.]; Flood Disaster Protection Act [42 U.S.C. 4001–4129]; Emergency Wetlands

Resources Act [16 U.S.C. 3921, 3931]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 11988 Floodplain Management; E.O. 11990 Protection of Wetlands; E.O. 13007 Indian Sacred Sites; E.O. 13112 Invasive Species; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 13287 Preserve America; E.O. 13186 Responsibilities of Federal Agencies to Protect Migratory Birds.

(Authority: 23 U.S.C. 139(l)(1))

John M. Cater,

Division Administrator, Lakewood, Colorado.

[FR Doc. 2026–18365 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–25854; FMCSA–2013–0106; FMCSA–2013–0108; FMCSA–2015–0117; FMCSA–2019–0028; FMCSA–2023–0038; FMCSA–2023–0039]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on January 30, 2026. The exemptions expire on January 30, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2006–25854, FMCSA–2013–0106, FMCSA–2013–0108, FMCSA–2015–0117, FMCSA–2019–0028, FMCSA–2023–0038, or FMCSA–2023–0039, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

On January 29, 2026, FMCSA published a notice announcing its

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix A* to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

decision to renew exemptions for 12 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (91 FR 3978). The public comment period ended on March 2, 2026, and no comments were received.

The Agency evaluated the eligibility of these applicants and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 12 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 12 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 12 renewal exemption applications and supporting materials, and no comments received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of January 30, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Eric Barnwell (MI)
Robert A. Clark (IN)
Gary Freeman (WI)
Aaron Gillette (SD)
Alex Hohman (PA)
Thomas Johnston (WI)
Douglas Kelbley (OH)
Jason Kirkham (WI)
Eric Langford (KY)
Brent Mapes (IL)
Pedro Martinez (TX)
Ronald Minor (IL)

The drivers were included in docket numbers FMCSA–2006–25854, FMCSA–2013–0106, FMCSA–2013–0108, FMCSA–2015–0117, FMCSA–2019–0028, FMCSA–2023–0038, or FMCSA–2023–0039. Their exemptions were applicable as of January 30, 2026, and will expire on January 30, 2028.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth in the initial renewal notice (91 FR 3978) and incorporated herein; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18311 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0034; FMCSA–2023–0037; FMCSA–2025–0015; SA–2026–0042]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 21 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 9, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2023–

0034, FMCSA–2023–0037, FMCSA–2025–0015, or FMCSA–2026–0042 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2023–0034, FMCSA–2023–0037, FMCSA–2025–0015, or FMCSA–2026–0042) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2023–0034, FMCSA–2023–0037, FMCSA–2025–0015, or FMCSA–2026–0042), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2023-0034,* FMCSA–2023–0037, FMCSA–2025–0015, or FMCSA–2026–0042. Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the 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 the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2023–0034, FMCSA–2023–0037, FMCSA–2025–0015, or FMCSA–2026–0042) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in

Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 21 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Julio Baez-Soto

Julio Baez-Soto is a 40-year-old class D license holder in New York. He has a history of seizure disorder and has been seizure free since May 22, 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 2018. His physician states that they are supportive of him receiving an exemption.

Lee Bevins

Lee Bevins is a 68-year-old class D license holder in Vermont. He has a history of seizure disorder and has been seizure free since 1999. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2002. His physician states that they are supportive of him receiving an exemption.

Ricky Bloesser

Ricky Bloesser is a 30-year-old class A commercial driver license (CDL) holder in Colorado. He has a history of single unprovoked seizure and has been seizure free since February 17, 2022. He discontinued all anti-seizure medication in April 2022. His physician states that they are supportive of him receiving an exemption.

Creed Bonovsky

Creed Bonovsky is a 21-year-old class B enhanced CDL holder in Minnesota. He has a history of focal epilepsy and has been seizure free since January 19, 2012. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 1, 2016. His physician states that they are supportive of him receiving an exemption.

Hector Corrales

Hector Corrales is a 50-year-old class A CDL holder in Pennsylvania. He has a history of generalized epilepsy and has been seizure free since September 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 2023. His physician states that they are supportive of him receiving an exemption.

Robert Dorough

Robert Dorough is a 36-year-old class E license holder in Florida. He has a history of seizure disorder and has been seizure free since 2009. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that they are supportive of him receiving an exemption.

Alvaro Gonzalez

Alvaro Gonzalez is a 42-year-old class C license holder in California. He has a history of epilepsy and has been seizure free since 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2024. His physician states that they are supportive of him receiving an exemption.

Lionnel Hakizimana

Lionnel Hakizimana is a 38-year-old class D license holder in Arizona. He has a history of epilepsy and has been seizure free for over 19 years. He takes an anti-seizure medication with the dosage and frequency remaining the same for over 19 years. His physician states that they are supportive of him receiving an exemption.

Robert Hudson

Robert Hudson is a 22-year-old class D license holder in New Jersey. He has a history of epilepsy and has been seizure free since January 2017. He takes anti-seizure medication with the dosage and frequency remaining the same since January 2018. His physician states that they are supportive of him receiving an exemption.

Eric Klause

Eric Klause is a 40-year-old class E license holder in Florida. He has a history of focal epilepsy and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2024. His physician states that they are supportive of him receiving an exemption.

Taylor Mayer

Taylor Mayer is a 38-year-old class D license holder in Arizona. He has a history of epilepsy and has been seizure free since 2016. He takes anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Zachary McGory

Zachary McGory is a 33-year-old class C license holder in New York. He has a history of epilepsy and has been seizure free since August 2011. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2012. His physician states that they are supportive of him receiving an exemption.

Diana Mugford

Diana Mugford is a 58-year-old class A license holder in Vermont. She has a history of epilepsy and has been seizure free since July 7, 2007. She takes an anti-seizure medication with the dosage and frequency remaining the same since July 7, 2007. Her physician states that they are supportive of her receiving an exemption.

Lawrence Newswanger

Lawrence Newswanger is a 57-year-old regular driver's license holder in Indiana. He has a history of epilepsy and has been seizure free since 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 2022. His physician states that they are supportive of him receiving an exemption.

Serena Ramos

Serena Ramos is a 37-year-old class C license holder in Texas. She has a

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

history of epilepsy and has been seizure free since July 2015. She takes an anti-seizure medication with the dosage and frequency remaining the same since June 2015. Her physician states that they are supportive of her receiving an exemption.

Brian Samec

Brian Samec is a 43-year-old class E license holder in Florida. He has a history of seizure disorder and has been seizure free since January 19, 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 20, 2016. His physician states that they are supportive of him receiving an exemption.

Oren Shkedy

Oren Shkedy is a 24-year-old class C license holder in Texas. He has a history of epilepsy and has been seizure free since August 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Samuel Thomas

Samuel Thomas is a 30-year-old class C license holder in Pennsylvania. He has a history of epilepsy and has been seizure free since September 2012. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2024. His physician states that they are supportive of him receiving an exemption.

Matthew Toy

Matthew Toy is a 44-year-old class C license holder in Maryland. He has a history of seizure disorder and has been seizure free since 2002. He takes an anti-seizure medication with the dosage and frequency remaining the same since September 26, 2024. His physician states that they are supportive of him receiving an exemption.

Anthony Weiss

Anthony Weiss is a 49-year-old class C license holder in Iowa. He has a history of epilepsy and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2008. His physician states that they are supportive of him receiving an exemption.

William Wilson

William Wilson is a 50-year-old class CM license holder in Texas. He has a history of epilepsy and has been seizure free since January 2008. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 5, 2004. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18270 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0035]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on April 21, 2026. The exemptions expire on April 21, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number, (FMCSA–2026–0035) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of

consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, and each individual's medical information and driving record in deciding whether to grant the exemption.

On March 17, 2026, FMCSA published a notice announcing receipt of applications from 14 individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (91 FR 12900). The public comment period ended on April 16, 2026, and three comments were received.

FMCSA evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received three comments on these exemption applications. Two of the comments were from an individual and his wife requesting a status update of his exemption application. One comment indicated that there was an error in Mr. Bryel Johnson's age.

FMCSA considers the comments seeking a status update on an individual's application out of scope, as that individual is not listed in this particular notice. However, an applicant for a seizure exemption can request a status update by emailing *FMCSAseizureexemptions@dot.gov* at any time during the application process. FMCSA also contacted the individual to provide information about his request.

In response to the error regarding Mr. Bryel Johnson's age, FMCSA has corrected its earlier typographical error in this notice.

V. Basis for Exemption Determination

The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a seizure history and each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. A summary of each applicant's seizure history was discussed in the March 17, 2026, **Federal Register** notice (91 FR 12900) and will not be repeated in this notice.[3]

These 14 applicants have been seizure-free over a range of four to 22 years while taking anti-seizure medication and have maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety in the operation of a CMV.

Consequently, FMCSA finds further that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

VI. Terms and Conditions

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, location, and time of any crashes as defined in 49 CFR 390.5T within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citations and convictions; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

[3] FMCSA thoroughly reviewed all the exemption applications granted via this notice. However, due to a typographical error in the **Federal Register** *notice* (91 FR 12900), Bryel Johnson's age was incorrectly listed as ''37-years-old'' and should have been listed as ''47 years-old''.

VIII. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8), subject to the requirements cited above:

Walter Albaugh (MA)
Cadan Asterino (AZ)
Alexander Blakes (MD)
Anthony Fertitta (MA)
Cody Ford (MI)
Cooper Franklin (NC)
Terry Gribbons (KY)
Andrew Horton (WA)
Bryel Johnson (ID)
Stephen Kelley (VA)
Jacob McNally (CT)
Joshua Trainum (PA)
Shawn Tupick (NH)
Velvel Zhivov (NY)

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth above; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18301 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–1552]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Accident Recordkeeping Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. FMCSA requests approval to renew the ICR titled ''Accident Recordkeeping Requirements.'' This ICR relates to Agency requirements that motor carriers maintain a record of accidents involving their commercial motor vehicles (CMVs). Motor carriers are not required to report this data to FMCSA, but must produce it upon inquiry by authorized Federal, State or local officials.

DATES: Comments must be received on or before November 9, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–1552 using any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Bernadette Walker, FMCSA, Driver and Carrier Operations Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 507–0363; *bernadette.walker@dot.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–1552), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-1552/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

Background

Title 49 of the Code of Federal Regulations (CFR), section 390.15(b), requires motor carriers to make certain specified records and information pertaining to CMV accidents available to an authorized representative or special agent of FMCSA upon request or as part of an inquiry. Motor carriers are required to maintain an ''accident register'' consisting of information concerning all ''accidents'' involving their CMVs (§ 390.15(b) (see ''Definition: Accident'' below). The following information must be recorded for each accident: date, location, driver name, number of injuries, number of fatalities, and whether certain dangerous hazardous materials were released. In addition, the motor carrier must maintain copies of all accident reports required by insurers or governmental entities. Motor carriers must maintain this information for 3 years after the date of the accident. Section 390.15 does not require motor carriers to submit any information or records to FMCSA or any other party.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV accidents, FMCSA is strengthening its ability to assess the safety performance of motor carriers. This information is a valuable resource in Agency initiatives to prevent, and reduce the severity of, CMV crashes.

The Agency has modified several of its estimates for this ICR. The estimated

number of annual respondents, responses, burden hours, and annual costs to respondents have increased. Explanations for these changes are summarized below.

The currently approved number of annual respondents is 93,280. This renewal increases the number of annual respondents per year to 115,547. This estimate is based on the average of all interstate and intrastate motor carriers associated with crashes reported in MCMIS for each calendar year from 2023 through 2025.

The currently approved burden is 48,760 burden hours. The Agency increased its estimate to 51,661 burden hours. The adjustment in annual burden hours is due to a updated estimate of the number of reportable accidents from 162,533 to 172,203 per year, using interstate and intrastate DOT-reportable motor carrier crash records in MCMIS for calendar years 2023 through 2025.

The updated version of this ICR includes estimated labor costs associated with maintaining the Accident Register. The current labor cost associated with maintaining the Accident Register is $1,507,169. The Agency increased its estimate to $1,534,344.

Finally, the estimated annual cost associated with accident recordkeeping (outside of labor costs) increased from $93,944 to $99,107. FMCSA assumes that (1) approximately 15 percent of motor carriers are storing their Accident Registers electronically, at no extra cost, and (2) approximately 85 percent of motor carriers are storing hard copy versions of their Accident Registers. FMCSA further assumes that motor carriers that maintain paper records store their Accident Registers at their primary place of business, so that they have easy access to such records during an FMCSA investigation.

Title: Accident Recordkeeping Requirements.

OMB Control Number: 2126–0009.

Type of Request: Renewal of a currently approved ICR.

Respondents: Motor carriers.

Estimated Number of Respondents: 115,547.

Estimated Time per Response: 18 minutes.

Expiration Date: March 31, 2027.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 51,661 (172,203 accidents × 18 minutes per response ÷ 60 minutes per hour).

Definitions: Accident is an occurrence involving a CMV operating on a public road which results in: (1) A fatality, (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or (3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle (§ 390.5T).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized 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 ICR.

Issued under the authority of 49 CFR 1.87.

Nicole S. Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2026–18276 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0026; FMCSA–2025–0009; FMCSA–2026–0044]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 18 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 9, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2024–0026, FMCSA–2025–0009, or FMCSA–2026–0044 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2024–0026, FMCSA–2025–0009, or FMCSA–2026–0044) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2024–0026, FMCSA–2025–0009, or FMCSA–2026–0044), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2024-0026,* FMCSA–2025–0009, or FMCSA–2026–0044. Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your

comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the 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 the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2024–0026, FMCSA–2025–0009, or FMCSA–2026–0044) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 18 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Aric Braune

Aric Braune is a 38-year-old class D license holder in Kentucky. He has a history of epilepsy and has been seizure free since 2014. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that they are supportive of him receiving an exemption.

Gregory Coiner

Gregory Coiner is a 31-year-old class D license holder in Tennessee. He has a history of epilepsy and has been seizure free since 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

Jesus Garcia Perez

Jesus Garcia Perez is a 58-year-old class C license holder in Georgia. He has a history of seizure disorder and has been seizure free since 2006. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2022. His physician states that they are supportive of him receiving an exemption.

Dustin Green

Dustin Green is a 32-year-old class C license holder in Georgia. He has a history of seizure disorder and has been seizure free since February 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Shane Humphrey

Shane Humphrey is a 39-year-old class B commercial driver's license (CDL) holder in Tennessee. He has a history of epilepsy and has been seizure free since 2006. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2005. His physician states that they are supportive of him receiving an exemption.

Mila Johnson

Mila Johnson is a 21-year-old class R license holder in Colorado. She has a history of epilepsy and has been seizure free since 2016. She takes an anti-seizure medication with the dosage and frequency remaining the same since 2020. Her physician states that they are supportive of her receiving an exemption.

Joshua Larson

Joshua Larson is a 39-year-old class D license holder in Wisconsin. He has a history of epilepsy and has been seizure free since August 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Bruce Machtemes

Bruce Machtemes is a 61-year-old class D license holder in Minnesota. He has a history of epilepsy and has been seizure free since February 21, 2010. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2016. His physician states that they are supportive of him receiving an exemption.

Landon Marshall

Landon Marshall is a 40-year-old class A CDL holder in Tennessee. He has a history of epilepsy and has been seizure free since 2002. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2004. His physician states that they are supportive of him receiving an exemption.

Trenton May

Trenton May is a 55-year-old class B license holder in Maryland. He has a history of epilepsy and has been seizure free since 2000. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 17, 2024. His physician states that they are supportive of him receiving an exemption.

Randy McKley

Randy McKley is a 66-year-old class D license holder in Illinois. He has a history of epilepsy and has been seizure free since 2006. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2006. His physician states that they are supportive of him receiving an exemption.

James Nieman

James Nieman is a 62-year-old class C license holder in Texas. He has a history of epilepsy and has been seizure free since 1977. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Ulysses Pena

Ulysses Pena is a 27-year-old class C chauffeur's license holder in Michigan. He has a history of epilepsy and has been seizure free since 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2018. His physician states that they are supportive of him receiving an exemption.

Antonio Reddick

Antonio Reddick is a 38-year-old class A CDL holder in Florida. He has a history of a single provoked seizure and has been seizure free since April 2022. He does not take anti-seizure medication. His physician states that they are supportive of him receiving an exemption.

Erick Steinlage

Erick Steinlage is a 37-year-old class A CDL holder in Iowa. He has a history of generalized seizures and has been seizure free since May 2007. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 26, 2024. His physician states that they are supportive of him receiving an exemption.

Timothy Sullivan

Timothy Sullivan is a 34-year-old class D license holder in New Hampshire. He has a history of epilepsy and has been seizure free since December 28, 2010. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2016. His physician states that they are supportive of him receiving an exemption.

Aidan Traynor

Aidan Traynor is a 54-year-old class ABCDM CDL holder in Wisconsin. He has a history of seizure disorder and has been seizure free since 2004. He takes an anti-seizure medication with the dosage and frequency remaining the same since May 2022. His physician states that they are supportive of him receiving an exemption.

Joseph Virag

Joseph Virag is a 49-year-old class CM license holder in Pennsylvania. He has a history of seizure disorder and has been seizure free since 1998. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2014. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18308 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0215; FMCSA–2021–0026; FMCSA–2023–0039]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 15, 2026. The exemptions expire on March 15, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2014–0215; FMCSA–2021–0026; FMCSA–2023–0039 as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

On March 10, 2026, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (91 FR 11591). The public comment period ended on April 9, 2026, and one late-filed comment was received.

The Agency had evaluated the eligibility and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received one late-filed comment in this proceeding, in docket FMCSA–2014–0215. The commenter did not mention any driver specifically but was generally critical of the exemption process. In response to the commenter's concerns, FMCSA closely evaluates each individual applicant's exemption request based on the individual's driver history, medical history, the medical advisory criteria, and the 2007 MEP recommendations to determine whether granting the exemption would achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption. Based on this individualized analysis, FMCSA

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-*Appendix A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

determined that the drivers included in this notice should be permitted to operate commercial motor vehicles. The commenter has not provided information showing that FMCSA's analysis, with respect to any driver named in this notice, was insufficient or incorrect.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the five applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The five drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the five renewal exemption applications and supporting materials, and one late-filed comment received, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of March 15, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Andrew Anzalone (MA)
Ramon Hinojosa (AZ)
Richard Packer (ID)
Brian Adam Runk (PA)
Keith White (PA)

The drivers were included in docket numbers FMCSA–2014–0215, FMCSA–2021–0026, or FMCSA–2023–0039. Their exemptions were applicable as of March 15, 2026, and will expire on March 15, 2028.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth in the initial renewal notice (*see* 91 FR 11591) and incorporated herein; (2) the exemption has resulted in a lower level of safety than was maintained prior to the exemption being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18307 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0057; FMCSA–2017–0058; FMCSA–2019–0111; FMCSA–2021–0017; FMCSA–2023–0021; FMCSA–2023–0024; FMCSA–2023–0025]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 4, 2026. The exemptions expire on March 4, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New

Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

On March 11, 2026, FMCSA published a notice announcing its decision to renew exemptions for 12 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (91 FR 12040).[1] The public comment period ended on April 10, 2026, and no comments were received.

The Agency evaluated the eligibility of these applicants and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 12 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 12 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent, or greater than, to the level of safety that would be achieved absent such exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 12 renewal exemption applications and supporting materials, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the hearing requirement in 49 CFR 391.41(b)(11).

As of March 4, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Baldemar Barba (TX)
Antonio Brown (LA)
William Darnell (AZ)
Lucius Fowler (IL)
Alexander Lindsay (OH)
Adrian Lopez (TX)
Rage Muse (MN)
Jodyann Nipper (IA)

[1] FMCSA has thoroughly reviewed all applications and issued exemptions that correctly list each exemption holder's name. However, in the **Federal Register** notice (91 FR 12040), it incorrectly states an exemption holder's name and license state as, ''Lakeisha Rosbia (AK).'' Instead it should state, ''Lakeshia Rosbia (AR)'' and the correction is reflected in this notice.

Michael Paul (IL)
William Rivas (CA)
Lakeshia Rosbia (AR)
Robert Troeller (WI)

The drivers were included in docket numbers FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025. Their exemptions were applicable as of March 4, 2026, and will expire on March 4, 2028.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth in the initial renewal notice (*see* 91 FR 12040) and incorporated herein; (2) the exemption has resulted in a lower level of safety than was maintained prior to the exemption being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18310 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0117; FMCSA–2017–0181; FMCSA–2019–0031; FMCSA–2019–0036; FMCSA–2019–0206]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2026. The exemptions expire on February 19, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

On March 2, 2026, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (91 FR 10184). The public comment period ended on April 1, 2026, and no comments were received.

The Agency evaluated the eligibility of these applicants and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with 49 CFR 391.41(b)(8).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the five applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The five drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the five renewal exemption applications and supporting materials, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

As of February 19, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Daniel Bretz (PA)
Gary Gress (PA)
Ryan Moore (NC)
Cory Wagner (IL)
Randy Wentz (PA)

The drivers were included in docket numbers FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0031, FMCSA–2019–0036, or FMCSA–2019–0206. Their exemptions were applicable as of February 19, 2026, and will expire on February 19, 2028.

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption, as set forth in the initial renewal notice (*see* 91 FR 10184) and incorporated herein; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–18312 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2024–0068]

Notice of Petition for Modification of Waiver of Compliance

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

ACTION: Notice.

SUMMARY: This document provides the public notice that Stone Gables Estates, doing business as Harrisburg, Lincoln & Lancaster Railroad (HLLR), petitioned FRA for a modification of existing relief from certain regulations concerning safety glazing and safety appliances on a locomotive.

DATES: FRA must receive comments on the petition by November 9, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the

SUPPLEMENTARY INFORMATION section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Michael Barron, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–1367, email: *michael.barron@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received August 25, 2026, HLLR petitioned FRA for a modification of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained in 49 CFR parts 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses) and 231 (Railroad Safety Appliance Standards). The relevant Docket Number is FRA–2024–0068.

Specifically, HLLR requests a modification to the existing waiver from § 233.9, *Requirements for equipment built or rebuilt after June 30, 1980,* which, in part, requires locomotives with the specified characteristics to be equipped with certified glazing in all locomotive cab windows. Relief was also granted from § 231.15(b), (d), and (g), *Steam locomotives used in road service,* relating to the use of pilot sill-steps, side handholds, and the lack of an automatic coupler, and § 231.17(c) and (f), *Specifications common to all steam locomotives,* relating to handrails and the lack of an automatic coupler.

In its petition, HLLR stated that locomotive HLLR 331 is now being used in passenger service and will operate between 60 and 90 days per year. HLLR stated that the locomotive is maintained ''to FRA standards.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by November 9, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–18383 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–1949]

Notice of Petition for Waiver of Compliance

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

ACTION: Notice.

SUMMARY: This document provides the public notice that Delmarva Central Railroad Company (DCR) petitioned FRA for relief from certain regulations concerning a movable bridge.

DATES: FRA must receive comments on the petition by November 9, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406–657–6642, email: *scott.j.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letters received July 21 and August 10, 2026, DCR petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236 (Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances). FRA assigned the petition Docket Number FRA–2026–1949.

Specifically, DCR seeks temporary relief from the requirements of §§ 236.312, *Movable bridge, interlocking of signal appliances with bridge devices,* and 236.387, *Movable bridge locking,* for the Cassatt Swing Bridge due to the destruction of its signal and bridge control hut in a fire. Consequently, the bridge has lost its ''relay interlocking, bridge control equipment, signal relays, wiring, and associated control circuitry required to provide the automatic interlocking and bridge-locking functions.''

DCR states that the bridge and its mechanical components remain operable. The signal hut and relay interlocking are scheduled to be replaced by spring of 2027. DCR notes that until the work is completed, all train movements will operate under Rule 6.28, not exceeding 5 miles per hour. Further, qualified employees will manually operate the bridge and verify that the bridge is fully closed and locked before rail movements are authorized. In support of its request, DCR included several planned safety measures for the bridge, including that fixed signals governing movements over the bridge will remain as stop indications.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by November 9, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–18386 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–2377]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

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

ACTION: Notice.

SUMMARY: This document provides the public notice that Norfolk Southern Railway Company (NS) petitioned FRA seeking approval to discontinue or modify a signal system.

DATES: FRA must receive comments on the petition by November 9, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406–210–3608, email: *scott.j.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letter dated April 19, 2026, NS petitioned FRA seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2026–2377.

Specifically, NS requests to discontinue legacy cab signal systems and transition the subject territory to a block system implementation enforced by positive train control (PTC). The change would be implemented on 14 line segments and would eliminate redundancy between PTC and cab signaling.

NS states that the discontinuance will maintain and enhance operational safety in the area by ''consolidating movement authority supervision and speed enforcement'' into NS's existing PTC system. This is intended to ''reduc[e] the potential for conflicting indications between parallel systems'' and ''eliminat[e] failure modes associated with coded track-circuit cab signal transmission.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by November 9, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–18384 Filed 9–8–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Preemption Determination No. PD–42(R); Docket No. PHMSA–2025–0777]

Hazardous Materials: Notice of Administrative Determination of Preemption for Common Law Tort Claims Concerning the Transportation of Gasoline

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of administrative determination of preemption.

SUMMARY: The Exxon Mobil Corporation (Exxon) seeks a determination that

Federal law preempts State common law claims brought against it in New Jersey concerning the safe transportation of gasoline in commerce. PHMSA is issuing a final administrative determination concluding that the State common law tort claims presented by Exxon are preempted. Each of these duties, if imposed, would present an obstacle to compliance with the Federal regulatory framework essential for the safe transportation of gasoline. In addition, any claims about covered subjects, such as the marking, loading and unloading, and classification of gasoline that are not substantively the same as the applicable HMR provisions are preempted.

FOR FURTHER INFORMATION CONTACT: Patrick Doyle, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone No. 202–366–4400.

SUPPLEMENTARY INFORMATION:

I. Application

The Exxon Mobil Corporation (''Exxon'') has applied for an administrative determination as to whether the Federal Hazardous Material Transportation Act (HMTA) preempts certain State common law tort claims against it concerning the marking, employee training, loading and unloading, and hazardous material classification for gasoline transported by cargo tank motor vehicle (CTMV).[1] Exxon's application for a preemption determination originated from common law tort claims brought against it in a New Jersey State court by a former driver whose duties included driving a CTMV and filling it with gasoline at an Exxon facility.[2] The tort claims focus on an assertion that the benzene in gasoline causes an unreasonably high risk of cancer for hazardous materials employees who transport it.[3] The New Jersey State court denied the Defendants' motion for summary judgment on June 24, 2025, in which Exxon claimed the State common law tort claims are preempted by Federal law.[4] In its application, Exxon also notes that lawsuits utilizing similar common law theories have already been brought in other States.[5] Accordingly, PHMSA has accepted this application to provide a definitive assessment of the preemptive scope of the HMTA and its implementing regulations as applied to these common law claims.

II. Federal Preemption Standards

The HMTA and its amendments reflect Congress's clear intent to create a uniform Federal regulatory scheme that preempts State and local regulations varying from federally mandated hazardous materials transportation standards. Pursuant to 49 U.S.C. 5125(a), a requirement of a State, political subdivision of a State, or Indian tribe is preempted—unless the non-Federal requirement is authorized by another Federal law or DOT grants a waiver of preemption under section 5125(e)—if (1) complying with the non-Federal requirement and the Federal requirement is not possible; or (2) the non-Federal requirement, as applied and enforced, is an obstacle to accomplishing and carrying out the Federal requirement. These two sentences set forth the ''dual compliance'' and ''obstacle'' criteria that PHMSA's predecessor agency, the Research and Special Programs Administration, applied in issuing inconsistency rulings prior to 1990 under the original preemption provision in the HMTA.[6] The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption.[7]

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same'' as a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Department of Homeland Security. To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Only editorial and other similar *de minimis* changes are permitted.'' [8] The five subject areas include: (1) the designation, description, and classification of hazardous material; (2) the packing, repacking, handling, labeling, marking, and placarding of hazardous material; (3) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents; (4) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident; and (5) the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing of a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

Congress has long held the view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. More than thirty years ago, when it was considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' [9] When Congress expanded the preemption provisions in 1990, it specifically found that ''many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements.'' [10] And ''because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and

[1] The HMTA is codified at 49 U.S.C. 5101 *et seq.*

[2] PHMSA has filed Exxon's application (''the Application'') in the **Federal Register** docket applicable to this notice.

[3] Application at 2–3.

[4] The New Jersey State court opinion is included as Exhibit 1 to the Application, which is located the **Federal Register** docket. The case is captioned *Singh, et. al* v. *Exxon Mobil Corp., et. al,* and is filed in the Superior Court of New Jersey in Middlesex County with Docket No. MID–L–004215–22.

[5] Application at 9–10.

[6] Public Law 93–633 § 112(a), 88 Stat. 2161 (1975).

[7] *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Grower* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield,* 435 U.S. 151 (1978).

[8] 49 CFR 107.202(d). Additional standards apply to preemption of non-Federal requirements on highway routes over which hazardous materials may or may not be transported and fees related to transporting hazardous material. *See* 49 U.S.C. 5125(c) and (f). *See also* 49 CFR 171.1(f), which explains that a ''facility at which functions regulated under the HMR are performed may be subject to applicable laws and regulations of state and local governments and Indian tribes.''

[9] S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974).

[10] Public Law 101–615, 2, 104 Stat. 3244, 3245 (1990).

desirable.'' [11] Therefore, to ''achieve greater uniformity and to promote the public health, welfare, and safety at all levels,'' Congress found that ''Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.'' [12] A United States Court of Appeals has found that uniformity is the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials.[13]

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination as to whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration).[14]

III. Summary of Public Comments

PHMSA published a public notice and invitation to comment in the **Federal Register** on January 9, 2026 (Docket No. PHMSA–2025–0777).[15] PHMSA subsequently published a notice on February 10, 2026, extending the initial comment period to March 10, 2026, and the rebuttal comment period to March 23, 2026.[16] Interested parties were directed to review the application and submit comments via the *regulations.gov* website.

The docket received a total of 32 comments, revealing significantly divided sentiment among stakeholders. The commenters largely coalesced into those in favor of preempting the State common law tort claims, and those opposed. The bullets below summarize the distribution of major commenters:

- In favor of preemption are industry associations such as the American Petroleum Institute, National Association of Manufacturers, U.S. Chamber of Commerce, Western States Petroleum Association, and Energy Marketers of America, alongside the State Attorneys General of Montana, Alaska, Alabama, Arkansas, Florida, Georgia, Iowa, Indiana, Kentucky, Louisiana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, and West Virginia.
- Opposed to preemption are advocacy groups including the American Association for Justice (formerly known as the Association of Trial Lawyers of America) and Earthjustice on behalf of the Truckers' Movement for Justice, as well as the State Attorneys General of Rhode Island, New Jersey, Connecticut, Delaware, Maine, New York, and Nevada.

A. Commenters Supporting Preemption

An alliance of State Attorneys General led by the State of Montana, alongside several industry associations, submitted extensive comments strongly supporting a finding of preemption. These industry and State supporters argued that allowing individual State juries to dictate hazardous materials transportation rules through localized tort claims creates redundant oversight and severely disrupts the safety of the national supply chain. Supporters argued that without strict preemption, energy suppliers would be forced to navigate a fragmented landscape of State requirements governing gasoline markings, employee training, and loading operations. They argued this fragmentation would destroy the safe operational interchangeability of CTMV fleets and effectively cripple the safe interstate transportation of a critical commodity, precisely the scenario Congress intended the HMTA to prevent.[17]

B. Commenters Opposing Preemption

Conversely, an opposing alliance of State Attorneys General, led by States such as New York and New Jersey, along with environmental and labor advocacy groups, argued against preemption. Their primary contention was that States hold sovereign interests in preserving their historic police powers, and that State common law duties are a necessary mechanism to protect worker safety. The State Attorneys General argued these historic police powers are not preempted by the HMTA because in fields that States have traditionally occupied, which they claim includes worker safety, Courts should start with an assumption that these historic powers cannot be preempted absent the ''clear and manifest'' purpose of Congress.[18] Opponents also raised procedural and constitutional arguments, suggesting that a finding of preemption by PHMSA creates a ''separation of powers'' issue by improperly sitting in judgment of the New Jersey State court, and invoked the *Loper Bright* doctrine to suggest agency overreach. Furthermore, the several State Attorneys General attempted to frame the issue broadly as ''toxic tort'' litigation, to include references that presumably attempt to compare the gasoline refining and transportation industries to the tobacco, opioid, and asbestos industries.[19] As part of the ''toxic tort'' argument, the State Attorneys General argue cases such as the one at hand are necessary to ''reveal internal scientific information held by corporations'' and to put ''corporate actors on notice of emerging threats posed by their products and workplaces.'' [20]

IV. Analysis of Ruling Using the Application of Federal Preemption Standards

The State common law tort claims advanced against Exxon seek to impose a slate of new regulatory safety duties governing the marking of CTMVs and shipping papers, the training of hazmat personnel, the design of loading and unloading equipment, and the hazard classification of gasoline. Preemption doctrine under the Supremacy Clause requires Federal law to supersede conflicting State laws, particularly when Congress uses express preemption to manifest clearly its intent to preempt and regulate comprehensively in a field like hazardous materials transportation.

1. Application of Judicial Precedent

A. State Common Law Duties Are ''Requirements'' That Can Be Preempted

The United States Supreme Court has held that statutory preemption provisions apply equally to State

[11] *Id.* (Congress' findings also stated that ''the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner.'').

[12] Public Law 101–615 § 2, 104 Stat. 3244. (In 1994, Congress revised, codified, and enacted the HMTA ''without substantive change,'' at 49 U.S.C. Chapter 51. Pub. L. 103–272, 108 Stat. 745 (July 5, 1994)).

[13] *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

[14] 49 CFR 1.97(b).

[15] 91 FR 1032 (Jan. 9, 2026).

[16] 91 FR 5988 (Feb. 10, 2026).

[17] *See, e.g.,* American Fuel & Petrochemical Manufacturers and the Western States Petroleum Association, Comment, Docket ID PHMSA–2025–0777–0027 at 3 (Mar. 24, 2026) (''We have a strong interest in ensuring that PHMSA maintains clear federal uniform regulations governing hazardous material transportation and prevents the emergence of a patchwork of inconsistent, liability-driven standards. Such inconsistency undermines regulatory predictability, disrupts interstate commerce, and impairs the nationwide uniformity Congress intended when delegating preemption authority to PHMSA.'').

[18] Attorneys General of New York, *et al.,* Comment, Docket ID PHMSA–2025–0777–0025 at 2 (Mar. 23, 2026). The State Attorneys general rely on *Wyeth* v. *Levine,* 555 U.S. 555, 565 (quoting *Medtronic, Inc.* v. *Lohr,* 518 U.S. 470, 485 (1996) and *Rice* v. *Santa Fe Elevator Corp.,* 331 U.S. 218, 230 (1947).

[19] Docket ID PHMSA–2025–0777–0025 at 4 (Mar. 23, 2026).

[20] *Id.*

common law duties as they do to legislative State statutes, allowing State tort claims to be considered as ''requirements'' under the preemption analysis.[21] The threat of substantial tort liability effectively regulates entity behavior much like a direct State mandate, and consequently, courts must often rigorously evaluate these common law claims against preemption doctrines to preserve the primacy of Federal regulatory safety frameworks.

B. Product Marking and Labeling Provisions

The Supreme Court very recently dealt with preemption principles in *Monsanto Company* v. *John L. Durnell,* decided on June 25, 2026.[22] In addition to making it clear that State common laws are requirements that can be preempted by Federal law, the *Monsanto* ruling is also highly informative to the issues presented here because it considered whether a State can add markings to a product label different from or in addition to the safety-focused marking and labeling required by Federal law.[23] In *Monsanto,* the Court addressed whether the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) preempted a State common law failure-to-warn claim brought by a plaintiff alleging that exposure to a glyphosate-based herbicide caused his non-Hodgkin's lymphoma.[24] The plaintiff asserted that the manufacturer should have included a cancer warning on the product's label.[25] The Supreme Court firmly rejected the plaintiff's argument, holding that FIFRA expressly preempts State-law failure-to-warn claims because such claims would compel the manufacturer to add cancer warnings to its labels, thereby imposing a requirement ''in addition to or different from'' those mandated by the Environmental Protection Agency (EPA).[26] The *Monsanto* ruling offers Courts a blueprint for evaluating preemption claims when State-imposed hazard communication rules conflict with established Federal regulatory systems. FIFRA, which was at issue in *Monsanto,* and the Federal Food, Drug, and Cosmetic Act both use the ''in addition to or different from'' language in clauses related to uniformity.[27] PHMSA believes that the ''substantively the same'' test for covered subjects in the HMTA is analogous to that language because Congress was trying to achieve the same result—uniform nationwide regulations on a particular topic.[28]

In *Monsanto,* the Supreme Court emphasized that aside from tort claims, the public already has a direct administrative avenue to address pesticide safety concerns, which is not unlike the process in which PHMSA considers petitions for rulemaking from the public regarding hazardous material marking, labeling, and classification.[29] The Court noted that, if third parties wish to bring new information to the EPA's attention, or if they believe the agency has overlooked relevant data, they are ''free to petition EPA to modify, suspend, or cancel a pesticide's registration.'' [30] This right to petition explicitly includes asking the EPA to require a labeling change if new safety concerns arise.[31] Furthermore, if the EPA refuses to act on such a petition, citizens are not left without recourse; they may seek judicial review of the agency's decision.[32] The Court contrasted this forward-looking administrative process with State tort claims, reasoning that petitioning the EPA is fundamentally different from ''seeking to retroactively penalize a manufacturer for doing what it was legally required to do at the time.'' [33]

C. Judicial Interpretation of the Scope of HMTA Preemption

Federal appellate courts have had numerous occasions to consider how broadly the scope of HMTA preemption should be interpreted. In *Buono* v. *Tyco Fire Products,* the United States Court of Appeals for the Second Circuit evaluated tort claims involving the transportation of hazardous materials.[34] The court broadly interpreted the statutory language, emphasizing that ''[t]he HMTA expressly preempts nonfederal laws 'about' certain subjects related to the transportation of hazardous materials in commerce.'' [35] The Second Circuit decisively concluded that the plaintiff's common-law claims were preempted because they ''would impose duties beyond the HMTA and associated regulations,'' meaning they could not possibly be deemed ''substantively the same.'' [36]

Likewise, the United States Court of Appeals for the Third Circuit delivered an expansive reading of HMTA preemption in *Roth* v. *Norfalco.*[37] Addressing common law claims regarding the design of rail tank cars, the Third Circuit stressed the breadth of the preemption provision: ''It is obvious from the face of the statute that § 5125(b)(1) expressly preempts non-federal requirements that relate to, or are 'about,'' the five subject areas set forth in § 5125(b)(1)(A)–(E).'' [38] The Third Circuit further elaborated that section 5125(b)(1) is a remarkably broad provision that ''preempts all non-federal laws, regulations, orders, or requirements that are 'not substantively the same as' corresponding federal regulations,'' leaving ''little, if any, room for non-federal regulation.'' [39] The Third Circuit aptly noted that, unlike other Federal statutes, there is nothing in the HMTA to indicate that Congress wished to carve out State tort claims, confirming a robust preemption provision that commands national uniformity.[40]

2. Application of Agency Precedent

PHMSA has consistently interpreted and applied the preemption provisions of the HMTA through a robust body of past administrative determinations and rulemaking actions. These precedents establish an enduring agency policy that the HMR must serve as the definitive, exclusive standard for hazardous

[21] *Cipollone* v. *Liggett Grp., Inc.,* 505 U.S. 504, 521 (1992) (''The phrase '[n]o requirement or prohibition' sweeps broadly and suggests no distinction between positive enactments and common law; to the contrary, those words easily encompass obligations that take the form of common-law rules.''); *Riegel* v. *Medtronic, Inc.,* 552 U.S. 312, 324 (2008) (''Absent other indication, reference to a State's 'requirements' includes its common-law duties.'').

[22] *Monsanto Co.* v. *Durnell,* 146 S. Ct. 2001 (2026). The Court stated that ''Failure-to-warn claims, like Durnell's claim here, 'are premised on common-law rules that qualify' as labeling requirements because those 'rules set a standard for a product's labeling.''' *Id.* at 9 (citing *Bates* v. *Dow Agrosciences LLC,* 544 U.S. 431, 446 (2005)).

[23] The *Monsanto* court relied heavily on its prior precedent in *Riegel* v. *Medtronic, Inc.,* 552 U.S. 312 (2008). In *Riegel,* the Court analyzed the express preemption clause of the Medical Device Amendments (MDA), which utilizes language similar to both FIFRA and the HMTA. The Court concluded that the Food and Drug Administration's (FDA) premarket approval of medical devices imposed Federal ''requirements,'' and thus, the FDA's approval preempted State common law claims for negligence and strict liability that were premised on additional or contrary safety requirements.

[24] *Id.* at 1–2.

[25] *Id.*

[26] *Id.*

[27] 7 U.S.C. 136v(b); 21 U.S.C. 360k(a)(1). The Federal Food, Drug, and Cosmetic Act's language is substantively identical to that of FIFRA, but uses the terms in a different order. *See id.* (''different from, or in addition to'').

[28] 49 U.S.C. 5125(b)(1).

[29] *See Id.* at 21; 49 CFR 106.95.

[30] *Monsanto* at 21 (citing 40 CFR 154.10).

[31] *Id.* at 21 n.10.

[32] *Id.* at 21 (citing 7 U.S.C. 136n(a), 136d(h)). Similar to EPA, petitioners may appeal a PHMSA decision to deny a petition for rulemaking pursuant to 49 CFR 106.110(b) and 106.115(b) within 30 days of receiving PHMSA's notice of denial.

[33] *Id.* at 21 n.10.

[34] 78 F.4th 490 (2d Cir. 2023).

[35] *Id.* at 493.

[36] *Id.*

[37] 651 F.3d 367 (3d Cir. 2011).

[38] *Id.* at 375.

[39] *Id.* at 375, 379.

[40] *Id.* at 378–9.

materials transportation safety in commerce. This precedent guides the agency's evaluation of the present matter.

In Preemption Determination 34 (PD–34(R)), stemming from a petition from Amtrol, Inc., PHMSA evaluated State common law tort claims alleging that DOT Specification 39 compressed gas cylinders were defectively designed due to a propensity for rusting, and that the manufacturer failed to mark the cylinders with warnings regarding this potential hazard.[41] PHMSA issued a determination concluding that the HMTA preempts private causes of action seeking to establish State common law requirements applicable to the design, manufacture, or marking of a packaging represented as qualified for use in transporting hazardous materials.[42] PHMSA found that such common law duties were expressly preempted because they concerned covered subjects and would create requirements which are not substantively the same as the stringent requirements in the HMR.[43]

In Preemption Determination 40 (PD–40(R)), regarding the State of Washington's Crude Oil by Rail Volatility Requirements, PHMSA reviewed a State legislative statute that prohibited facilities from loading or unloading crude oil into or from rail tank cars unless the oil exhibited a vapor pressure of less than nine pounds per square inch (psi).[44] PHMSA determined that the Washington State law was preempted under multiple, independent theories. First, the vapor pressure requirement constituted a scheme for classifying a hazardous material that was not substantively the same as the HMR.[45] Second, the restriction on loading and unloading constituted a handling requirement that was not substantively the same as the HMR.[46] Finally, PHMSA determined that the vapor pressure requirement acted as a profound obstacle to accomplishing and carrying out the HMTA because it disrupted the unified Federal scheme and effectively forced rerouting or modal shifts that undermined overall transportation safety.[47]

In Preemption Determination 19 (PD–19(R)), PHMSA determined the HMTA preempted specific marking and recordkeeping requirements promulgated by the New York State Department of Environmental Conservation (NYSDEC) for gasoline transport vehicles.[48] Specifically, PHMSA preempted State regulations requiring transport vehicles to display a distinct ''NYS DEC'' marking to indicate successful vapor-tightness testing, maintain a copy of the most recent pressure-vacuum test results directly on the vehicle, and retain pressure-vacuum test and repair records for a designated period.[49] PHMSA reasoned that these State-level mandates were preempted because they failed the statutory ''substantively the same'' test for covered subjects; because ultimately, the NYSDEC provisions imposed distinct duties that were not substantively the same as the HMR.[50]

The structural boundaries of PHMSA's exclusive authority were most comprehensively mapped in the HM–223 Rulemaking (*Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage*). Through the Final Rule [51] and the subsequent Response to Appeals,[52] PHMSA codified the precise scope of ''pre-transportation'' and ''transportation'' functions subject to Federal preemption. In this rulemaking, PHMSA underscored its exclusive institutional competence, explicitly noting that ''the Secretary of Transportation, through the DOT operating administrations, has developed a special expertise that makes the Department uniquely qualified to play the primary Federal regulatory role in the protection of workers who operate motor vehicles, trains, aircraft, and vessels used to transport hazardous materials.'' [53]

In the HM–223 Final Rule, PHMSA clarified that ''[t] he HMR are not minimum requirements that other jurisdictions may exceed if local conditions warrant; rather, the HMR are national standards and must be uniformly applied across jurisdictional lines.'' [54] Therefore, the preemption provisions clearly and effectively preclude State, local, and Tribal governments from regulating pre-transportation and transportation functions in a manner that differs from the Federal requirements, to include by failing the ''substantively the same'' test or by acting as an obstacle to HMR compliance.

Crucially, HM–223 made clear that ''all loading, unloading, and storage functions performed by a carrier in the course of transporting a hazardous material in commerce would be subject to the HMR.'' [55] PHMSA also established that the loading and unloading of bulk packagings—such as CTMVs transferring gasoline—are inherently regulated Federal transportation functions. The rule defined ''loading incidental to movement'' for a bulk packaging as ''the filling of the packaging with a hazardous material by carrier personnel or in the presence of carrier personnel for the purpose of transporting it.'' [56] Although PHMSA acknowledged that the Occupational Safety and Health Administration (OSHA) shares concurrent jurisdiction regarding general facility worker-safety aspects, PHMSA maintains its authority over the safety of the transportation function itself.[57] The two agencies both regulate the safe loading and unloading of hazardous materials, but with different areas of focus, *e.g.,* workplace safety versus transportation safety. PHMSA is focused on the risks inherent to the transportation of hazardous materials in commerce.[58] PHMSA regulates how those risks are classified, contained, and communicated (*e.g.,* how a material is determined to be hazardous, how its packaging must be filled and closed, and what markings, labels, and accompanying hazard communication are required).[59] As articulated in the rulemaking, a primary goal was eliminating uncertainty for the regulated public to facilitate compliance and enhance hazardous materials safety across the Nation.[60]

3. Topic-by-Topic Analysis

A detailed, topic-by-topic analysis establishes that these claims each act as obstacles to the execution of Federal safety law, and, with the exception of the training claims, also constitute direct regulation of covered subjects that fail the ''substantively the same'' test.[61] The application of Supreme Court and agency precedent, along with demonstrated congressional intent,

[41] 77 FR 39567 (Jul. 3, 2012).
[42] 77 FR at 39570.
[43] *Id.*
[44] 85 FR 29511 (May 15, 2020).
[45] 85 FR at 29528.
[46] *Id.*
[47] 85 FR at 29527, 29528.
[48] 74 FR 4291 (Jan. 23, 2009).
[49] *Id.* at 4296.
[50] *Id.*
[51] 68 FR 61906 (Oct. 30, 2003).
[52] 70 FR 20018 (Apr. 15, 2005).
[53] 68 FR at 61927.
[54] *Id.* at 61923.
[55] *Id.* at 61914.
[56] *Id.* at 61910.
[57] *Id.* at 61926–28.
[58] 49 U.S.C. 5101.
[59] 49 CFR 171.1.
[60] *Id.* at 61935.
[61] Employee training claims are evaluated and preempted under the Obstacle Test, as training is not *per se* one of the five enumerated covered subjects, though it is pervasively regulated under the HMR.

make clear that each of the claims at issue are preempted.[62]

A. Container Marking and Shipping Papers

The State tort claims seek to impose a localized State-level legal duty upon Exxon to mark gasoline containers, CTMVs, and associated shipping papers with warnings regarding the product's benzene content and associated cancer risks.

This proposed common law duty is expressly preempted. The HMR already provides an exhaustive, globally harmonized, and highly standardized hazard communication system codified in 49 CFR part 172. This system dictates precisely what warnings, placards, labels, and shipping descriptions must accompany a shipment of a Class 3 flammable liquid like gasoline. A State common law duty mandating the addition of a benzene-specific cancer warning creates a supplementary marking requirement that is not ''substantively the same'' as the HMR. Therefore, it is preempted under the ''substantively the same'' test for covered subjects (49 U.S.C. 5125(b)(1)(B) and (C)), which expressly preempts non-Federal requirements concerning the marking of hazardous material and the preparation and content of shipping documents.

Furthermore, this requirement independently fails the obstacle test. The primary purpose of a uniform national hazard communication standard is to provide immediate, universally recognized indicators to first responders in the event of an emergency. Imposing varied, State-by-State warning requirements dilutes the safety efficacy of these immediate hazard indicators, creating confusion at the scene of an incident. If responders are forced to parse through supplementary State-mandated cancer warnings while attempting to mitigate a flammable liquid spill, the delay directly poses an obstacle to complying with the Federal standardized scheme, thereby jeopardizing safety.

Regarding hazard communication, Earthjustice, representing the Truckers Movement for Justice, argues that the claims made by Mr. Singh in New Jersey State court are outside the regulatory scope of the HMTA and HMR. The State Attorneys General, led by New York and other commenters, make similar arguments.[63] PHMSA disagrees.[64] To the extent Mr. Singh's claims involve hazard communications regulated by PHMSA, such as container marking and the requirements for shipping papers, these are clearly covered subjects and State common law cannot impose requirements that are not substantially the same. In making this assertion, Earthjustice appears to conflate the requirements for safety data sheets and shipping papers, only the latter of which are part of PHMSA's system of hazard communications. Furthermore, any attempt to add additional warnings to PHMSA's standardized hazard communications would present obstacles to the Federal system and are therefore still independently preempted.

B. Hazardous Materials Employee Training

The tort claimants allege that Exxon breached a State common law duty by failing to train and specifically warn a hazmat employee about the long-term cancer dangers resulting from benzene exposure during transportation operations.

This proposed duty is preempted because it creates an obstacle to compliance with 49 CFR part 172, subpart H, which establishes standardized Federal training requirements designed to ensure the safety and competency of all hazmat employees nationwide.[65] Specific State-imposed duties may frustrate compliance with the requirements in the HMR. For instance, the HMR is written in a manner that centers on requirements for a ''hazmat employer'' to train its ''hazmat employees.''[66] The facts presented in the Exxon petition at issue would require a hazmat employer to provide training to a driver who works for a third party and is therefore not one of its hazmat employees. GPA Midstream points out in its comment that such a duty would present an obstacle to compliance with the HMR because it would frustrate and effectively undermine these well-established definitions and training requirements.[67] GPA Midstream argues this duty would lead to a complicated patchwork of training requirements for offerors and carriers to navigate, particularly when those entities transport across State lines.[68]

In addition, these training requirements already contain a requirement that employees receive training concerning ''. . . measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure. . . .''[69] Subjecting national carriers to overlapping, State-by-State regulatory regimes that conflict with the these requirements would burden the unified Federal safety culture intended by Congress and poses a direct obstacle to implementing the HMR efficiently and safely across the gasoline supply chain.[70]

Several commenters oppose PHMSA finding that State common law claims regarding hazardous materials employee training are preempted.[71] Obelisk Tech Systems accurately points out that the HMR only prescribes ''minimum training requirements'' and that for motor vehicle drivers ''a State may impose more stringent training requirements.'' Nonetheless, the same provision makes clear the States may only do so if those requirements ''do not conflict with the training requirements in this subpart and in part 177 of this subchapter [Carriage by Public Highway]'' and ''apply only to drivers domiciled in that State.''[72] Also, PHMSA notes that, while hazardous material employee training is not one of the covered subjects in 49 U.S.C. 5125, State common law duties regarding training would still be preempted to the extent such requirements present obstacles to compliance with the Federal requirements in subpart H. PHMSA agrees that gasoline transportation by CTMV often requires frequent crossing of State lines, meaning that a State could jeopardize the Federal system of safe transportation by creating a patchwork of training requirements that can vary from driver to driver, and

[62] When applying *Monsanto* and *Riegel,* just as the EPA and FDA determine the adequacy of hazard warnings and device safety, PHMSA exclusively determines the adequacy of hazard communication, classification, and handling protocols for hazardous materials. *See also Cipollone,* 505 at 521 (recognizing that State common law damages actions can impose ''requirements or prohibitions'' that are preempted by Federal statute).

[63] *See. e.g.,* American Association for Justice (formerly the Association of Trial Lawyers of America), Comment, Docket ID PHMSA–2025–0777–0014 at 8 (Feb. 10, 2026).

[64] Earthjustice, Comment, Docket ID PHMSA–2025–0777–0013 (Feb. 9, 2026).

[65] *See* Preemption Determination No. PD–7(R), 60 FR 10419 (Feb. 24, 1995) (PHMSA's predecessor agency found that certain certification requirements that Maryland attempted to impose on drivers loading or unloading oil were preempted as training requirements).

[66] 49 CFR 171.8; 49 CFR 172.702(a) (''A hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.'').

[67] GPA Midstream, Comment, Docket ID PHMSA–2025–0777–0034 at 7 (Apr. 21, 2026).

[68] *Id.*

[69] 49 CFR 172.704(a)(3)(ii).

[70] *See also*

[71] *See, e.g.,* Obelisk Tech Systems, Inc., Comment, Docket ID PHMSA–2025–0777–0020 (Mar. 10, 2026).

[72] 49 CFR 172.701.

between various offerors and carriers.[73] Therefore, PHMSA finds that a State common law imposed training requirement that is an obstacle to, or otherwise conflicts with, the Federal requirements in the HMR must be preempted.

C. Loading and Unloading Equipment Design

The State tort claims are premised on a design defect theory, alleging that the loading arms utilized at Exxon bulk facilities to transfer gasoline into CTMVs are defectively designed because they fail to capture trace benzene vapors effectively during the transfer process.

This claim is expressly preempted under both the ''substantively the same'' test for covered subjects and the obstacle test. As defined comprehensively in the HM–223 rulemaking, the loading and unloading of bulk packagings by or in the presence of carrier personnel are regulated transportation functions (''loading incidental to movement''). The HMR already contains highly detailed specifications governing the design, construction, qualification, and operational tolerances of cargo tanks and their associated appurtenances, piping, and valving.[74]

Several commenters oppose preemption because they argue certain tasks or locations are outside the scope of the HMTA. For example, Earthjustice argues that certain locations are ''outside the Act's reach—including the gates where Mr. Singh entered the terminal, the office where Mr. Singh picked up shipping papers, the permanent storage tanks where Exxon stored its petroleum fuels, and the loading rack where Mr. Singh picked up those fuels.'' [75] This is incorrect. The reach of the HMTA, and in turn the HMR, extends to fourteen listed pre-transportation functions, regardless of whether an item at issue, such as a loading arm, is actually moveable. A State court judgment finding a federally compliant loading or unloading connection ''defective'' under State common law imposes a new localized safety requirement. This constitutes a requirement concerning the designing, manufacturing, and fabricating of a packaging component (49 U.S.C. 5125(b)(1)(E)) that is not substantively the same as the HMR provisions for covered subjects and would therefore be preempted. Moreover, forcing operators to retrofit loading equipment to satisfy disparate State jury verdicts presents a substantial obstacle to the safe, uniform transportation of gasoline in interstate commerce.

D. Hazardous Material Classification

Finally, Exxon states the tort claimants' demands would require that gasoline producers redesign their product—specifically removing all trace benzene—to render the product ''safe'' under State tort standards.

The Federal hazard classification system lies at the very heart of the HMR and any attempts to undermine it are expressly preempted.[76] Under the HMR, and in alignment with international standards, gasoline is classified as a Class 3 flammable liquid. In the event any State common law duty would require Exxon to change the classification of gasoline in a way that is different from the classification required by the HMR, such a mandate would frustrate Federal authority. This State common law duty could result in an improper re-classification scheme that is not substantively the same as current HMR classification requirements, which would directly violate 49 U.S.C. 5125(b)(1)(A). Furthermore, allowing State judiciaries to require deviation from the HMR's classification scheme would fail the obstacle test entirely.

Exxon asserts that a State common law duty demanding physical product redesign is effectively a backdoor attempt to force a manufacturer to treat a standard Class 3 flammable liquid as a Class 6.1 poisonous material. As noted earlier in the discussion of the *Monsanto* case, any member of the public, to include the tort claimants at issue here, are able to petition PHMSA to make changes to the HMR.[77] The claimants could bring such a petition to seek the reclassification of gasoline, or to make any other of the changes they seek to obtain via tort litigation. PHMSA receives petitions on a routine basis and already has a proven process to consider such petitions in a manner that ensures the HMR responds to public concerns while maintaining the highest levels of hazardous materials transportation safety.[78]

Several comments, such as those provided by the several State Attorneys General led by New York, cite to the benzene content in gasoline and attempt to reframe this proceeding as generalized ''toxic tort'' litigation. Similarly, the commenters in opposition to preemption claim there is a general presumption against preemption regarding historic State police powers.[79] The Supreme Court has unequivocally settled this issue: ''when a federal law contains an express preemption clause, we focus on the plain wording of the clause, which necessarily contains the best evidence of Congress' preemptive intent.'' [80] The HMTA contains a robust, express preemption clause, neutralizing any generalized presumption in favor of State sovereignty in this highly regulated arena.[81] In addition, the State Attorneys General led by New York cite to certain historic police powers that are actually fields that have been long occupied by the Federal government. The Federal government has long been charged with maintaining systems to move hazardous materials in commerce safely.[82] The State Attorneys General led by New York also argue these historic police powers include the power to prevent air and water pollution, which have also been long

[73] *See. e.g.,* Energy Marketers of America, Comment, Docket ID PHMSA–2025–0777–0009 at 3 (''EMA members operate in an industry where fuel shipments routinely cross multiple state lines, often traveling through numerous jurisdictions in a single delivery route. Uniform HMR standards for marking, *training,* loading, and classification are critical to ensuring safety, regulatory compliance, and operational efficiency (*emphasis added*).''

[74] 49 CFR 178.320.

[75] *See, e.g.,* Earthjustice, Comment, Docket ID PHMSA–2025–0777–0013 at 6 (Feb. 9, 2026); *see also* Locks Law Firm, Comment, Docket ID PHMSA–2025–0777–0015 at 10 (Feb. 9, 2026).

[76] Contrary to several commenters' assertions, there is no ''separation of powers'' issue present in this proceeding. *See, e.g.,* Attorneys General of New York, *et al.,* Comment, Docket ID PHMSA–2025–0777–0025 (Mar. 23, 2026). PHMSA does not purport to act as an appellate court sitting in judgment of a State court's interlocutory decision. However, PHMSA is statutorily authorized under 49 U.S.C. 5125(d)(1) to issue expert determinations on the preemptive scope of the HMTA and its own regulations, providing necessary guidance and the agency's interpretation of congressional intent. Similarly, invocations of the *Loper Bright* doctrine are misplaced and outside the scope of this administrative determination, as this proceeding involves the straightforward application of an express statutory preemption clause, not deference to agency interpretation of ambiguous statutory text.

[77] 49 CFR 106.95.

[78] *See, e.g.,* 85 FR 75680 (Nov. 25, 2020) (Rulemaking in which PHMSA responded to 24 petitions for rulemaking submitted by the regulated community between February 2015 and March 2018).

[79] Attorneys General of New York, *et al.,* at 2–3.

[80] *Chamber of Com. of U.S.* v. *Whiting,* 563 U.S. 582, 594 (2011) (quoting *CSX Transp., Inc.* v. *Easterwood,* 507 U.S. 658, 664, (1993)); see also *Puerto Rico* v. *Franklin Cal. Tax-Free Tr.,* 579 U.S. 115, 125 (2016) (stating that the Court does not invoke any presumption against pre-emption when a statute contains an express-preemption clause).

[81] In addition, GPA Midstream notes that neither New Jersey nor any of the opposing States have requested an HMTA waiver in this matter, and therefore argues that PHMSA should reject any federalism concerns until a State attempts to use this mechanism. GPA Midstream, Comment, Docket ID PHMSA–2025–0777–0034) at 3 (Apr. 22, 2026).

[82] *Cf.* Transportation of Explosives Act, Public Law 60–174, 35 Stat. 554 (1908) (establishing a comprehensive Federal framework for regulating the transportation of explosives in interstate and foreign commerce).

occupied by the Federal government and its regulators.[83]

V. Ruling

For the reasons set forth herein, PHMSA determines that the HMTA and HMR wholly preempt State common law tort claims that are about the marking, employee training, loading and unloading, and hazardous material classification for gasoline transported in commerce by cargo tank motor vehicle.

PHMSA reaffirms that 49 U.S.C. 5125(a) and (b) contain independent bases for preemption. The State common law duties at issue would each impose an obstacle to the comprehensive Federal regulatory scheme and threaten the safety of the entire national gasoline transportation chain, and separately, certain claims are also preempted because they present ''non Federal requirements'' that are not ''substantively the same'' as the Federal requirements.

Consequently, the HMR provides the exclusive regulatory framework for the subjects addressed in this determination, barring the imposition of frustrating, contradictory, or duplicative State-specific common law duties.

VI. Petitions for Reconsideration/ Judicial Review

In accordance with 49 CFR 107.211, any person aggrieved by this administrative determination may formally file a petition for reconsideration. The petition for reconsideration must be filed within 20 days of the publication of this determination in the **Federal Register**.

Any person who is adversely affected or aggrieved by this administrative determination may seek judicial review under 49 U.S.C. 5127(a) in an appropriate United States Court of Appeals within 60 days after publication of this determination in the **Federal Register**. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5127(a).

Issued in Washington, DC, on September 4, 2026.

Keith J. Coyle,

Chief Counsel.

[FR Doc. 2026–18382 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–60–P

[83] *See, e.g.,* Rivers and Harbors Appropriation Act of 1899, ch. 425, § 13, 30 Stat. 1121, 1152 (1899) (Commonly referred to as the ''Refuse Act,'' Section 13 is one of the oldest environmental statutes in American law and prohibits the discharge of any refuse matter into navigable waters of the United States or their tributaries).

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2024–0164]

Gexcon U.S., Inc.'s Petition for EFFECTS Version 12.2.0 as an Alternative Model for Calculating the Vapor-Gas Dispersion Exclusion Zone

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice and a draft letter of decision to solicit public comment on a petition for approval that would authorize the use of an alternate flammable vapor-gas dispersion model in connection with the siting of liquefied natural gas (LNG) facilities.

DATES: Submit any comments regarding the petition by October 9, 2026.

ADDRESSES: Comments should reference the docket number for the petition request and may be submitted in one of the following ways:

- *E-Gov Web: www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** Notice issued by any agency. Follow the online instructions for submitting comments.
- *Mail:* Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.
- *Instructions:* You should identify the docket number for the petition request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *www.regulations.gov.*
- *Note:* There is a privacy statement published; to review the statement, go to *www.regulations.gov,* scroll down to the bottom left to click ''Privacy & Security Notice.'' Comments, including any personal information provided, are posted without changes or edits to *www.regulations.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 (5 U.S. Code 552), CBI is exempt from public disclosure. If your comments in response to this notice contain commercial or financial information that is customarily treated as private, which you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Mr. Lee Cooper, 1200 New Jersey Avenue SE, DOT: PHMSA–PHP–80, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.
- *Privacy Act:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edits, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*
- *Docket:* For access to the docket to read background documents or comments received, go to *www.regulations.gov.* Follow the online instructions for accessing the dockets. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by phone at 202–913–3171 or by email at *lee.cooper@dot.gov.*

Technical: Mr. Thach Nguyen by phone at 909–262–4464 or by email at *thach.d.nguyen@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA is evaluating a petition from Gexcon U.S., Inc. (Gexcon) requesting approval, pursuant to 49 CFR 190.9, authorizing use of its EFFECTS v12.2.0 (EFFECTS v12.2) software as an alternate model for calculating, pursuant to 49 CFR 193.2059, the flammable vapor-gas dispersion exclusion zones for 49 CFR part 193-regulated LNG facilities.

PHMSA's safety standards for the siting of LNG facilities are found in subpart B of 49 CFR part 193. Section 193.2059 requires that each LNG container and LNG transfer system must have a flammable vapor-gas dispersion exclusion zone, defined as the area surrounding an LNG facility in which an operator or government agency legally controls all activities. The exclusion zone is intended to protect the public from the flammable vapor gas and direct exposure to the flame in the event of a release or ignition, respectively. In accordance with 49 CFR 193.2059(a), an LNG operator must calculate vapor-gas dispersion exclusion zones using either the DEGADIS 2.1 Dense Gas Dispersion model or FEM3A model. Section 193.2059 also states that the Administrator (or his delegate) may, pursuant to the procedures set forth in 49 CFR 190.9, approve the use of alternative vapor-gas dispersion models that take into account the same physical factors as those considered in the development of the DEGADIS 2.1 and FEM3A models, and which have been validated by experimental test data.

On December 11, 2023, Gexcon petitioned PHMSA for approval of its EFFECTS v12.2 software as an alternate model for calculating the LNG flammable vapor-gas dispersion exclusion zones. The petition and draft letter of decision for EFFECTS v12.2 are available for review and public comment in Docket No. PHMSA–2024–0164.

Before issuing a final decision on Gexcon's petition, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expenses or delay. PHMSA will consider each relevant comment we receive in making our final decision to grant or deny this request.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Thomas Correll,

Associate Administrator for Pipeline Safety.

[FR Doc. 2026–18346 Filed 9–8–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Solution Styrene Butadiene Rubber; m=5,474.21, n=504.08, a=3.30

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that solution styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$-$(C_{25}H_{44}OS_2)_a$; m=5,474.21, n=504.08, a=3.30), also known as ''sSBR,'' be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before November 9, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate public docket number IRS–2026–1030 or Solution Styrene Butadiene Rubber; m=5,474.21, n=504.08, a=3.30) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Solution Styrene Butadiene Rubber; m=5,474.21, n=504.08, a=3.30), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that sSBR be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of sSBR to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Solution styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$-$(C_{25}H_{44}OS_2)_a$; m=5,474.21, n=504.08, a=3.30).

The substance is also known as sSBR.

(2) *Petitioner:* Zeon Chemicals L.P. is an importer and exporter of sSBR.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 4002.19.0016.

(ii) *Schedule B number:* 4002.19.1600.

(iii) *CAS number:* 9003–55–8.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* November 21, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* April 1, 2023.

(5) *Description from petition:* sSBR is a general-purpose synthetic rubber derived from butadiene and styrene. sSBR is used in the production of tires, and other rubber parts like gaskets and conveyor belts. sSBR is made from butadiene, benzene, ethylene, propylene, methane, and sodium hydroxide. Taxable chemicals constitute 99.11 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing sSBR is through the termination-free, anionic solution polymerization of butadiene and styrene initiated by alkyl lithium compounds in a hydrocarbon solvent, usually hexane or cyclohexane. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene. Phenol, 2-methyl-4,6-bis[(octylthio)methyl] is produced by reacting o-cresol, 1-octanethiol, and formaldehyde. o-Cresol is produced from the methylation of phenol using methanol. Methanol is made from syngas. Hydrogen is produced from steam-methane reforming. 1-Octanethiol

is produced by from halogen substituted octane and sodium hydrosulfide. Halogen substituted octane is produced by reacting octane and a halogen (*e.g.,* iodine). Sodium hydrosulfide is produced by the reaction of sodium hydroxide with hydrogen sulfide. Formaldehyde is produced by the catalytic oxidation of methanol.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:* m C_4H_6 (butadiene) + n [C_6H_6 (benzene) + C_2H_4 (ethylene)] + a [C_6H_6 (benzene) + C_3H_6 (propylene) + ³⁄₂ CH_4 (methane) + 2 NaOH (sodium hydroxide) + 2 O_2 (oxygen) + 3 CO (syngas) + 2 C_8H_{18} (octane) + 2 I_2 (iodine) + 2 H_2S (hydrogen sulfide)] → $(C_4H_6)_m$-$(C_8H_8)_n$-$(C_{25}H_{44}OS_2)_a$ (sSBR) + n H_2 + a C_3H_6O (acetone) + ³⁄₂a CO_2 + 4a H_2O + 2a HI + 2a NaI.

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $9.75 per ton.

(ii) *Conversion factors:* 0.85 for butadiene, 0.11 for benzene, 0.04 for ethylene, 0.0004 for propylene, 0.0002 for methane, and 0.0008 for sodium hydroxide.

(9) *Public docket number:* IRS–2026–1030.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–18267 Filed 9–8–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Butadiene-acrylonitrile-methyl Methacrylate-styrene Copolymer; w=124.79, x=424.05, y=129.62, z=72.41

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that butadiene-acrylonitrile-methyl methacrylate-styrene copolymer ($(C_4H_6)_w(C_3H_3N)_x(C_8H_8)_y(C_5H_8O_2)_z$; w=124.79, x=424.05, y=129.62, z=72.41), also known as ''Modified SAN Latex,'' be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before November 9, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate public docket number IRS–2026–1026 or Butadiene-acrylonitrile-methyl Methacrylate-styrene Copolymer; w=124.79, x=424.05, y=129.62, z=72.41) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Butadiene-acrylonitrile-methyl Methacrylate-styrene Copolymer; w=124.79, x=424.05, y=129.62, z=72.41), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that Modified SAN Latex be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of Modified SAN Latex to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Butadiene-acrylonitrile-methyl methacrylate-styrene copolymer ($(C_4H_6)_w(C_3H_3N)_x(C_8H_8)_y(C_5H_8O_2)_z$; w=124.79, x=424.05, y=129.62, z=72.41).

The substance is also known as Modified SAN Latex.

(2) *Petitioner:* Zeon Chemicals L.P. is an importer and exporter of Modified SAN Latex.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 4002.11.000.

(ii) *Schedule B number:* 4002.11.000.

(iii) *CAS number:* 9010–94–0, 7732–18–5.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* November 18, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* April 1, 2025.

(5) *Description from petition:* Modified SAN Latex is latex (water emulsion) used as a binder in lithium-ion battery manufacture. Modified SAN Latex is made from butadiene, propylene, ammonia, benzene, ethylene, methane, and sulfuric acid. Taxable chemicals constitute 72.98 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing Modified SAN Latex is by emulsion polymerization of butadiene, acrylonitrile, styrene, and methyl methacrylate monomers in the presence of an emulsifier and a free-radical initiator. Acrylonitrile monomer is produced by the SOHIO process (*i.e.,* catalytic ammoxidation of propylene). Styrene monomer is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene. Methyl methacrylate monomer is produced by is produced from acetone, hydrogen cyanide, sulfuric acid, and methanol. Acetone is produced from benzene and propylene. Hydrogen cyanide is produced from methane and ammonia. Methanol is produced from syngas and hydrogen is produced from steam-reforming methane.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:* w C_4H_6 (butadiene) + (x+z) C_3H_6 (propylene) + (x+z) NH_3 (ammonia) + (y+z) C_6H_6 (benzene) + y C_2H_4 (ethylene) + ³⁄₂z CH_4 (methane) + z H_2SO_4 (sulfuric acid) + (³⁄₂x+⁵⁄₂z) O_2 (oxygen) + z CO (carbon

monoxide) → $(C_4H_6)_w(C_3H_3N)_x(C_8H_8)_y(C_5H_8O_2)_z$ (Modified SAN Latex) + (3x+2z) H_2O (water) + y H_2 (hydrogen) + z C_6H_5OH (phenol) + ½z CO_2 (carbon dioxide) + z NH_4HSO_4 (ammonium hydrogen sulfate).

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $10.33 per ton.

(ii) *Conversion factors:* 0.13 for butadiene, 0.42 for propylene, 0.17 for ammonia, and 0.32 for benzene, 0.07 for ethylene, 0.03 for methane, and 0.14 for sulfuric acid.

(9) *Public docket number:* IRS–2026–1026.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–18264 Filed 9–8–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Vinyl Acetate-dibutyl Maleate Copolymer in a Styrene Solution; x=6.17, y=1, s=10.94

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that vinyl acetate-dibutyl maleate copolymer in a styrene solution ($(C_4H_6O_2)_x$-$(C_{12}H_{20}O_4)_y$-$(C_8H_8)_s$; x=6.17, y=1, s=10.94) be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before November 9, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate public docket number IRS–2026–1024 or Vinyl Acetate-dibutyl Maleate Copolymer in a Styrene Solution; x=6.17, y=1, s=10.94) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Vinyl Acetate-dibutyl Maleate Copolymer in a Styrene Solution; x=6.17, y=1, s=10.94), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that vinyl acetate-dibutyl maleate copolymer in a styrene solution ($(C_4H_6O_2)_x$-$(C_{12}H_{20}O_4)_y$-$(C_8H_8)_s$; x=6.17, y=1, s=10.94) be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of vinyl acetate-dibutyl maleate copolymer in a styrene solution ($(C_4H_6O_2)_x$-$(C_{12}H_{20}O_4)_y$-$(C_8H_8)_s$; x=6.17, y=1, s=10.94) to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Vinyl acetate-dibutyl maleate copolymer in a styrene solution ($(C_4H_6O_2)_x$-$(C_{12}H_{20}O_4)_y$-$(C_8H_8)_s$; x=6.17, y=1, s=10.94).

(2) *Petitioner:* AOC Resins and Coatings, Inc. and AOC, LLC are importers of vinyl acetate-dibutyl maleate copolymer in a styrene solution.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 3905.29.0000.

(ii) *Schedule B number:* 3905.29.0000.

(iii) *CAS number:* 25035–90–9; 100–42–5.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* November 18, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* January 1, 2023.

(5) *Description from petition:* Vinyl acetate-dibutyl maleate copolymer in a styrene solution is a thermoplastic low-profile additive that expands and thus counteracts the shrinking of the polyester resin as it gels and cures ensuring a smooth surface of the molded part. Vinyl acetate-dibutyl maleate copolymer in a styrene solution is made from ethylene, methane, benzene, propylene, and butane. Taxable chemicals constitute 71.57 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing vinyl acetate-dibutyl maleate copolymer in a styrene solution is by dissolving 40% Synthomer ADS H356 in 60% styrene. Synthomer ADS H356 is produced through the free-radical polymerization of vinyl acetate and dibutyl maleate monomers.

Vinyl acetate monomer is produced by the reaction of ethylene and acetic acid with oxygen in the presence of a palladium catalyst. Acetic acid is produced through the carbonylation of methanol. Methanol is made from syngas and hydrogen, which is made from steam-methane reforming.

Dibutyl maleate monomer is produced by the reaction of maleic acid anhydride and 1-butanol in presence of p-toluenesulfonic acid. Maleic acid anhydride is produced by is produced by vapor-phase oxidation of butane. Butanol is produced by the hydroformylation of propylene to butanal, which is then reduced with hydrogen.

Styrene is produced by the dehydrogenation of ethylbenzene using superheated steam over an iron(III) oxide catalyst. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:* (x+s) C_2H_4 (ethylene) + (½x+y) CH_4 (methane) + y C_4H_{10} (butane) + 2y C_3H_6 (propylene) + s C_6H_6 (benzene) + (2x+2y) CO (carbon monoxide) + (½x+7/2y) O_2 (oxygen) → $(C_4H_6O_2)_x$-$(C_{12}H_{20}O_4)_y$-$(C_8H_8)_s$ (vinyl acetate-dibutyl maleate copolymer in a styrene solution, *l*) + 3y H_20 (water) + (½x+y) CO_2 (carbon dioxide) + s H_2 (hydrogen).

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $7.71 per ton.

(ii) *Conversion factors:* 0.25 for ethylene, 0.03 for methane, 0.45 for benzene, 0.04 for propylene, and 0.03 for butane.

(9) *Public docket number:* IRS–2026–1024.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–18265 Filed 9–8–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Acrylonitrile-butadiene Rubber; x=3,344.33, y=1,335.09, a=2.98

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that acrylonitrile-butadiene rubber ($(C_4H_6)_x$-$(C_3H_3N)_y$-$(C_{25}H_{44}OS_2)_a$; x=3,344.33, y=1,335.09, a=2.98), also known as ''NBR,'' be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before November 9, 2026.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate public docket number IRS–2026–1029 or acrylonitrile-butadiene rubber; x=3,344.33, y=1,335.09, a=2.98) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for acrylonitrile-butadiene rubber; x=3,344.33, y=1,335.09, a=2.98), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacob W. Peeples at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that NBR be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of NBR to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Acrylonitrile-butadiene rubber ($(C_4H_6)_x$-$(C_3H_3N)_y$-$(C_{25}H_{44}OS_2)_a$; x=3,344.33, y=1,335.09, a=2.98).

The substance is also known as NBR.

(2) *Petitioner:* Zeon Chemicals L.P. is an importer and exporter of NBR.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 4002.59.0000.

(ii) *Schedule B number:* 4002.59.0000.

(iii) *CAS number:* 9003–18–3, 8.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* November 21, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* April 1, 2023.

(5) *Description from petition:* NBR is an oil-resistant synthetic rubber produced from a copolymer of acrylonitrile and butadiene. Its main applications are in fuel hoses, gaskets, rollers, and other products in which oil resistance is required. NBR is made from butadiene, propylene, ammonia, benzene, methane, and sodium hydroxide. Taxable chemicals constitute 79.51 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of producing NBR is through emulsion polymerization of butadiene and acrylonitrile. Emulsion polymerization involves application of emulsifier to emulsify hydrophobic polymers through aqueous phase by amphipathic emulsifier, then generation of free radicals with either a water or oil soluble initiators. It is characterized by reduction of bimolecular termination of free radicals due to segregation of free radicals among the discrete monomer-swollen polymer particles.

The latex particles size ranged from 10 nm to 1,000 nm in a diameter and are generally spherical. A typical of particle consist of 1–10,000 macromolecules, where macromolecule contains about 100–106 monomer units. The polymer latex is coagulated, pressed, and dried to remove moisture. Acrylonitrile monomer is produced by the SOHIO process (*i.e.,* catalytic ammoxidation of propylene). Phenol, 2-methyl-4,6-bis[(octylthio)methyl] is produced by reacting o-cresol, 1-octanethiol, and formaldehyde. o-Cresol is produced from the methylation of phenol using methanol. Phenol is produced via the Hock process (*i.e.,* the partial oxidation of cumene via the Hock rearrangement). Cumene is produced via the Friedel-Crafts alkylation of benzene with propylene. Methanol is made from syngas. Hydrogen is produced from steam-methane reforming. 1-Octanethiol is produced by from halogen substituted octane and sodium hydrosulfide. Halogen substituted octane is produced by reacting octane and a halogen (*e.g.,* iodine). Sodium hydrosulfide is produced by the reaction of sodium hydroxide with hydrogen sulfide. Formaldehyde is produced by the catalytic oxidation of methanol.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:* x C_4H_6 (butadiene) + y [C_3H_6 (propylene) + NH_3 (ammonia) + ³⁄₂ O_2] + a [C_6H_6 (benzene) + C_3H_6 (propylene) + ³⁄₂ CH_4 (methane) + 2 NaOH (sodium hydroxide) + 2 O_2 (oxygen) + 3 CO (syngas) + 2 C_8H_{18} (octane) + 2 I_2 (iodine) + 2 H_2S (hydrogen sulfide)] → $(C_4H_6)_x$-$(C_3H_3N)_y$-$(C_{25}H_{44}OS_2)_a$ (NBR) + a C_3H_6O (acetone) + ³⁄₂a CO_2 + (3y+4a) H_2O + 2a HI + 2a NaI.

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $9.54 per ton.

(ii) *Conversion factors:* 0.71 for butadiene, 0.22 for propylene, 0.09 for

ammonia, 0.0009 for benzene, 0.0003 for methane, and 0.0009 for sodium hydroxide.

(9) *Public docket number:* IRS–2026–1029.

Michael H. Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2026–18268 Filed 9–8–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: VA All Employee Survey (AES)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), 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 a 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 9, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-specific information: Rebecca Mimnall, 202–695–9434, *vhacopra@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, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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: VA All Employee Survey (AES), 10–200.

OMB Control Number: 2900–NEW. 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: New collection.

Abstract: Legal authority for this data collection is found under 5 CFR part 250, subpart C, stating that executive agencies must conduct an annual employee survey to assess leadership, management practices, and employee satisfaction. This section authorizes the collection of data, the goal of which is to improve agency efforts toward the mission to provide health care services and benefits to Veterans. The regulation is mandated by Public Law 108–136, Section 1128, which addresses Other Federal Government Civilian Personnel Matters and Employee Surveys.

The All Employee Survey (AES) is an annual, voluntary, census survey of the VA workforce. Data will be used to support a range of VA efforts from action planning to serving as a feedback tool from employees to leadership. The aggregate data from ten required questions in the ''AES Core Items'' section of the survey will be reported by VA to OPM as part of their Federal Employee Viewpoint Survey (FEVS). OPM has directed that all Federal agencies will report the compiled results of these ten questions for the FEVS. Additional assessments targeted at specific VA employee groups are included in the AES to measure concepts such as patient safety, nursing practice environment, high reliability systems, and other areas of importance to the agency. AES responses are both confidential and anonymous. VA employees are given a workgroup code that is not specific to any person. Workgroup-level scores are only reported if at least five people respond to ensure that no responses can be attributed to individual employees.

Affected Public: Federal Government.

Estimated Annual Burden: 176,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Responses: 352,000.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information and Technology/Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18348 Filed 9–8–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0747]

Agency Information Collection Activity Under OMB Review: Application for Disability Compensation Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by October 9, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain*, select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0747.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: Application for Disability Compensation Benefits (VA Form 21–526EZ).

OMB Control Number: 2900–0747. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–526EZ is used to collect the information needed to process a claim for disability

compensation and/or related compensation benefits. The form has evolved over time into a standard claim form to be used for any benefit associated with disability compensation; to include new or initial claims and claims for increase. Without this information, determination of entitlement would not be possible.

VBA is currently undertaking an initiative to streamline and simplify VA Form 21–526EZ, aiming to reduce the length and complexity of the form by the end of Calendar Year 2026. The primary objectives are to enhance the experience for Veterans, lessen the administrative burden and time required to submit a claim for benefits, and accommodate preferences for submitting forms either through *VA.gov* or via paper, while preserving accessibility.

Burden has decreased due to the shortening of the length of the form from 15 to 5 pages, further reducing the respondent burden from 25 minutes to 15 minutes and through a decrease in the number of receivables averaged over the past year.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at insert citation date: 90 FR 37497, June 23, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 499,398 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,997,592 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information and Technology/Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18396 Filed 9–4–26; 4:15 pm]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0004]

Agency Information Collection Activity Under OMB Review: Application for D.I.C., Survivors Pension, and/or Accrued Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by October 9, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0004.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: 21P–534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits.

OMB Control Number: 2900–0004. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P–534EZ is primarily used for the Fully Developed Claims (FDC) program for pension claims, DIC, and accrued claims. This information is used to process a claim for Dependency and Indemnity Compensation (DIC), Survivors Pension, and/or Accrued Benefits by a surviving spouse or child. Without this information, determining entitlement would not be possible.

VBA is undertaking an initiative to streamline and simplify VA Form 21P–534EZ, aiming to reduce the form's length and complexity by the end of Calendar Year 2026. The primary objectives are to enhance the experience for Claimants, reduce the administrative burden and time required to submit a claim for benefits, and accommodate preferences for submitting forms either through *VA.gov* or on paper, while preserving accessibility.

The burden has decreased since the previous approval due to shortening of the length of the form from 20 pages to 7 pages, further reducing the respondent burden from 40 minutes to 25 minutes.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 38478, June 25, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 45,833 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: example: One time.

Estimated Number of Respondents: 110,000 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information and Technology/Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18392 Filed 9–4–26; 4:15 pm]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 173 September 9, 2026

Part II

Federal Communications Commission

47 Parts 0, 1, and 64

Improving the Effectiveness of the Robocall Mitigation Database; Call Authentication Trust Anchor; Advanced Methods To Target and Eliminate Unlawful Robocalls; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 64

[WC Docket Nos. 24–213 and 17–97; CG Docket No. 17–59; FCC 26–49; FR ID 364473]

Improving the Effectiveness of the Robocall Mitigation Database; Call Authentication Trust Anchor; Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes steps to strengthen the reliability, integrity, and effectiveness of the Robocall Mitigation Database (RMD or Database) as a core component of its illegal-call prevention framework. The Commission proposed measures aim to ensure that RMD filings are accurate, complete, and current, and to safeguard the Database so that only legitimate, transparent, and accountable providers may enter or remain listed. Specifically, the Commission proposes and seeks comment on measures to clarify which entities are required to file in the RMD, enhance the accuracy and completeness of submitted information, and specify which portions of filings may be publicly disclosed. Additionally, the Commission proposes and seeks comment on new tools to prevent bad actors and noncompliant providers from accessing or remaining in the RMD, including strengthened screening procedures for new filers, improved mechanisms for identifying noncompliant providers, expedited removal processes, and safeguards to prevent unauthorized re-entry into the Database.

DATES: Comments are due on or before October 9, 2026 and reply comments are due on or before November 9, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing Systems (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger deliver, by commercial courier, or by the U.S. Postal Service. *All filings must be addressed to the Secretary, Federal Communications Commission.*
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *Accessible formats:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Chris Laughlin, Deputy Division Chief, Competition Policy Division, Wireline Competition Bureau, at (202) 418–2193 or *Chris.Laughlin@fcc.gov.* For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, email *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*FNPRM*) in WC Docket Nos. 24–213 and 17–97; CG Docket No. 17–59, document FCC 26–49, adopted on July 22, 2026 and released on July 23, 2026. The full text of this document is available online at: *https://docs.fcc.gov/public/attachments/FCC-26-49A1.pdf.*

Paperwork Reduction Act Analysis: This *FNPRM* may contain proposed new or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13, see 44 U.S.C. 3501 through 3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings.*

Ex Parte Rules: The proceeding this *FNPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

I. Discussion

To improve the effectiveness of the Robocall Mitigation Database (RMD or

Database) in promoting transparency and accountability for voice service providers' practices to mitigate illegal calls, we propose rules designed to strengthen providers' filing obligations and deter bad actors and non-compliant providers from entering or remaining in the Database. We use the term ''voice service provider'' and ''provider,'' interchangeably and consistent with our proposed definition in the *Know Your Upstream Provider (KYUP) FNPRM,* 91 FR 42602 (July 9, 2026), to refer to all initiating, originating, intermediate, and terminating providers, including facilities-based providers and non-facilities-based providers (inclusive of interconnected Voice over internet Protocol (VoIP) resellers and Mobile Virtual Network Operators (MVNOs)). We intend for these rules to apply to all new and existing filings submitted in the RMD. We use the term ''filing'' to refer to the full RMD submission, even though the current rules often use ''certification'' for this purpose, as we propose to amend the rules herein to use the term ''filing.'' As the starting place for our proposed rule changes, we use the streamlined rules we proposed in the *KYUP FNPRM.* As a technical matter, the rules proposed in Appendix A, *infra,* are drafted with reference to the rules that are currently in effect and not those proposed in the *KYUP FNPRM.* However, since some of our proposed rules here rely on the proposed changes in that *FNPRM,* we incorporate those proposals by reference and have drafted our proposed rules in Appendix A accordingly. In advancing these proposals, we aim to ensure consistency across all our existing and proposed rules, which operate together to target illegal calls and promote accountability throughout the call path, including our caller ID authentication rules, traceback requirements, Know Your Customer (KYC) and KYUP obligations, and call blocking rules. We invite commenters to evaluate our proposals in the context of this comprehensive framework.

A. Strengthen Filing Obligations

We propose and seek comment on measures to strengthen providers' obligations with respect to filing in the RMD, including proposed rules regarding which entities must file, what information they must submit, and how that information is submitted and viewable by the public.

1. Which Entities Must File

In this section, we propose and seek comment on measures to codify and clarify providers' robocall mitigation filing obligations, including confirming the scope of entities that are voice service providers, the indirect applicability of these rules to foreign voice service providers, filing obligations of related entities, and the use of third parties to file in the RMD.

Confirming which entities are voice service providers. We seek comment on whether we should further explain what constitutes the provision of ''voice service'' and what it means to be a ''voice service provider'' to ensure that all entities that provide voice service are aware of their obligations to comply with RMD requirements and other obligations to combat illegal calls. Despite our recent proposals in the *KYUP FNPRM* to clarify the meaning of those terms through definitions in § 64.6300 of the Commission's rules—which govern the Commission's RMD requirements in § 64.6305 and the Commission's caller ID authentication rules—we remain concerned that some entities that are voice service providers, and therefore must comply with the Commission's rules to combat illegal calls, would still not view themselves as such. In revisiting this issue, we emphasize that we do not intend to alter the scope of entities that are voice service providers, but rather to clarify which entities are voice service providers today. We also proposed, in the *KYUP FNPRM* to harmonize our interpretation of ''voice service,'' as used for our RMD and caller ID authentication rules, with our interpretation of ''voice service,'' as used for our other rules for combatting illegal robocalls, and in revisiting this issue, we do not intend to separate those interpretations again, but rather to clarify the meaning of ''voice service,'' as it applies to all of our rules targeting illegal calls. The Commission has been clear that Congress intended the meaning of ''voice service'' to be broad, and we believe that for purposes of the Commission's rules targeting illegal calls, the meaning applies to entities regardless of the classification of their service, the technological solutions or facilities used to provide their service, the commercial name for the service they provide, or whether they hold any particular Commission authorization, license, or certification, so long as the service meets the definition of ''voice service,'' as we proposed to clarify and codify that definition in the *KYUP FNPRM.*

We believe our view is supported by a statutory interpretation of the definition of ''voice service'' in the TRACED Act, which the Commission has codified in § 64.6300 of our rules. The TRACED Act defines ''voice service'' as:

> [A]ny service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 [(the Act)], as amended; and [i]ncludes—transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine; and [w]ithout limitation, any service that enables real-time, two-way voice communications, including any service that requires internet protocol-compatible customer premises equipment and permits out-bound calling, whether or not the service is one-way or two-way voice over internet protocol.

We note, as an initial matter, that we expressed our view in the *KYUP FNPRM* that this definition ''appl[ies] to the furnishing of voice communications to an end user directly or indirectly,'' consistent with our prior interpretation of the nearly identical definition of ''voice service'' in the RAY BAUM'S Act. Thus, an entity need not provide service directly to end users to be a voice service provider.

We also believe that the definitions of key terms in the ''voice service'' definition support a broad reading. ''Service,'' in a commercial context, refers to ''business activity that involves doing things for customers rather than producing goods,'' so the term can apply to any type of commercial entity that is providing a service. ''Interconnected'' refers to ''different parts or things connected or related to each other'' and does not imply that the service uses any particular type of facilities or technological solutions. Likewise, ''furnish'' means ''to supply or provide something needed'' and is not limited to any type of facilities or technological solution. The term ''enables'' is also broad, meaning ''to make someone able to do something, or to make something possible,'' such that any type of facility or technological solution could enable a voice service. None of these definitions, nor the broader definition of ''voice service'' itself refer to any specific type of provider, require a specific service classification, or require any specific FCC authorization, license, or certification. When these definitions are taken together, we believe the broad meaning of ''voice service'' is sufficiently captured by our proposed definition of ''voice service provider'' in the *KYUP FNPRM* as ''any entity that provides voice service for a given call,'' which covers ''all initiating, originating, intermediate, and terminating providers, including facilities-based providers and non-facilities-based providers, which

includes VoIP resellers and MVNOs.'' We seek comment on that view.

Beyond the definitional interpretations, we also believe that the requirement regarding the use of North American Numbering Plan (NANP) resources is broad. It does not specify that the service obtained the NANP resources directly or indirectly, or even that the service controls the NANP resources at all, so long as the service makes use of such resources. Accordingly, we believe that if an entity provides a customer with the ability to make use of NANP resources, regardless of the facilities or technological solution used to do so, then it would qualify as a voice service if it satisfies the other parts of the definition.

In light of this analysis, we believe that in addition to traditional wireline, wireless, and VoIP services, ''voice service,'' for the purposes of our rules targeting illegal calls, includes PBXs, dialing platforms, cloud service providers, over-the-top service providers, call centers, value-added-service providers, and telephone number service providers (TNSP) to the extent the services ''furnish[ ] voice communications to an end user using resources from the North American Numbering Plan,'' including if they ''enable[ ] real-time, two-way voice communications . . . whether or not the service is one-way or two-way [VoIP].'' Additionally, to the extent an entity believes it is providing an information service, that does not mean its service is not also a voice service, as the provision or classification of a service is not determinative as to whether the entity is providing voice service for the purpose of the Commission's rules targeting illegal calls. We seek comment on our analysis and these beliefs. Does any confusion remain as to when an entity is a voice service provider? Do all of the services listed furnish voice communications that is interconnected with the PSTN (either directly or through an interconnected provider) to an end user (directly or indirectly) using NANP numbering resources, or are they capable of doing so, such that they can qualify as voice services for the purposes of our rules targeting illegal calls? Should we list which services qualify as voice services? To the extent any entities that are part of the voice ecosystem still do not believe they are voice service providers, what is the nature of their services, and is there an independent policy and legal basis for subjecting such entities to the RMD rules and/or other rules to combat illegal calls? We also seek comment on whether we should revise the definition of ''end user'' proposed in the *KYUP FNPRM* to further clarify when an entity is furnishing voice communications rather than acting as the end user.

Foreign voice service providers. We seek comment on whether further clarification is necessary with respect to when a foreign voice service provider may choose to file in the RMD and how the filing requirements apply to such providers. Under our current rules, domestic voice service providers must only accept calls that use NANP resources pertaining to the United States in the caller ID field from foreign voice service providers whose filings appear in the RMD and have not been removed. In the *KYUP FNPRM* we proposed to revise the definitions of ''foreign voice service provider'' and ''gateway provider'' to, in part, address our concern that bad actor foreign providers may be establishing nominal offices, operations, or facilities in the United States (such as a hosted server or shared address) to falsely appear as a provider with bona fide independent business operations in the United States, and thereby avoid scrutiny of the provider and their calls. For instance, we believe bad actor foreign providers are trying to avoid scrutiny by the Commission, downstream providers, and other entities in the robocall mitigation ecosystem that may arise when the providers are located in a country that is known for generating a disproportionate number of illegal calls. We also believe bad actor foreign providers are attempting to avoid their calls being viewed as foreign originated, which would invite less scrutiny when the call uses a U.S. NANP number and could allow the call to receive a different STIR/SHAKEN attestation. We believe the proposed revised definitions make clear when a provider is a foreign voice service provider versus any kind of domestic provider for the purposes of the RMD filing requirements, but we seek comment on this view. Should we expand upon these or other proposed definitions to provide additional clarity regarding which entities are foreign voice service providers for purposes of the RMD rules, and if so, how? Although foreign voice service providers' RMD filings are subject to the same requirements, removal processes, and criteria as domestic providers, they are not required to implement STIR/SHAKEN. We therefore seek comment on whether we should revise or clarify how foreign providers indicate their STIR/SHAKEN implementation status in the RMD, particularly given efforts to develop Cross Border Call Authentication (CBCA). If so, how? Below, we seek comment on whether we should establish additional RMD filing requirements to ensure that providers accurately identify when they are a foreign voice service provider.

Filing obligations of related entities. We propose to codify the existing requirement that parents, affiliates, and subsidiaries that independently meet the definition of a ''voice service provider'' must each file a separate filing in the RMD. We believe that codifying this requirement is necessary to increase accountability and prevent filers from obfuscating their relationships with other entities in the RMD, including bad actors and providers that have been removed from the RMD pursuant to a Commission enforcement action. We seek comment on this proposal and assessment. We also seek comment on potential additional or alternative requirements to differentiate entities for purposes of determining their independent RMD filing obligations. For instance, are there specific identifiers that are a necessary or sufficient indicator of an independent filing obligation, such as Operating Company Numbers (OCN), FCC Registration Numbers (FRN), Form 499–A Filer IDs, or Service Provider Code (SPC) token authorizations? An FRN ''is a 10-digit unique identifying number that is assigned to entities doing business with the Commission'' that is obtained through the Commission Registration System (CORES). CORES is the system the FCC uses to facilitate the assignment of FRNs to all persons and entities seeking to do business with the Commission. To register for an FRN through CORES, a filer must provide ''an entity's name, entity type, contact name and title, address, valid email address, and taxpayer identifying number (TIN).'' Currently, each RMD filing may only be associated with a single business-type FRN, and providers must identify any other FRNs on the RMD submission form. The RMD submission form is automatically populated with a filer's FRN and other identifying information obtained from CORES. The Commission requires telecommunications carriers and certain other providers of telecommunications (including VoIP service providers) to submit a Form 499 and report annual service revenues on the FCC Form 499–A. Additionally, we seek comment on how this proposal aligns or departs from providers' practices today, including with respect to obtaining SPC tokens. We note that 6,689 RMD filings indicate full or partial implementation of STIR/SHAKEN, but that only 2,143 providers appear on the Governance Authority's list of authorized providers.

We use the term ''Governance Authority'' to include the Policy Administrator and Certification Authorities, unless otherwise specified, even though each entity may perform specific functions. Are providers filing independently in the RMD but sharing SPC tokens? If so, is that practice permissible under the Governance Authority policies and does it cause confusion for downstream providers accepting calls from these providers or otherwise hinder efforts to combat illegal calls?

Third-party RMD submissions. We seek comment on measures to ensure transparency and accountability when providers rely on a third party to submit RMD filings on their behalf. Under our current rules, RMD filings must be signed by an officer in conformity with § 1.16 of the Commission's rules with a declaration, under penalty of perjury, that the information included in the filing is true and correct. At the same time, we are aware that some providers may rely on third parties, who may not be officers of the provider, to complete their RMD filing obligations. We seek comment on the prevalence of this practice and on the nature of these third-party arrangements. Is it more common among small providers or certain other types of providers? Are third parties who are not officers of the provider making the required declaration or are they completing the information in the filing but leaving the declaration to an officer? What is the relationship between the third parties and the providers—are the third parties acting as consultants, agents, counsel, or in some other capacity? What are the third parties' qualifications and the extent of their knowledge of providers' practices? Should we explicitly permit or prohibit the use of such third parties? Would permitting their use further remove a provider from its responsibility to abide by RMD requirements? If we permit their use, should we place any requirements or restrictions on their use? For instance, should we only permit providers to use third parties to input information in the filing but maintain the requirement that an officer of the provider make the declaration? What adjustments, if any, would we need to make in the RMD system to permit this? Should we require that providers ensure their third party provides their contact information on the RMD submission form, including their name, primary address, email address, and phone number, and if the third party is registered to do business with the Commission, the third party's FRN? Should we require that third parties be agents of the provider and modify the declaration requirement to permit that it be completed by an officer or agent of the company? Would such a change result in more filings that do not accurately reflect the information and practices of the provider or allow providers to avoid liability for the failures of the third party? Since the obligation to properly fulfill RMD filing requirements remains with providers, will that deter them from using bad actor third parties, or should we create another mechanism to prohibit providers from using bad actor third parties that we identify? Even though the RMD filing obligations remain with providers, should we grant a safe harbor to providers who have used third parties unless and until we adopt any rules concerning their use and those rules go into effect?

2. What Information Must Be Submitted

In this section, we propose and seek comment on a number of measures to codify or improve the accuracy and completeness of information that providers must submit in the RMD. Under current rules, providers must submit information that fits into five categories that we propose to codify: (1) certifications; (2) robocall mitigation information; (3) business identifying information; (4) provider type and service information; and (5) a robocall mitigation plan. Certifications are required for each role the provider plays in the call path and include certifications: that all calls it originates, carries, or processes on its network are subject to a robocall mitigation program that complies with Commission rules; that any prior filing has not been removed by Commission action and it has not been prohibited from filing in the RMD; and that identify whether it has fully, partially, or not implemented the STIR/SHAKEN caller ID authentication framework on the IP portions of its network. A provider's robocall mitigation program must include reasonable steps to avoid originating, carrying, or processing illegal robocall traffic and a commitment to respond within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocallers that use its service to originate, carry, or process calls. Additionally, providers must include a statement of their commitment to respond to traceback requests and cooperate with investigating and stopping illegal robocalls in their RMD filings. Robocall mitigation information includes information regarding any recent enforcement actions concerning illegal robocalls or a non-compliant RMD filing. Additionally, if the provider certifies to partial or no STIR/SHAKEN implementation, it must identify an applicable extension or exemption and provide a detailed explanation of why the claimed extension or exemption applies to the filer. We use the term ''exemption'' generally to refer to both exemptions and extensions from implementing STIR/SHAKEN. Business identifying information includes: business name and business address; any other business name(s) currently in use by the provider; all business names previously used by the provider; the name title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues; and information regarding principals, affiliates, subsidiaries, and parent companies. Provider type and service information includes: the provider's role(s) in the call path; whether the provider is a foreign voice service provider; and the provider's OCN, if it has one. The robocall mitigation plan must describe the specific reasonable steps the provider has taken to avoid originating, carrying, or processing illegal robocalls as part of its robocall mitigation program based on the role(s) it serves in the call chain, including: (1) a description of the affirmative, effective measures it is taking to prevent new and renewing customers from originating illegal robocalls, including a description of how it complies with its obligation to know its customers (if it is an originating provider); (2) a description of the procedures it uses to know its upstream providers; and (3) a description of any call analytic system(s) that it utilizes, including those operated by a third-party vendor. Except as discussed below, we do not intend to further modify providers' obligations under these categories, as we believe the streamlined rules, as proposed in the *KYUP FNPRM* if adopted, are sufficiently clear and precise, but we seek comment on this view.

a. Certifications

We propose and seek comment on certification and related requirements that are used to hold providers accountable, including for STIR/SHAKEN attestation, lack of candor, compliance with illegal call rules, and traceback commitments and cooperation with investigations.

STIR/SHAKEN attestation certification. We propose to require that all voice service providers that serve

end users directly certify compliance with any attestation rules adopted in response to the *KYUP FNPRM.* The *KYUP FNPRM* proposed STIR/SHAKEN attestation-level requirements and prohibitions. It also proposed to require all voice service providers that serve end users directly to make attestation-level decisions for their end users' Session Initiation Protocol (SIP) calls, Functionally, the latter proposal would only create a new attestation obligation for non-facilities-based providers, since facilities-based providers should already make attestation decisions when they serve end users directly to fulfill their STIR/SHAKEN implementation obligation. Although the proposed streamlined rules in the *KYUP FNPRM* include a provision that would require all voice service providers that serve end users directly to certify in the RMD that they are compliant with the proposed attestation requirements, we did not formally propose the certification requirement in the body of the *KYUP FNPRM* and so we do so here. We believe the proposed attestation certification is important, as it represents an acknowledgement of the new role that non-facilities-based providers would play in the STIR/SHAKEN ecosystem if the *KYUP FNPRM* proposal is adopted, and it would provide a strong basis for accountability for both facilities-based providers and non-facilities-based providers. We seek comment on this proposal and our analysis.

Lack of candor certification. We propose that providers must certify that they have not submitted false, misleading, or inaccurate information to the Commission, any agent or other third party designated by the Commission or acting on behalf of the Commission pursuant to Commission rules or direction, or the Governance Authority. The Enforcement Bureau recently issued a Show Cause Order to Mexico IP Phone, LLC on why it should not be removed from the RMD related to its submission of false information to the NANPA. Although there is a valid basis for removal under existing rules, we believe this proposal will provide a more direct basis for actions like these. We believe that such agents or designated entities include, at a minimum, the industry traceback consortium and the North American Numbering Plan Administrator (NANPA), as both of these entities, as well as the Governance Authority, serve important roles in the robocall mitigation ecosystem. We seek comment on this proposal. Should we include any other entities?

Certification of compliance with illegal call rules. We propose to require that providers certify that they are in compliance with all applicable Commission rules pertaining to robocalls and other illegal calls, including all those in Subparts L, P, and HH of Part 64 and those in Part 52. We believe that these certification obligations would give the Commission a clear and direct basis to remove providers from the RMD for submitting invalid certifications when they violate any Commission rule related to illegal calls and numbering administration. We seek comment on this proposal. Should we require providers to certify their compliance with other applicable Commission rules? Below, we seek comment on the causes for removing providers from the RMD.

Traceback commitments and cooperation with investigations. We propose to simplify providers' commitments related to responding to traceback requests and cooperation with investigating and stopping illegal calls to make it more administrable. Under our existing rules, providers are required to: (1) include in their robocall mitigation programs a ''*commitment* to respond within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocallers that use its service'' to originate, carry, or process calls; and (2) include in their RMD filing a *statement* of that commitment. We propose to simplify these requirements and strengthen the cooperation obligation by establishing one requirement that providers certify on the RMD submission form that they commit to respond within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium and another requirement that they certify to cooperate with the Commission, law enforcement, and the industry traceback consortium in investigating and stopping their network or services from being used to transmit illegal calls. We seek comment on this proposal.

We also seek comment on whether we should require providers to participate in the automated traceback response process established by the currently designated industry traceback consortium—the Industry Traceback Group (ITG)—in order to be listed in the RMD. Our understanding is that the ITG uses different methods to perform tracebacks, one of which involves using a secure platform to automate provider responses and incident reporting. As we understand it, this automated process expedites tracebacks and thereby enables the ITG to identify the source of suspected illegal calls more quickly. Given that bad actors are able to generate a significant number of illegal calls in a short timeframe, which can result in substantial harm to consumers, we believe it is important that tracebacks be completed quickly so that illegal calls can be stopped as soon as possible. We seek comment on the feasibility and costs of requiring all providers to participate in the automated traceback response process as a condition of being listed in the RMD, as well as any other benefits or drawbacks of such a requirement, including resource constraints for the ITG. As an alternative, should we simply require that providers participate in the automated traceback response process directly, rather than requiring them to participate in the process as a condition of being listed in the RMD?

b. Robocall Mitigation Information

We propose and seek comment on measures to enhance robocall mitigation information requirements, including strengthening the obligations for providers claiming STIR/SHAKEN implementation exemptions, adopting a temporary exemption for providers in the process of obtaining an SPC token, clarifying requirements related to prior enforcement actions or investigations, and requiring providers to submit additional information regarding their use of third parties.

Strengthening the requirement for claiming STIR/SHAKEN implementation exemptions. We propose to strengthen the requirement that providers identify and explain the basis for claiming a STIR/SHAKEN implementation exemption, building upon the streamlined rules proposed in the *KYUP FNPRM.* When a provider files in the RMD, it must provide a certification regarding its STIR/SHAKEN implementation status. If a voice service provider certifies to less than full STIR/SHAKEN implementation, it must identify the exemption it is claiming and the basis for the exemption.

Currently, providers may be exempt from implementing STIR/SHAKEN pursuant to four implementation exemptions. First, because STIR/SHAKEN only works on IP-based voice networks, the TRACED Act grants an ongoing implementation extension for providers' non-IP networks. Second, pursuant to the TRACED Act, the Commission granted and has maintained an ongoing undue hardship extension for providers that cannot obtain the SPC token required to

implement STIR/SHAKEN due to the Governance Authority's policy requirements, which the Commission proposed to repeal in the *KYUP FNPRM.* Third, the Commission adopted another ongoing undue hardship extension in 2023 for small voice service providers that originate calls via satellite using U.S. NANP numbers, which the Commission sought comment on repealing in the *KYUP FNPRM.* Fourth, providers that lack control over the network infrastructure necessary to implement STIR/SHAKEN are exempt from implementing STIR/SHAKEN, which the Commission proposed to codify and rename as the ''non-facilities-based provider exemption'' in the *KYUP FNPRM.*

For providers to fulfill the obligation to identify any exemptions they are claiming and explain the basis for the exemption, the Commission has stated that they ''must both explicitly state the rule that exempts it from compliance and explain in detail why that exemption applies.'' However, Commission staff have observed, based on a preliminary review, that some RMD filings fail to identify a valid exemption and/or fail to adequately explain why an exemption applies. For example, some providers assert that an exemption applies because they are small providers or do not have access to numbering resources, neither of which are valid bases for claiming an exemption. The categorical STIR/SHAKEN implementation exemption for non-facilities-based and facilities-based small voice service providers expired on June 30, 2022, and June 30, 2023, respectively. While a prior version of the Governance Authority's token access policy required providers to ''[h]ave direct access to telephone numbers from the [NANPA] . . . and National Pooling Administrator,'' the Governance Authority updated its policy and removed this requirement in November 2020. Other providers simply state that they do not have an SPC token or that their downstream providers perform the STIR/SHAKEN authentication on their behalf, which also do not qualify as valid bases for claiming an exemption.

To help address these issues, and given our proposal in the *KYUP FNPRM* to codify all valid exemptions, we now propose to strengthen the requirements for claiming an exemption. First, we propose to codify the requirement that a provider claiming an exemption cite the specific rule for the exemption. We could change the format of the RMD submission form in several ways to enable providers to submit this information, including by implementing a new field on the form or by adding a drop-down list of currently valid exemptions. Second, we propose to codify the requirement that a provider ''explain in detail why [an] exemption applies,'' and expand it to require that the provider include the facts specific to its network and services that are relevant to the scope of the exemption(s) and any steps it has taken to confirm that it cannot implement STIR/SHAKEN, or indicate that it is a foreign voice service provider not subject to STIR/SHAKEN implementation. We seek comment on this proposal and on what specific information providers should be required to supply to ensure they demonstrate that an exemption applies.

Temporary exemption for providers in the process of obtaining an SPC token. We propose to adopt a new temporary exemption for providers that are in the process of obtaining an SPC token to ensure that providers can comply with our STIR/SHAKEN implementation certification requirement and the Governance Authority's existing token access policy. To implement STIR/SHAKEN, our rules require providers with a STIR/SHAKEN implementation obligation to obtain an SPC token, and the Commission has stated that providers are prohibited from certifying to complete or partial STIR/SHAKEN implementation in the RMD unless they have obtained an SPC token. At the same time, the Governance Authority's SPC token access policy currently requires, in relevant part, that providers ''[h]ave certified with the [Commission] that they have implemented STIR/SHAKEN or comply with the [Commission's robocall mitigation program] requirements and are listed in the [RMD].'' The Governance Authority's current SPC Token Access Policy requires providers to: (1) have a current Form 499–A on file with the Commission, (2) have been assigned an OCN, or Resp Org ID and (3) have certified with the Commission that they have implemented STIR/SHAKEN or comply with the Commission's robocall mitigation program requirements and are listed in the RMD. Thus, newly established providers are not able to comply with our certification requirement and the Governance Authority's token access policy when they are in the process of obtaining an SPC token.

To allow providers to accurately complete their STIR/SHAKEN implementation certification in the RMD and to resolve the conflict between our rules and the Governance Authority's policy, we propose to adopt a temporary exemption for providers that are in the process of obtaining an SPC token to implement STIR/SHAKEN. We propose to require providers claiming this temporary exemption to follow the strengthened requirements for claiming an exemption that we propose above, including providing a description of the steps they have taken to obtain an SPC token. We also propose to require that, at the time that such providers claim this exemption on the RMD submission form, they provide their OCN. This would be a mandatory requirement for providers to be able to claim the temporary exemption, while they are in the process of obtaining an SPC token. Currently, providers are required to provide an OCN on the RMD submission form if they have one, but having an OCN is a prerequisite to obtaining an SPC token, and we believe requiring providers to provide an OCN at the time they claim the temporary exemption will demonstrate that the provider is in fact pursuing an SPC token in good faith. We seek comment on these proposals. Should we require providers to submit any additional information regarding their registration status, and if so, what? When providers become authorized to obtain an SPC token and update their filing to indicate their implementation of STIR/SHAKEN, should we require them to insert the date they received the SPC token authorization or any related information?

We also propose to establish measures to ensure use of the exemption remains temporary and seek comment on how best to do so. For instance, should we set a specific number of days after which a filing claiming the exemption will be suspended or removed from the RMD if the provider has not updated the filing to remove the exemption and indicate that it has implemented STIR/SHAKEN? If so, how many days is sufficient to ensure that providers have sufficient opportunity to obtain an SPC token and update their STIR/SHAKEN implementation status in the RMD? Should such suspensions or removals occur automatically or be processed manually by Commission staff? Under our existing rules, providers have an ongoing obligation to update their RMD filings within 10 business days of ''any change to the information'' submitted.

Harmonizing the prior action or investigation requirements. We propose to harmonize two provisions related to prior enforcement actions or investigations. Under our current rules, voice service providers must certify ''that any prior certification has not been removed by Commission action'' and that they have ''not been prohibited from filing in the Robocall Mitigation Database by the Commission.'' At the

same time, voice service providers must state: whether, at any time in the prior two years, the filing entity (and/or any entity for which the filing entity shares common ownership, management, directors, or control) has been the subject of a formal Commission, law enforcement, or regulatory agency action or investigation with accompanying findings of actual or suspected wrongdoing due to the filing entity transmitting, encouraging, assisting, or otherwise facilitating illegal robocalls or spoofing, or a deficient Robocall Mitigation Database certification or mitigation program description.

Thus, when a provider states that it has been the subject of a formal enforcement action or investigation in the prior two years, it can create an apparent contradiction with the requirement that the provider certify that ''any prior certification has not been removed by Commission action.''

To address this contradiction, we propose to revise the first certification to simply require that a provider certify that it ''is not presently prohibited from filing in the Robocall Mitigation Database by the Commission.'' Because providers may be permitted by the Commission to file in the RMD after they have been removed by a Commission action under certain circumstances, we think this revised certification will better capture our goal of deterring providers from refiling when they are not permitted to do so. We seek comment on this proposal.

Findings of wrongdoing statement. We also take this opportunity to invite comment on whether, and to what extent, we should revise the language in the prior action or investigation statement requirement regarding the findings of wrongdoing. The current language requires providers to state the ''findings of actual or suspected wrongdoing due to the filing entity transmitting, encouraging, assisting, or otherwise facilitating illegal robocalls or spoofing, or a deficient Robocall Mitigation Database certification or mitigation program description.'' Should we simplify and clarify the language by revising it to ''due to the filing entity transmitting, or facilitating the transmittal, of illegal robocalls or spoofing . . . .''? Should we revise the language to include all illegal calls and not just illegal robocalls to provide transparency regarding all relevant wrongdoing?

Simplifying prior action and investigation description obligations. Under our current rules, providers that state they have been subject to prior actions or investigations with accompanying findings of actual or suspected wrongdoing in the prior two years must provide a description of any such action or investigation. The description must include: (1) ''[a]ll law enforcement or regulatory agencies involved;'' (2) ''the date that any action or investigation was commenced;'' (3) ''the current status of the action or investigation;'' (4) ''a summary of the findings of wrongdoing made in connection with the action or investigation;'' and (5) ''whether any final determinations have been issued.'' We believe that, as written, these required elements are unnecessarily cumbersome without a corresponding benefit. For instance, the date an action commenced may not be as relevant as the date that any findings of actual or suspected wrongdoing were issued, and if a document describing findings of wrongdoing is publicly available, the summary of such findings seems unnecessary. Additionally, because ongoing investigations are dynamic, providers may have a continuous obligation to keep their filings updated with changes under our current rules.

Accordingly, we propose to simplify the prior action or investigation certification requirement to solicit enough information to identify the enforcement action, the agency or agencies that issued it, and the nature of the findings, which we believe will reduce burdens on providers and improve administrability. Specifically, we propose to require that, except to the extent and only for the period during which an action or investigation has been designated as non-public or confidential by a law enforcement agency, regulatory agency, court, or other governmental entity that is involved, providers must provide: (1) all law enforcement or regulatory agencies involved; (2) the date any findings of actual or suspected wrongdoing were issued; (3) one or more identifier for the action or investigation, such as a file number, case number, or document number; and (4) a URL to access a publicly available document that describes the findings of wrongdoing made in connection with the action or investigation, or if no such document is publicly available, a copy of such document, or if not memorialized in a document, an accurate summary of the specific findings of wrongdoing made in connection with the action or investigation, including whether the findings constitute an actual determination of wrongdoing or a suspected determination of wrongdoing. We believe this information is sufficient for the Commission and third parties to identify and evaluate the nature of an action or investigation. We seek comment on this proposal and analysis. Should we require providers to include any additional information in their descriptions, such as details regarding prior actions or investigations involving an entity with which it shares common ownership, management, directors, or control? Should we add an additional element requiring providers to describe the actions they have taken to address or mitigate the actual or suspected determinations? While our rules require providers to state whether ''the filing entity (and/or any entity for which the filing entity shares common ownership, management, directors, or control) have been the subject of formal . . . action or investigation,'' our rules do not specifically require a description of the actions or investigations involving those entities.

Use of third parties. We propose to require that providers submit additional information in the RMD regarding their use of third parties, which we believe will enhance accountability. Specifically, we propose to require that voice service providers indicate whether or not they engage third parties for the following: (1) performing call analytics; (2) performing the technological act of signing calls to satisfy STIR/SHAKEN obligations; (3) fulfilling KYC and KYUP obligations; and (4) submitting RMD submissions to the Commission if we permit providers to use third parties for this purpose. Providers are already required to state whether they use third-party vendors for call analytics and to name such vendors in their robocall mitigation plans, but we believe this requirement has caused confusion regarding providers' obligation to disclose when they do not use a third-party vendor. We believe our proposal will clarify that providers must disclose if they do not use third parties and that moving these requirements to the RMD submission form with the other third-party disclosures will simplify and streamline the requirement. We discuss providers' separate obligation to describe their call analytics practices below. The Commission currently permits voice service providers with STIR/SHAKEN implementation obligations to engage third parties to perform the technological act of signing calls, subject to certain conditions. In the *Eighth Caller ID Authentication Order,* 90 FR 40241 (Aug. 19, 2025), the Commission declined to require providers to identify the third-party authentication solutions they used in their RMD submissions, finding that such an obligation would increase

administrative burdens for providers and offer minimal benefits. As the Commission explained, however, we would continue to monitor providers' compliance with the adopted third-party caller ID authentication requirements to ''determine whether additional information would assist our compliance reviews and enforcement activities in the future.'' With greater experience, we now believe that the benefits associated with such a requirement outweigh the costs of ensuring compliance with STIR/SHAKEN implementation obligations. We seek comment on that belief. We discuss providers' separate obligation to describe their KYC and KYUP practices below. Above, we seek comment on providers' use of third parties for submitting their RMD filings and whether we should establish and requirements or prohibitions on use of third parties for this purpose. We also propose to require providers to name any third parties they use and provide the following information for each third party: email, phone number, and, if available, website. In all cases, we reiterate that the compliance obligation remains with the provider, and not any third party, which we believe will incentivize providers to use reputable third parties. We believe that these third-party disclosure requirements will promote accountability by facilitating our ability to evaluate whether providers are engaging legitimate third parties that have adopted appropriate practices and to allow us to better identify potential causes of non-compliance when, for example, several non-compliant providers are using the same third party. We propose below that this third-party information would not be listed in the public database and would instead only be viewable by Commission staff. We seek comment on these proposals and analysis. What are the benefits and downsides of requiring providers to submit such information? If we should not require any such information, why not? Are there other uses of third parties we should require providers to disclose, such as use of third parties for call branding information?

c. Business Identifying Information

In this section, we propose and seek comment on a number of measures to codify existing requirements and expand providers' obligations to submit business identifying information to the RMD.

Principals, affiliates, subsidiaries, and parent companies. We propose to codify the existing requirement that providers submit information regarding their principals, affiliates, subsidiaries, and parent companies and to better specify what information they must provide.

The Commission established a requirement that providers disclose information about principals, affiliates, subsidiaries, and parent companies with ''sufficient detail to facilitate the Commission's ability to determine whether the provider has been prohibited from filing in the Robocall Mitigation Database'' in the *Sixth Caller ID Authentication Order,* 88 FR 40096 (June 21, 2023), but it did not codify the requirement in its rules. Some providers appear to have been confused concerning what information must be supplied, which has resulted in deficient filings. We endeavor to resolve that confusion. *First,* we propose to codify definitions for principal, affiliate, subsidiary, and parent, and seek comment on what those definitions should be. Should we simply refer to existing definitions for these terms or establish new definitions for them? *Second,* to prevent a provider from masking its relationship with prohibited entities, we propose to codify the requirement that providers identify *all* principals, affiliates, subsidiaries, and parent companies in their filings, which we believe was already required, but may not have been clear when coupled with the ''sufficient detail'' qualification described above. However, we seek refreshed comment on the burdens of this obligation and on steps we can take to minimize those burdens, such as requiring providers to update this information less frequently. Below we seek comment on whether to change the frequency with which providers must update their RMD filings. *Third,* we propose to codify the existing requirement for providers to identify human principals, which many providers fail to do. We believe that all providers necessarily have at least one human principal—an individual who exercises influence, management, or supervisory responsibility, whether or not that individual has ownership or control of the filing entity—and therefore are already required to disclose such an individual in their RMD filing as part of the requirement to disclose principals. *Fourth,* we propose to require providers to submit specific information regarding their human principals, including their title, telephone number, email address, physical address, country of residence, and citizenship. *Fifth,* we propose to maintain the requirement for providers to identify all other principals, affiliates, subsidiaries, and parent companies, and to require providers to submit the RMD number for entities that are in the RMD or the business address for entities that are not in the RMD. We use the term ''business address'' to refer to a physical address that is a bona fide place of business and is not a virtual address, shared office location without a dedicated suite or floor. P.O. Box, mail forwarding service, hosted service location, or address shared by multiple unrelated or purportedly unrelated businesses. We believe this would provide the minimum detail necessary to facilitate the Commission's ability to determine whether the provider has been prohibited from filing in the RMD. We seek comment on these proposals and justifications.

Should we require that providers supply additional information about their principals, affiliates, subsidiaries, and parent companies to aid our oversight, such as any prior business names or trade names (DBAs)? Should we require that they provide copies of government issued identification for human principals, and if so, should we require that they submit a photo of each principal with their ID? Should providers be required to disclose only one human principal? Should they be required to disclose one or more human principals for the provider's affiliates, parents, or subsidiaries?

Registered U.S. agent. We propose to require providers to identify and provide contact information for a U.S. registered agent to aid in enforcement actions. We propose that the contact information must include a U.S. mailing address, telephone number, and email address. Although our existing and proposed RMD filing requirements include identifying and providing contact information for individuals who work for the provider, a registered agent acts as a designated point of contact with the provider for communications with law enforcement and regulatory agencies, and to receive service of legal documents. We believe that requiring designation of a U.S. registered agent will particularly support enforcement actions against foreign entities, including those that establish nominal offices, operations, or facilities in the United States (as opposed to a bona fide independent business operation) with the goal of having their calls be viewed as originating in the United States. Specifically, it would establish a reliable contact in the United States for serving legal documents and could help establish jurisdictional reach over the provider. We invite comment on this proposal and analysis, including potential costs or challenges for certain providers, such as small providers, and any alternative approaches to alleviate

those costs and challenges. Should we harmonize this requirement with the Form 499 requirements to designate an agent for service of process? Common carriers, as well as VoIP providers, must ''designate in writing an agent in the District of Columbia'' upon whom all notices, process, orders, and decisions made by the Commission may be served on behalf of that carrier in any proceeding pending before the Commission, while carriers that hold international Section 214 authorizations must designate a U.S. citizen or U.S. lawful permanent resident as their agent for service of process.

d. Provider Type and Service Information

We next propose and seek comment on measures to improve the accuracy of provider type and service information submitted to the RMD. Specifically, we propose to revise the existing requirements for providers to identify their role in the call chain and seek comment on allowing entities that identify as end users to submit RMD filings, ensuring providers accurately identify as a foreign voice service provider, and requiring providers to submit information about their numbering resources and KYUP business information.

Role in the call chain. We propose to further revise our existing requirements for providers to identify their role(s) in the call chain in line with our proposed definitions in the *KYUP FNPRM.* Our existing rules generally require providers to identify whether they are a voice service provider, gateway provider, or non-gateway intermediate provider with or without a STIR/SHAKEN implementation obligation. The *KYUP FNPRM* proposed to reinterpret the meaning of ''voice service provider'' to include gateway providers and non-gateway intermediate providers, as well as to add new definitions for facilities-based provider, non-facilities-based provider, originating provider, and terminating provider. The proposed streamlined rules in the *KYUP FNPRM* would require providers to identify which of those types of providers they are and separate out the requirement to state whether they have a STIR/SHAKEN implementation obligation. We propose to further revise those streamlined rules to better capture a provider's role(s) in the call chain, as follows:

- a voice service provider must indicate whether it is a facilities-based provider and/or a non-facilities-based provider;
- a facilities-based provider must indicate whether it is: (i) an originating or terminating voice service provider directly serving end users; (ii) an originating or terminating provider acting as a wholesale provider originating or terminating calls for end users it does not directly serve on behalf of another provider or providers; (iii) a gateway provider; and/or (iv) a non-gateway intermediate provider (Note, however, that in the *KYUP FNPRM* we sought comment on whether intermediate providers are considered facilities-based providers. If we determine they are not, we expect we would remove the intermediate provider subcategories (*i.e.,* ''(iii) a gateway provider'' and ''(iv) a non-gateway intermediate provider'') from this ''facilities-based provider'' provision and create a separate provision that requires providers to indicate if they are one of the subcategories of intermediate provider.);
- A non-facilities-based provider must indicate whether it is directly serving end users and/or whether it is a wholesale provider to another provider or providers that does not directly serve end users.

Consistent with our established approach that a provider's role is determined on a call-by-call basis, these categories are not mutually exclusive, recognizing that a provider can be a facilities-based provider for some calls and a non-facilities-based provider for other calls, and that the same is true for each sub-category. Additionally, we propose to eliminate the current requirement that providers state whether they have a STIR/SHAKEN implementation obligation, which we maintained in the proposed streamlined rules in the *KYUP FNPRM.* All voice service providers are required to implement STIR/SHAKEN unless they are subject to an exemption, and they are already required to certify to their STIR/SHAKEN implementation status in a different part of our rules. We seek comment on these proposals and analysis. Should we require providers to indicate whether they are an initiating provider, as we propose to define that term in the *KYUP FNPRM*? Are there instances when a provider will not be aware that it is acting as a wholesale provider, such as if the provider's customer resells the provider's service without the provider's knowledge? Do providers allow customers to resell service without the provider's knowledge, and if so, is that contrary to their existing requirement to know their upstream provider? Should we modify the proposed requirement to self-identify as a wholesale provider to permit providers to only indicate when they knowingly serve as a wholesale provider?

We also seek comment on whether we should add an option on the RMD submission form for entities to indicate their belief that they are an ''end user'' and not a ''voice service provider,'' to address instances when such entities feel compelled to file in the RMD. Although end users are not required to file in the RMD, and we do not condone voice service providers compelling their end users to submit RMD filings, Commission staff have observed that some entities that do not consider themselves ''voice service providers'' nevertheless submit RMD filings out of an abundance of caution or because the provider supplying them with voice service requires them to do so to transmit their calls. If we adopt such an approach, we expect that we would require such entities to describe the reason they are submitting a filing, provide a detailed explanation of why the entity does not meet the definition of a ''voice service provider'' or the definitions for the subcategories of voice service providers (*i.e.,* initiating, originating, intermediate, terminating, facilities-based, and non-facilities-based), and a description of the nature of the entity's business. We believe such a description would oblige the entity to fully evaluate and explain its role in the call chain, and to provide the Commission and stakeholders with information necessary to adequately assess whether the entity's determination is reasonable. We seek comment on this view. If there are benefits to allowing entities that believe they are end users to file in the RMD and indicate as much, what are these benefits? Conversely, are there potential downsides or unintended consequences, and if so, should we prohibit voice service providers from requiring end users to file in the RMD?

Identifying foreign voice service providers. We seek comment on whether we should establish additional RMD filing requirements to ensure that providers accurately identify when they are a foreign voice service provider. Providers submitting filings in the RMD are already required to indicate whether they are a foreign voice service provider, but as noted above, we are concerned that bad actor foreign providers are certifying that they are not foreign providers even though they do not have bona fide independent business operations in the United States. To fully address this concern, should we require providers to, for example, supply additional business information beyond what we propose or seek comment on herein? What, if any, additional

information would help distinguish bona fide independent domestic business operations from nominal offices or operations? Should we require providers to describe the nature of their U.S. offices, operations, or facilities so we can evaluate whether those operations are a bona fide independent domestic business operation? Should providers be required to provide information regarding their use of hosted servers or shared addresses? Should providers be required to disclose whether any parent company was created, incorporated, or organized abroad or has common ownership or management with a company that was created, incorporated, or organized abroad? How would any such additional requirements dovetail with the proposed revised definition for ''foreign voice service provider'' in the *KYUP FNPRM.*

Numbering resources information. In the *Robocall Numbering Policies NPRM,* 91 FR 25312 (May 8, 2026), we sought comment on measures to increase the transparency about which providers have access to numbers, which we believed would improve our numbering administration and help us deter illegal calls. We seek comment on whether, and the extent to which, we should require providers to submit information about their access to and use of numbering resources in the RMD. For instance, should we require providers to disclose whether or not they have access to numbers directly or indirectly and, if indirectly, from which provider(s) they procured numbers? Should we require them to disclose the block(s) or range(s) of numbers to which they have access? Should we require providers that make numbers available on a wholesale basis to resellers to disclose the providers to which they have resold numbers, and if so, should we require them to disclose the block(s) or range(s) provided to each reseller, as well as the OCNs for the resellers if they have one? Should we inquire about any affiliation that a provider might have with an entity to which they are selling or from which they are buying numbers? What are the benefits and drawbacks of any such requirements, particularly for robocall mitigation and numbering administration? We note that some such information is subject to confidentiality under our rules and seek comment on how to address that confidentiality if we require any numbering information to be submitted in the RMD. Below we seek comment on which information submitted in the RMD should be viewable in the publicly facing Database and which should only be viewable by Commission staff. To what extent would requiring the submission of any such numbering information in the RMD be duplicative of providers' reporting requirements to the NANPA, and what, if any, benefits or burdens would result from such duplicative reporting?

Nature of services. We propose to require providers to submit a general description about the nature of their voice services, including the types of services they offer and the types of customers they serve or intend to serve. We believe this information will help us better understand the types of voice services and business arrangements in the ecosystem, whether providers' robocall mitigation programs are sufficient for the types of services they provide, and whether providers are validly claiming an exemption from the STIR/SHAKEN implementation obligation. We seek comment on this proposal and assessment. Should we establish more specific requirements for what the description must include?

Additional provider information. We seek comment on requiring providers to submit additional information about their businesses in the RMD that largely aligns with the KYUP information we proposed in the *KYUP FNPRM,* or an explanation for why they cannot supply such information. The *KYUP FNPRM* proposes to require that providers obtain information categorized under six types, some of which is already required by our existing RMD rules and some of which is addressed by the discussion above. The following is the remaining information by type that we believe may be beneficial for providers to submit in the RMD. We exclude the ''financial information'' type, as we do not believe there is need to require providers to submit such information in the RMD. We note below when such information relates to an existing RMD filing requirement and we seek comment on whether a requirement to collect such information should replace or augment the existing requirement.

- General business information, including:
  - supporting records for legal business name (*e.g.,* government record, government identification, lease, utility statement, search result from a government website, or report from a legitimate private database that validates company information) (Providers are currently required to submit business name(s).);
  - any prior business names or trade names (DBAs) the company has used in the last three years (Providers are currently required to submit other business names *in use* by the provider.);
  - a physical address that is a bona fide place of business for the upstream provider and is not a virtual address, shared office location without a dedicated suite or floor, P.O. Box, mail forwarding service, hosted server location, registered agent, or address shared by multiple unrelated or purportedly unrelated businesses (Providers are currently required to submit their primary address. Additionally, this description differs slightly from the *KYUP FNPRM* which proposed that providers obtain a physical address that is ''a *real* place of business'' from upstream providers, rather than ''a *bona fide* place of business,'' but the change is for clarity and is not intended to be substantive.); and
  - contact information, including a business telephone number and email address (Providers are currently required to submit the name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues.);
- Internet commercial presence information, such as website, social media, or apps;
- Ownership and affiliate information, including:
  - information about owners and company leadership (including ultimate beneficial owners and authorized business representatives), including their name, title, business telephone number, business email address, work address, country of residence, citizenship, and copies of government issued identification (Above, we propose to codify the requirement that providers identify principals, which may include owners and company leadership, and to require that providers submit additional information about each principal.);
  - additional information about the company's parents, affiliates, and subsidiaries, including their business names, trade names (DBAs), place of incorporation, and principal places of business (Above, we propose to codify the requirement that providers identify parents, affiliates, and subsidiaries, and that providers submit additional information about each one.);
  - names, addresses (including country), email addresses, and ownership stake for all individuals with 10% or more direct or indirect ownership of the company; and
  - whether or not the provider or its parents, affiliates, subsidiaries, principals, owners, or leadership, and other companies where any such persons have served as a principal,

owner, or leader, have been the subject of any criminal or regulatory investigations or actions in the past five years and the nature of such investigations or actions;

- Operational information, including:
  - place of formation and corporate formation records, including proof of good standing;
  - location of its principal operations, how long the company has been operating, and whether the company has any foreign ownership or management; and
  - business registration number in its jurisdiction (such as federal or state Employer Identification Numbers (EINs) for U.S. providers and the foreign-equivalents for foreign providers);
- Service information, including (Above, we propose to require that providers describe the nature of their services.):
  - whether it relies on non-Internet Protocol (IP) technology; and
  - whether another voice service provider has refused or discontinued service to the provider for any of the reasons described in the *KYUP FNPRM* and the reason(s) for such refusal or discontinuance. (This description differs from the *KYUP FNPRM,* which proposed that providers obtain information as to whether another voice service provider has refused or discontinued service to the upstream provider generally. At least in the context of the RMD, we believe this information should be limited to the refusal and discontinuance reasons set out in the *KYUP FNPRM.*)

We believe that requiring providers to submit this information could enhance our ability to evaluate providers and their practices, and ultimately reduce the need for extended reviews and investigations. We also believe it could enhance the ability of other providers to perform KYUP obligations, particularly if we adopt our KYUP proposals in the *KYUP FNPRM.* Additionally, we think the incremental costs of any such requirements are likely negligible if we adopt our KYUP proposals, as providers will need to compile and supply this information to their downstream providers already. We seek comment on these views and other benefits or drawbacks to providers submitting this information in the RMD.

e. Robocall Mitigation Plan

In this section, we propose and seek comment on measures to strengthen the robocall mitigation program and plan obligations for all voice service providers. As part of our efforts to improve the reliability of RMD filings, we invite comment on the extent to which any of the information required under our proposals should be provided on the RMD submission form instead of in the robocall mitigation plan.

Heightened robocall mitigation program requirement. We propose to enhance the general requirement that providers implement a robocall mitigation program to align with our expectations set out in existing and proposed rules. Under the Commission's current rules, voice service providers are required to ''implement an appropriate robocall mitigation program'' that includes ''reasonable steps'' to avoid, as applicable, the origination, carrying, or processing of illegal robocall traffic. The proposed streamlined rule in the *KYUP FNPRM* would require that each voice service provider take ''reasonable steps to prevent its network or services from being used to transmit illegal robocalls.'' We propose to further revise the streamlined rule in the following two ways.

First, we propose to require that all voice service providers implement a robocall mitigation program that includes ''affirmative, effective measures'' rather than just ''reasonable steps.'' Although the Commission has previously declined to replace the ''reasonable steps'' general mitigation standard with the ''affirmative, effective measures'' standard, we now believe the existing requirement is too lax, as it allows providers to skate by without adopting meaningful robocall mitigation practices. Specifically, we do not believe the ''reasonable steps'' requirement compels providers to institute an ongoing effort to ensure that the measures that comprise their robocall mitigation program are effective. Our revised requirement would also align with providers' existing general KYC obligation and our recently proposed heightened general KYUP obligation, thereby promoting regulatory consistency and administrability. We seek comment on this proposal and analysis. If we adopt such an approach, should we provide additional guidance to voice service providers about what measures would be deemed ''affirmative'' and ''effective,'' and if so, what should that guidance include?

Second, we propose to amend the rule to require that providers' mitigation measures be designed to prevent their network or services from being used to transmit all illegal calls and not just illegal *robo*calls. When the Commission first developed the RMD to collect robocall mitigation program information for providers that received a STIR/SHAKEN implementation exemption, it followed the TRACED Act's usage of the term ''robocall mitigation program.'' However, the Commission has frequently stated its intent to combat all illegal calls, and not just calls that meet the technical definition of a robocall, which may only include certain scam, fraud, and otherwise impermissible calls. For example, a recent survey indicates that once a scammer has made initial contact with a victim—which can occur through various channels—further communication frequently involves phone calls that might or might not meet the legal definition of a ''robocall.'' Indeed, the Commission's KYC rule requires providers to take affirmative, effective measures to prevent new and renewing customers from using their networks to originate ''illegal calls,'' its KYUP rule requires providers to take reasonable and effective steps to ensure that upstream providers are not using them to carry or process a high volume of ''illegal traffic,'' and its call blocking rules also refer to the general categories of illegal calls or illegal traffic. Given the Commission's emphasis on combatting all illegal calls, and that the Commission and stakeholders often use the term ''robocall'' colloquially to refer to all illegal calls, we believe that responsible providers already design their robocall mitigation programs to prevent their networks or services from being used to transmit all illegal calls, and not just illegal robocalls. To the extent that is not the case, we propose to amend the robocall mitigation plan rule to require that providers implement measures to address all ''illegal calls.'' Below, we propose to extend this change throughout § 64.6305. We believe this proposal would promote regulatory consistency within our rules targeting illegal calls. We seek comment on this proposal and analysis.

Strengthened robocall mitigation plan requirements. We propose to strengthen the existing requirement that providers submit a description of their robocall mitigation program (*i.e.,* a robocall mitigation plan) to sync the rule with our proposed heightened robocall mitigation program standard, ensure providers take their robocall mitigation program obligations seriously, and provide a firmer basis for holding providers accountable. Under our current rules, providers must submit with their RMD filing a robocall mitigation plan that describes the specific reasonable steps they have taken to avoid, as applicable, originating, carrying, or processing illegal robocall traffic as part of their robocall mitigation program, including a description of how they comply with

KYC and KYUP requirements and the analytics systems they use to identify and block illegal traffic. Voice service providers must describe how they are complying with their existing obligation to ''[t]take affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.'' Voice service providers and non-gateway intermediate providers must describe any KYUP procedures in place, and gateway providers must provide a description of how they comply with their KYUP obligations. We first propose to align the rule with the proposal above by requiring that providers describe the affirmative, effective measures they use to prevent their network and services from being used to transmit illegal calls. We also propose to raise the standard for the level of information that providers must include in the descriptions of their robocall mitigation programs by requiring that such descriptions be detailed. We seek comment on these proposals.

We also seek comment on whether we should require that providers submit more specific information about how they comply with KYC and KYUP obligations, particularly in light of our proposals in the *KYC FNPRM,* 91 FR 30596 (May 26, 2026), and *KYUP FNPRM.* For example, should we require voice service providers to describe their customer identification, verification, and retention practices? Should we require providers to describe specific processes and procedures for each of the five categories of baseline KYUP measures—information collection, compliance review, information verification, monitoring, and responsive action—proposed in the *KYUP FNPRM.* Or should we only require that providers describe the KYC and KYUP practices they use beyond any measures the Commission ultimately adopts?

We further propose to require that providers describe the specific call analytics measures they use to identify and block illegal calls and whether or not each measure is performed by the provider or a third party. Above, we propose to require that providers disclose the third parties they use for call analytics on the RMD submission form. We seek comment on what level of detail we should require providers use to describe their call analytics measures that would balance the need for more rigorous review of providers' robocall mitigation plans with concerns that too much detail might provide bad actors with a roadmap to evade analytics-based blocking. Finally, we propose to codify the requirement that providers describe any contractual provisions with end-users or upstream providers addressing robocall mitigation and seek refreshed comment on whether we should require providers to submit specific contractual provisions.

We also seek comment on whether we should require that providers submit any additional or more specific information in their robocall mitigation plans. To date, the Commission has not mandated that providers include specific measures in their mitigation plans, finding that providers require ''flexibility in determining which measures to use to mitigate illegal calls on their networks.'' However, Commission staff frequently identify robocall mitigation plans with minimal information and are concerned that the providers behind those filings may not have implemented adequate robocall mitigation programs. Should the level of detail we require be based on risk, and should we require that providers explain the assessment of their risk? Should we define risk categories for different types of providers or service offerings? The Commission previously declined to impose heightened mitigation obligations solely for VoIP providers, acknowledging that there was evidence that such providers were ''disproportionately involved in the facilitation of illegal robocalls,'' but opting to apply obligations to ''providers regardless of the technology used.'' Should we require that providers include metrics on the effectiveness of their robocall mitigation programs or details about how they follow permissive and required call blocking rules? What would be the benefits and costs of any such requirements?

3. Submitting and Viewing Information

In this section, we propose and seek comment on how providers should submit information to the RMD, the conditions when such information may be public, and when providers must update information and recertify their filings.

a. How Information Is Submitted

Format for each category of information. As it stands today, providers submit information in their RMD filing by inputting the information where required in the RMD form or by uploading a PDF. We propose to designate that the information in the categories of certifications, robocall mitigation information, business identifying information, and provider type and service information must be submitted in the RMD form and that the robocall mitigation plan continue to be uploaded as a PDF. We seek comment on this proposal. Is there certain information in the first four categories that we should require or that providers should be able to submit in their robocall mitigation plans or in a separately uploaded document? We note that our proposal would reorganize where providers submit some information they are currently required to supply, and we encourage commenters to review the proposed rules in Appendix A, which shows the complete list of existing and proposed information by category.

Machine-readable PDFs. We also propose to codify that providers must submit a PDF of their robocall mitigation plans in machine-readable format. Today, providers are required to submit a PDF of their robocall mitigation plan in the RMD. Commission staff use technicals tools to analyze the contents of these PDFs to ensure that they contain the information required by Commission rules. However, some providers submit PDFs that are not machine-readable or searchable, hindering our compliance review process. We think that providers typically have the means to submit robocall mitigation plans in machine-readable format and that some providers may be submitting non-readable PDFs to intentionally stifle our oversight. We acknowledge that the *2026 Broadband Label Order* is repealing a machine-readability requirement, but we do not believe our proposal to establish a machine-readability requirement here is in conflict with the proposal there. The *2026 Broadband Label Order* is repealing a requirement that providers make the contents of labels available in a *separate* machine-readable spreadsheet file format hosted at a dedicated URL, which is distinct from the label that consumers view in their browser that is inherently readable. We do not propose here to create a new requirement that providers submit information in robocall mitigation plans in a separate machine-readable format, merely that they ensure the PDFs they are already required to submit remain machine readable. We seek comment on this proposal and these views.

b. Public, Non-Public, and Confidential Information

One of the primary goals of the RMD is to promote transparency about providers and their robocall mitigation practices, and so we believe that, as a baseline, information we require providers to submit in the RMD should

be made available to the public. At the same time, ''we are committed to ensuring that rules designed to protect consumers from illegal calls do not inadvertently create new risks by mandating the collection, retention, and sharing of sensitive business and personal data without corresponding safeguards.'' We note that providers may also request confidential treatment of information pursuant to § 0.459 of the Commission's rules consistent with the RMD *Protective Order,* which governs the treatment of confidential or highly confidential information included in robocall mitigation program descriptions. Nonetheless, the Commission may make public information that is otherwise confidential when, after balancing the various factors involved, it concludes that it is in the public interest to do so. At the time the Wireline Competition Bureau (Bureau) issued the *Protective Order,* it made clear that ''certifications, contact information, and other data submitted to the Robocall Mitigation Database are public and cannot be marked as confidential.''

In light of these goals and the revisions to RMD filing obligations since the *Protective Order* (including those we propose above), we take this opportunity to propose and invite comment on what information providers submit in the RMD should be available in the public-facing RMD versus what information should only be viewable by Commission staff. Specifically, we propose that the contact and other identifying information for human principals, the business address for non-human principals, affiliates, subsidiaries, and parent companies that are not in the RMD, and information about providers' use of third parties should not be made public. We also propose, above, that providers need not disclose information about prior actions or investigations that have been designated as non-public or confidential by a law enforcement agency, regulatory agency, court, or other governmental entity involved in the action or investigation. We seek comment on this proposal and on whether any other information should not be public. Should we issue or implement additional protective measures for information we determine should not be public?

c. Filing Updates and Recertification

We seek comment on whether we should modify our requirements that set out providers' obligations to update their RMD filings. Under our current rules, providers are obligated to update their filings within 10 business days of ''any change in the information'' submitted, which we believe includes updating the information to reflect changes effectuated as a result of modification to or expiration of Commission rules. Entities and individuals registered in CORES must also update information submitted in CORES to obtain an FRN within 10 business days of any change to that information, which includes information in the RMD that is automatically populated from CORES. They are also required to recertify annually by March 1 that any information submitted to the RMD is true and correct. We believe requirements like these are important to ensuring that RMD filings remain accurate and up-to-date. We also believe, however, that many providers fail to make necessary updates or complete recertifications by the deadlines, thereby requiring us to initiate enforcement activities. We seek comment on ways we can modify the requirements so that providers take these obligations seriously while preventing the obligations from being overly burdensome and allowing for focused review by Commission staff. For instance, should we eliminate the requirement that providers update their filings within 10 business days and instead require that providers update and affirmatively recertify their filings more frequently, such as once a quarter or every six months? If so, should we suspend filings when a provider fails to make updates or complete recertifications using any suspension process we may adopt, as we seek comment on below? Below, we seek comment on whether a provider's RMD filing should be automatically suspended if the provider fails to complete an annual recertification on or before March 1. Are there alternative approaches we should consider? We also seek comment on whether we should specifically state that providers must update their information by established deadlines to account for modification to or expiration of Commission rules.

We seek comment on any procedures or safeguards that should apply before a provider is permitted to delete a filing. Today, providers are permitted to delete their RMD filing if they determine that they are no longer required to have a filing in the RMD. This might occur, for example, if a provider discontinues the provision of voice service or if two voice service providers merge and only one RMD filing is needed for the merged entity. When a filing is deleted, it is no longer visible to the public, which could cause confusion for downstream providers. We are also concerned that bad actors may use the ability to delete filings to circumvent enforcement actions. Should we limit the circumstances in which providers may delete their filings, such as by requiring them to meet specific criteria? If so, what should those criteria be? Should we prevent providers from deleting their filings when the provider is subject to a Show Cause Order issued by the Enforcement Bureau? Are there alternative approaches we should consider? For instance, should we adopt a process that allows providers to suspend, rather than delete, their RMD filings? If so, are any additional safeguards or procedures necessary?

B. Keeping Bad Actor Providers Out of the RMD

We aim to enhance the measures used to ensure that the RMD only includes filings from legitimate providers that are willing and able to comply with the Commission's robocall mitigation, caller ID authentication, traceback, and other illegal call requirements. First, we propose and seek comment on measures to further prevent non-compliant and fraudulent filings from entering the Database in the first instance. Second, we propose and seek comment on tools to better identify non-compliant and fraudulent filings already in the Database, including through enhanced information sharing and technical review of filings. Third, we propose and seek comment on causes and processes for removing bad actor and non-compliant providers, while maintaining clear and administrable protections for providers that make good-faith efforts to comply. Fourth, we seek comment on mechanisms to keep removed providers out of the RMD. We also seek comment on audit requirements and resources for administering the RMD. We believe it is necessary to address these issues using targeted measures to improve the integrity of the Database and reduce opportunities for bad actors to misuse it.

1. Preventing Bad Actor Providers From Getting Into the RMD

We seek comment on how we can prevent non-compliant and fraudulent filings from entering the Database in the first instance, which we believe has a number of benefits, including reduced enforcement burdens, improved reliability of Database information, and reduced ability of bad actor providers to use the Database to obtain access to the U.S. voice network.

Delegation to the Bureau. The Commission has previously delegated authority to the Bureau to implement

and manage the technical and operational aspects of the RMD, including the authority to establish the form and format of submissions to the Database, to make any necessary changes to the RMD portal and submission interface, and to implement any technical data validation solution that it determines is likely to produce benefits that outweigh the solution's costs. In addition, the Bureau has existing authority to develop and administer recordkeeping and reporting requirements for telecommunications carriers, providers of interconnected VoIP services, and providers of broadband service under § 0.91 of the Commission's rules. We believe that these existing delegations are broad and include authority for the Bureau to develop and implement additional measures to prevent non-compliant and fraudulent filings from entering the Database. But to the extent any further clarity is needed, we propose to expressly delegate these functions to the Bureau. We further propose to direct the Bureau to develop these measures in consultation with the Office of Managing Director (OMD), the Office of Economics and Analytics (OEA), and the Enforcement Bureau. This will allow Commission staff to adapt more quickly to evolving bad actor tactics by making practical enhancements to the Database and associated filing and review workflows. The Commission has been continuously upgrading its processes and enhancing measures, both technical and operational, to help weed out bad actors from all parts of the call path and this includes a review of the current RMD processes to mitigate against fraud, waste, and abuse. We seek public comment on best practices, both technical and operational, that have been successful in systems to detect fraud, waste, and abuse, and that will aid in the Commission's efforts to identify indicia that a provider's filing may be non-compliant or that the provider may be attempting to evade Commission rules. For example, such tools could include expedited processes to identify filings that list the same address, telephone number, email address, principal, affiliate, subsidiary, parent company, OCN, or third-party filing consultant as a provider whose filing was previously removed from the Database; filings that certify to STIR/SHAKEN implementation but do not appear consistent with information available from the Policy Administrator; or filings that include robocall mitigation plans that are identical or substantially similar to plans filed by unrelated providers. To aid in the effort, we note that the Policy Administrator maintains a publicly available list of providers authorized to participate in STIR/SHAKEN, which a validation tool could reference to verify a provider's registration status.

''*Appearance*'' *in the Database.* We also propose to establish a new rule that a filing does not ''appear'' in the Database unless and until the filing has been accepted and published in the Database. We further propose to codify that the Bureau may reject, withhold publication of, or place into a pending status any new or updated filing that appears non-compliant, appears to have been submitted in evasion of the Commission's rules or orders, or otherwise requires further analysis before it can be accepted and published in the Database because it appears it would qualify for one of the causes for removal or other enforcement action discussed below. This authority would include, for example, filings that appear to have been submitted by, on behalf of, or for the benefit of a provider whose filing was previously removed from the Database, unless the provider has obtained any consent required under our reinstatement rules. We seek comment on this proposal. Should we describe in our rules the specific circumstances in which the Bureau would be permitted to reject, withhold publication of, or place into a pending status a filing, or should we delegate authority to the Bureau to establish those parameters? Should we otherwise limit the Bureau's authority to reject, withhold, or apply a pending status to a submitted filing? What notice and opportunity to cure, if any, should the Bureau provide to the filing party before rejecting publication? Should the Bureau be permitted to reject publication immediately where a filing is facially or materially deficient, unauthorized, or submitted in apparent evasion of a Commission order, while allowing filers to seek review or resubmit a corrected filing? Should we establish a deadline or shot clock for the Commission to make a final determination regarding filings that have been placed in a pending status? We seek comment on how to ensure that the publication process prevents non-compliant or fraudulent filings from appearing in the Database while preserving a workable path for legitimate providers to correct ministerial or inadvertent errors.

Letter of credit requirement. We seek comment on whether we should require entities that file in the RMD to obtain and submit a standby letter of credit from a bank meeting our capital requirements, along with a bankruptcy opinion of counsel, in support of their RMD filings. The Commission has used letters of credit in other contexts when it has imposed performance obligations. We believe requiring entities to furnish a letter of credit when filing in the RMD could have several benefits. First, the due diligence performed by financial institutions could aid in screening out bad actors seeking to file in the RMD without being a significant barrier to low-risk legitimate voice service providers. Second, the simple act of obtaining a letter of credit could deter both new and existing bad actor providers from filing in the RMD, and thereby keep them from participating in the U.S. voice network. Third, it could increase the likelihood that the Commission could collect forfeiture penalties ordered to be paid by a court from bad actors, thus deterring providers from violating our robocall mitigation rules. Finally, a letter of credit requirement could prevent bad actors from refiling immediately in the RMD under a different name after they have been removed from the Database by an enforcement action, because they would need to secure a new letter of credit. We believe each of these benefits would increase the integrity of the RMD, thereby helping ensure that only legitimate and responsible providers are participating in the U.S. voice ecosystem, and ultimately delivering benefits to consumers and other providers, alike.

We also seek comment on whether a letter of credit requirement, if we adopt one, should be limited to certain entities or to certain circumstances. For instance, should the requirement only apply to foreign voice service providers? Should it only apply to entities filing in the RMD for the first time or should it apply to all RMD filers, including those with existing RMD filings? Should the letter of credit be waived if a company meets certain requirements, such as operating for a period of three years? Would a period of three years properly balance our desire to reduce costs and regulatory burdens with our desire to discourage bad actors from filing in the RMD? For providers in operation for fewer than three years, should we require that the financial institution certify annually within the first three years that the letter of credit remains in effect or should we require that a current, drawable letter of credit be refiled annually? What evidence should we require a provider to submit to establish that it has been in operation for three years?

We further seek comment on how to implement a new letter of credit requirement, if adopted. Should we

decline to accept and publish an RMD filing unless Commission staff has verified that the letter of credit has been issued for an acceptable amount in an acceptable form by an acceptable bank? Should we require providers to submit a letter of credit only after their filings are accepted into the system and the Bureau has not otherwise rejected, placed in a pending status, or withheld the filings from publication based on an apparent cause for removal or other enforcement action? Should we give providers a period of time to submit the required letter of credit after the filing is accepted but before it is published, such as 14 days, 30 days, or some other period? What amount should we require for the letter of credit, and should that amount vary based on the size of the provider, the amount of traffic it transmits, its reported revenues for the most recent year, or some other benchmark? What should be the term of the letter of credit? What eligibility requirements should a financial institution be required to satisfy in order to qualify as an acceptable issuer for a letter of credit? For instance, should we require that financial institutions meet the ''well-capitalized'' criteria established by federal bank supervisory agencies as we do in the Universal Service High Cost Program? Would a requirement that the bank must be registered in the SWIFT financial network be sufficient or would some alternative requirement better identify trusted financial institutions? Are there other circumstances, beyond collecting forfeiture penalties ordered to be paid by a court, that the Commission would be permitted to draw upon the letter of credit?

Alternatives. We also seek comment on whether there are viable alternatives to a letter of credit that we could impose to deter bad actors from entering the RMD, such as requiring surety bonds or other similar instruments or requiring third-party audited financial statements. The Commission has required financial assurances in the satellite context, including surety bonds backed by statutory licensing and administrative authority, and has considered but declined to substitute letters of credit where bankruptcy risk could undermine the Commission's ability to draw on the financial assurance. The Commission also sought comment in a recent *FNPRM,* 91 FR 21761 (Apr. 23, 2026), on bond- or fee-based approaches, potentially related to the RMD, to deter bad actors and take the profit out of unlawful calls originating from outside of the United States. Are there other mechanisms we could use to vet entities before they enter the RMD, such as based on the KYUP requirements we proposed in the *KYUP FNPRM*? For instance, is vetting RMD applicants a task for which the NANPA (in connection with its duty administering numbering resources) or a similarly situated entity, may be suited, subject to an appropriate contract amendment and compensation? What are the potential benefits and drawbacks or unintended consequences of any given approach?

2. Identifying Bad Actor Providers in the RMD

We propose and seek comment on measures designed to enhance our ability to identify non-compliant and fraudulent filings that are in the RMD, including technical measures, expediting the traceback process, information sharing with the Governance Authority, and Foreign Adversary Control attestations.

Technical measures. To enhance measures to identify non-compliant and fraudulent filings already in the Database, we propose to explicitly direct the Bureau to consult with OMD, OEA, and the Enforcement Bureau, as necessary, to develop and implement technical tools to identify and target filings that are deficient, facially deficient, or materially deficient, filings that lack candor, duplicate filings, dummy filings (these are filings that are not associated with an existing provider and that bad actors may be submitting to the Database so that providers whose filings have been removed from the Database can quickly restart the transmission of illegal calls under the business name associated with the dummy filing), filings submitted by related entities, filings associated with known bad actors, and other filings that contain indicia of non-compliance with our rules (such filings may include those that contain independent bases for removal or that contain information that suggests the filing is being used as a vehicle to evade the Commission's caller ID authentication, robocall mitigation, traceback, or other rules aimed at combatting illegal calls). We further propose to direct the Bureau to ensure that any technical measure that it implements complies with all relevant federal data and privacy statutes, along with any other relevant government guidance, such as those addressing use of artificial intelligence. The Commission has already recognized the value of technical validation tools in improving Database integrity, and it has delegated authority to the Bureau to implement a technical data validation solution if the Bureau determines that the benefits would outweigh the costs. We seek comment on these proposed directions to the Bureau to further delineate the scope of its delegated authority. How should the Bureau weigh benefits in the form of reductions in the required staff resources associated with administration of the Database or improved ability to leverage the available information in the Database to general additional actionable insights? Are there experiences at other federal agencies that might provide relevant examples? We also seek comment on technical approaches or best practices currently in use by industry to analyze RMD filings and whether there are means to cross-reference data in RMD filings, the ITG, and third-party sources to maximize the utility of these various resources to identify bad actors.

Expediting the traceback process. We also seek comment on the value of having the ITG expedite the traceback process and the best approaches for doing so. How long does a typical traceback take and how long would it take if all providers in the call path were part of the ITG's existing automated traceback process? Are there other technical solutions or processes to expedite the traceback process? Do we have the authority to direct the ITG to adopt any such process, and if so, should we do so? If not, should we encourage the ITG to adopt such processes, and if so, how? What are the costs and benefits of the existing mechanisms and how would they compare to any alternative mechanisms? Does the ITG have any resource constraints that we should consider, and if so, how could they be mitigated?

Information sharing with the Governance Authority. We also seek comment on whether the Commission should establish better information sharing with the Governance Authority. The Commission has recently strengthened requirements for providers with STIR/SHAKEN implementation obligations, including requiring such providers to obtain their own SPC token and digital certificate and certify to either complete or partial implementation in the Database only if they have obtained an SPC token and digital certificate and sign calls with their own certificate. In addition, the *KYUP FNPRM* proposes additional measures to strengthen the Governance Authority's oversight, including improved policies for issuing and revoking SPC tokens and more robust information sharing with the ITG and call analytics providers. We seek comment on whether the Governance Authority should provide this type of information and other related data to the Commission to assist in identifying non-

compliant and fraudulent Database filings, including OCNs associated with authorized providers, more specific information about SPC token issuances and revocations, additional information about authorized Certification Authorities, and information concerning providers suspected of misusing SPC tokens or applying improper attestations. Should the Commission require the Governance Authority to direct the Policy Administrator to include the OCNs associated with authorized providers on its public list of authorized providers, or should such information be shared with the Commission on a non-public basis? Would inclusion of OCNs help distinguish providers with similar names and help identify filings that falsely or inaccurately claim STIR/SHAKEN implementation? We seek comment on the costs and benefits of such information sharing.

Foreign Adversary Control Attestations. To ensure that the Commission and the public are aware of the Foreign Adversary Control status of all domestic voice service providers, we propose to modify Schedule A of our Foreign Adversary Control rules to include published Robocall Mitigation Database filings, the filer of which is a domestic voice service provider. In the *Foreign Adversary Control Report and Order,* 91 FR 18670 (Apr. 10, 2026), the Commission took steps to address the significant threats that U.S. communications networks face from foreign adversaries and entities with ties to foreign adversaries by requiring all carriers holding domestic 214 authority and interconnected VoIP providers that hold direct access to numbering resources authorizations to submit Foreign Adversary Control attestations and disclosures. These attestation requirements, however, do not cover all voice service providers that transmit voice calls that reach U.S. consumers, as they do not all necessarily hold either authorization. For example, an interconnected VoIP provider that does not have a direct access to numbering resources authorization is not by that fact alone prohibited from originating, carrying, or terminating voice calls in the United States. As the Commission has noted with respect to VoIP providers in particular, ''VoIP providers that do not also provide telecommunications service likely do not hold any other Commission licenses or authorizations that would require them to make the same foreign adversary attestation and disclosures [required of] other communications providers operating in the United States.'' Particularly given the prevalence and problem of foreign-originated illegal calls aimed at U.S. consumers, we propose to close this loophole by requiring all domestic voice service providers with a filing that appears in the RMD to attest to Foreign Adversary Control (*i.e.,* that it is or is not owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary) and to comply with any applicable additional disclosures and reporting requirements as set forth in our Foreign Adversary Control rules. We believe this requirement would ensure that the Commission and the public are aware of the Foreign Adversary Control status of *all* domestic voice service providers that have access to the U.S. voice network. We seek comment on this proposal and analysis. Should we also require providers to certify on the RMD submission form that they have completed the Foreign Adversary Control attestation and that the attestation was negative?

3. Tools for Removal of Bad Actor Providers From the RMD

We propose and seek comment on the tools we use to remove bad actor and non-compliant providers' filings from the RMD. Voice service providers must submit and maintain accurate and complete filings in the RMD. Providers that fail to submit or maintain a compliant filing may be subject to removal from the RMD or a Commission forfeiture. Among others, the Commission has adopted a $10,000 base forfeiture for submitting false or inaccurate information to the Database and a $1,000 base forfeiture for failing to update Database information within 10 business days, and found that these violations continue until cured. Because downstream providers may only accept voice calls directly from another provider if that provider's filing appears in the Database and has not been removed pursuant to an enforcement action, removed providers are effectively prevented from transmitting voice calls on the U.S. voice network. A provider whose filing has been removed is not permitted to re-file in the Database unless and until both the Bureau and Enforcement Bureau consent. In certain limited circumstances, the Bureaus may consent to provisionally reinstate removed providers and require them to bring their filings into compliance or face removal again. Although the Commission's removal actions have been effective at removing bad actor and non-compliant providers' filings (the Commission has removed over 1,400 deficient filings since January 2025), we believe codifying and enhancing removal procedures will enable us to more effectively expel such providers from the voice ecosystem. Accordingly, we aim to codify and clarify removal procedures, focusing on the causes for removal or other enforcement action, removal processes, a grace period for annual recertifications, suspensions, filing status indicators and traffic acceptance requirements, and removal notices.

Causes for removal or other enforcement action. We propose to codify the causes for which a provider may be subject to an enforcement action, including removal of the provider's filing from the Database, to put providers on clear notice, strengthen the foundation for our enforcement actions, and enhance the integrity and reliability of the Database and the U.S. voice network. Specifically, we propose that the Enforcement Bureau retain the discretion to initiate an enforcement action against any voice service provider, including removal of the provider's filing from the Database, for the following reasons:

- *deficient RMD filing* because the information it contains is incomplete or insufficient, but not substantially and materially so (The Commission's rules already specify that filings may be removed when they are deficient after notice and an opportunity to cure, but we intend to recodify this basis in the same section as the other removal causes we establish, and to address notice and cure requirements independently, as discussed below. Additionally, the Commission has explained that a filing may be deficient when, for example, it describes a mitigation program that is unreasonable, or if the Commission determines that the provider knowingly or negligently carries or processes illegal robocalls in contravention of its RMD filing, but we believe this revised deficiency cause, along with the facial deficiency removal cause, will capture the full scope of potential deficiencies.);
- *facially deficient RMD filing* because it lacks required information or certifications or the information it contains is invalid, non-responsive, or illegible (The Commission has previously described facially deficient filings as those where ''the provider has failed to submit even the most basic information required . . . .'' It has specifically stated that a filing is facially deficient where the provider submits a robocall mitigation plan that fails to provide any information about the specific reasonable steps the provider is taking to mitigate illegal robocalls, as required. It also provided a non-

exhaustive list of examples for why a filing would be facially deficient, including instances where the provider only submits: (1) a request for confidentiality with no underlying substantive filing; (2) only non-responsive data or documents (*e.g.,* a screenshot from the Commission's website of a provider's FCC Registration Number data or other document that does not describe robocall mitigation efforts); (3) information that merely states how STIR/SHAKEN generally works, with no specific information about the provider's own robocall mitigation efforts; or (4) a certification that is not in English and lacks a certified English translation. The Commission has also removed filings that lack a robocall mitigation plan or other required information.);

- *materially deficient RMD filing* because it contains information that is substantially and materially incomplete or insufficient, contains material internal inconsistencies, or contains information that is materially inconsistent with information the provider has reported elsewhere or with reliable external sources (*e.g.,* CORES, the Governance Authority, the NANPA);
- *lack of candor,* including submission of false, misleading, or inaccurate information to the Commission, the Governance Authority, the Policy Administrator, any Certification Authority, or any agent or other third party designated by the Commission or acting on behalf of the Commission pursuant to Commission rules or direction, including the NANPA and the industry traceback consortium;
- *annual recertification violations,* including failure to complete the recertification, failure to complete the recertification on time, and failure to pay the required annual recertification fee;
- *accepting calls from a prohibited provider,* including a provider that does not have a filing that appears in the Database, whose filing has been removed from the Database, or that is subject to a mandatory blocking order (The Commission's rules already specify that filings may be removed for this reason, but we intend to recodify this cause in the same section as the other removal causes we establish);
- *traceback violations,* including failure to respond to traceback requests, repeated appearance in tracebacks, or submission of incomplete or inaccurate information in traceback responses;
- *enabling transmission of illegal calls,* including knowingly or negligently initiating, originating, carrying, processing, or terminating illegal calls (The Commission has previously directed that providers must comply with the practices described in their robocall mitigation plans and that such plans will be deemed deficient if the provider knowingly or through negligence originates, carries, or processes unlawful robocall campaigns.);
- *inadequate robocall mitigation* measures, including failure to implement a robocall mitigation program that complies with Commission rules or failure to comply with the robocall mitigation practices described in the provider's robocall mitigation plan;
- *failure to cooperate with a Commission investigation,* including failure to respond to a subpoena, letter of inquiry, cease-and-desist letter, or notice of suspected illegal traffic;
- *impersonation,* including the unauthorized use of another person or entity's identifying information in an RMD filing;
- *STIR/SHAKEN implementation violations,* including failure to implement STIR/SHAKEN in accordance with Commission rules, improper attestations, and unauthorized authentication practices;
- *national security and law enforcement concerns,* including when a provider, or the provider's subsidiary or affiliate, is identified on the Covered List, is identified as having foreign adversary control through the Foreign Adversary Control System, is subject to a Commission action revoking or terminating a license or authorization on national security or law enforcement grounds, is excluded from obtaining a license or authorization on national security or law enforcement grounds, is otherwise subject to a final Commission determination that its continued participation in the U.S. communications ecosystem poses unacceptable risks, and when the provider is owned or controlled by, under common ownership or control with, or acting on behalf of an entity that is subject to any such a determination;
- *final Commission enforcement actions* with accompanying findings of actual wrongdoing related to facilitating illegal calls or spoofing, including a final determination order under § 64.1200(n)(3), a forfeiture order involving illegal calls or spoofing (if the forfeiture is paid or ordered to be paid by a court), revocation of a Commission authorization, or a final order finding that the provider has failed to comply with KYC, KYUP, STIR/SHAKEN, call blocking, traceback, numbering, or robocall mitigation requirements; and
- *repeat violations for reinstated providers,* including when the provider is removed for one basis but, after reinstatement, commits a violation under the same or another basis.

We seek comment on codification of each of these proposed causes for removal or other enforcement action, including whether we should provide additional guidance explaining what actions or omissions fall within each of these causes. For instance, should removal for lack of candor require a showing that the false statement was material, repeated, or made with intent to deceive? Or is negligent submission of materially inaccurate information sufficient where the provider fails to correct the information after notice? Is failure to respond to a single traceback request sufficient for removal or must it be accompanied by other indicia of bad faith? Should the Commission instead establish a threshold, such as repeated failures to respond to tracebacks within a defined period? Should the rule distinguish between late responses, incomplete responses, false responses, and non-responses? Should failure to participate in automated traceback processes constitute a cause for removal or other enforcement action, if we require providers to participate in the automated traceback process? Should the Commission require evidence that the provider knowingly enabled the transmission of illegal calls, or should a ''knew or should have known'' standard apply? In the *Sixth Caller ID Authentication Order,* the Commission declined to adopt one commenter's proposed standard for assessing forfeiture and removal liability for transmitting illegal traffic based on whether the provider ''knew or should have known'' that a call was illegal, concluding that such a standard was not realistic and could lead to significant market disruptions. We seek comment now on whether we should revisit this determination in light of the Commission's efforts in this proceeding to strengthen the foundation of our enforcement efforts and restore trust in the voice ecosystem. Should use of traceback data for identifying providers that enabled the transmission of illegal calls be limited to identifying originating or gateway providers that may be subject to removal? Are there additional causes for removal that we have not considered?

Removal processes. We next propose and seek comment on enhancing and codifying the procedures for removing providers' filings from the Database and on codifying which procedures apply to each cause for removal. To date, the

Commission has used the following procedures for RMD removal:

• *Three-Step Removal Process*—For most filing deficiencies, the Commission uses a three-step process under which: (1) the Bureau or the Enforcement Bureau first notifies the provider that its filing is deficient, explains the nature of the deficiency, and provides an opportunity to cure; (2) if the provider fails to cure, the Enforcement Bureau issues an order finding that a provider's filing is deficient based on the available evidence and directing the provider to, within 14 days, cure the deficiency and notify the Enforcement Bureau that the deficiency has been cured or explain why its filing should not be removed; and (3) if the provider fails to cure or provide a sufficient explanation within the 14-day period, the Enforcement Bureau issues an order removing the filing from the Database.

• *Two-Step Removal Process*—For filings where the Commission has found that the provider has ''willfully'' violated the RMD filing rules, such as by submitting a filing that contains a facially deficient robocall mitigation plan, and therefore an expedited removal process is warranted, the Commission uses a two-step process under which: (1) the Enforcement Bureau issues a notice to the provider explaining the basis for the violation and providing an opportunity for the provider to resolve the violation or explain why there is no violation within 10 days; and (2) if the violation is not resolved or the provider fails to establish that there is no violation within that 10-day period, the Enforcement Bureau issues an order removing the filing from the Database. The Enforcement Bureau recently used this expedited procedure to remove a voice service provider for failure to cooperate with a Commission investigation because the failure to cooperate demonstrated that its filing (which included a commitment to cooperate with Commission investigations) was deficient and the deficiency was willful.

We propose that the Three-Step Removal Process should apply only to deficient RMD filings, as we propose to codify that cause for removal or enforcement above, except that the Enforcement Bureau should have the discretion to use this process for all other causes for removal. We believe that these deficient RMD filings contain deficiencies that are non-willful, non-substantial, non-material, and typically inadvertent, and therefore that the harms associated with filings containing such deficiencies are minimal. Additionally, such deficiencies may involve disputed facts or assertions, and therefore, we also believe that providers should have ample opportunity to explain and resolve these issues. We seek comment on this proposal and assessment. Should we establish a minimum notice and cure period under the first step, and if so, what should that period be? Should the Bureaus have discretion to shorten the notice and cure period under the first and/or second step where the deficiency is readily curable or accompanied by other indicia of non-compliance, or where the provider fails to respond?

We propose that the Two-Step Removal Process should apply to all other causes for removal, as we propose to codify those causes above, unless the Enforcement Bureau determines that the Three-Step Removal Process should apply. We believe each of these causes are serious violations of Commission rules and significant threats to the integrity of the Database and the U.S. voice ecosystem. We also believe each of those causes are, by definition, willful acts or omissions because they are objective and readily verifiable such that a responsible actor would know that its act or omission constitutes a violation, and therefore that expedited removal for these causes under the Two-Step Process is warranted. We also propose to change the 10-day cure/response period under the Two-Step Process to five (5) days to enhance our ability to quickly remove providers that willfully violate our rules. We seek comment on these proposals and analysis. What are the legal and practical implications of this process? Should we establish a threshold number of violations over a defined period for certain causes, such as failing to respond to tracebacks or applying improper STIR/SHAKEN attestations, before the violation is considered willful and subject to the Two-Step Removal process? Is five (5) days sufficient time for an affected provider to cure its filing, respond to the Commission, and/or notify its customers before its filing is removed and downstream providers must cease accepting the provider's voice calls? Should the length of the cure/response period vary by the removal cause, and if so, what periods should apply to which causes?

We also seek comment on whether to adopt a One-Step Removal Process for egregious conduct or circumstances where further pre-removal process would be unnecessary, impracticable, or contrary to the public interest, including circumstances in which public health, interest, or safety require immediate removal. Under such a process, the Enforcement Bureau could issue an order removing a provider's filing from the Database after a certain number of days without a pre-removal cure/response period. The order would describe the cause(s) for removal and would establish notice of the impending removal to the provider, which could seek reconsideration, review, or reinstatement after removal. Would an effective date for any such removal order of five (5) days be sufficient to allow the affected provider time to notify its customers before its filing is removed and downstream providers must cease accepting the provider's voice calls? We further seek comment on the conduct or circumstances under which the One-Step Removal Process should be available. For example, should this process be available where the provider has engaged in repeated or continuing violations under any of the causes for removal or other enforcement action discussed above? Or, should a single violation under certain causes, such as lack of candor, impersonation, or national security and law enforcement concerns, warrant the One-Step Removal Process? What would be the legal and practical implications of a one-step removal process? What safeguards, if any, should apply, and how quickly should a provider be permitted to seek reinstatement after removal?

We also seek comment on whether there are any alternative removal approaches we could use to expedite the removal of bad actor and non-compliant providers' filings. For instance, to the extent the Enforcement Bureau engages in ongoing communications with providers attempting to cure their filings today, should providers have a set number of opportunities—*e.g.,* three strikes—to fully cure their filings before removal? Would such a strict requirement be more reasonable given our proposals to clarify providers' filing obligations? Should such a requirement only apply to material violations?

Suspensions. We seek comment on whether we should establish a process to suspend a provider's filing from the Database when a provider's filing or conduct presents a cause for removal or other enforcement action. We believe a suspension could serve as both a temporary remedy and intermediate step before removal.

We seek specific comment on whether suspensions should apply when a provider fails to complete its annual recertification by the applicable deadline. Should the RMD system automatically suspend any filing that has not been recertified and for which

any required fee has not been paid by the deadline or after any grace period we may adopt, or should suspension occur only after Bureau review and notice to the provider? If the process is automatic, what safeguards should apply to prevent suspension due to system error, payment-processing delays, or circumstances outside the provider's control? Should the Bureau provide advance reminders, a notice of missed deadline, or a short cure period before suspension? Should suspension only occur after repeated failure to complete an annual recertification or pay the associated fee by the applicable deadline, and if so, how many failures should be permitted before suspension occurs? Under what circumstances should suspensions be lifted? For instance, should we allow providers to complete their certifications and pay any fees after the deadline and lift the suspension when they do? If so, should we configure the system to automatically lift the suspension upon recertification and payment, or should the Bureau manually lift the suspension after completion of these steps and Bureau review? Should we block providers from completing their recertifications and paying any fees after the deadline and only allow them to request approval to complete these steps to lift the suspension? Should a filing be removed if the provider fails to complete recertification and pay any required fee within a specified period after suspension—*e.g.,* 14 days or 30 days—and if so, are any additional findings, procedures, or safeguards necessary before imposing any such consequence? Should repeated violations result in automatic removal, and if so, after how many times?

We also seek comment on whether the Bureau or the Enforcement Bureau should be able to suspend a filing while reviewing, investigating, or pursuing enforcement for other causes for removal or enforcement action. Which causes, if any, are appropriate for suspension? For instance, should suspension be permitted where the provider's continued appearance in the Database presents heightened risks to consumers, the integrity of the Database, national security, law enforcement, or the U.S. voice network? Should the Enforcement Bureau be required to initiate a removal after a certain amount of time following a suspension, and if so, how soon after suspension must the removal process begin? Should a suspension remain in place until the provider cures the underlying violation, responds adequately to a Bureau or Enforcement Bureau inquiry, resolves any pending investigation or removal process, or obtains Bureau and Enforcement Bureau approval? Should the Commission establish maximum suspension periods, after which the Bureau or Enforcement Bureau must either lift the suspension, extend it for good cause, or complete a removal process? Should failure to cure, respond, or otherwise resolve the underlying issue within a specified period result in removal under the applicable removal process? Should repeated suspensions for the same or similar conduct be a cause for removal or other enforcement action, or should such conduct warrant automatic removal after a certain number of times, and if so, how many times? Should repeated violations warrant heightened scrutiny, forfeiture, or denial of future reinstatement?

We seek comment on various ways to implement and effectuate suspension. Should a suspended filing remain visible in the Database but be clearly marked as ''suspended,'' ''under review,'' ''past due'' (in the case of filings that missed the recertification deadline), or some other indicator, or should it be removed from public view unless and until the provider cures the basis for suspension? Should suspensions have the same downstream-provider consequences as removals—*i.e.,* downstream providers could not accept voice calls from a suspended provider—or should suspensions instead trigger permissive blocking or enhanced due diligence by downstream providers? Should the effect of suspension vary depending on the basis for suspension, such that missed recertification or fee payment has different downstream consequences than suspension based on other causes for removal or serious misconduct?

We seek comment on legal implications of any such suspension approach. What notice, opportunity to respond or cure, evidentiary showing, or review rights must apply, if any, prior to suspension? For annual recertification, do pre-deadline general or individualized notices or reminders provide sufficient notice? Should the process differ where suspension is used as a temporary protective measure pending further review, where the provider has already received notice of the underlying conduct through another Commission process, or where public health, interest, safety, national security, law enforcement, or consumer-protection concerns require faster action? What appeal or review rights should apply to automatic or Bureau-initiated suspensions?

Annual recertification requirement modifications. We seek comment on whether we should establish a set grace period for providers that fail to complete annual recertifications by the March 1 deadline to avoid immediate cause for suspension or removal. Are there meaningful benefits of providing a grace period that outweigh the downsides? For instance, would this benefit responsible providers with legitimate customers by providing them with an opportunity to complete their recertification and avoid interruption to the service they provide to end users or other customers? What are the potential downsides? Would providers begin treating the grace period as effectively a new deadline? In addition to the annual general notice of the recertification deadline, should the Commission provide direct notice to providers prior to each annual recertification deadline or immediately upon closing of the recertification window when any grace period we may establish has begun? If we adopt a grace period, how long should it be? Should providers that complete recertification during a grace period be deemed fully compliant, or should filing during the grace period be treated as a violation with certain potential enforcement consequences, even if no consequences occur in the first instance? If so, what should those potential consequences be? We also seek comment on whether any grace period should be available only for first-time or inadvertent failures, and whether repeated late recertifications should result in heightened scrutiny, forfeiture, removal, denial of reinstatement, or other consequences.

We seek comment on whether an annual recertification in the RMD should have a one-year term that expires on March 1 of the following year (or after any grace period, if we adopt one), and therefore that providers would need to perform the annual recertification prior to the deadline for their filing to appear in the Database for the following year. We envision that this would differ from a suspension for failing to complete the annual recertification, which we seek comment on above, because it would not be a response to a filer failing to recertify but would instead be a pre-established term that applies to all new filings. This requirement would effectively place the onus on providers to take action to have their filings remain in the RMD rather than placing the onus on the Commission to take action to remove providers' filings from the RMD. As such, we think such a requirement would enhance providers awareness of

their RMD obligations and increase the integrity of the Database while conserving Commission resources. We seek comment on the benefits and drawbacks of any such requirement.

We propose to codify the requirement that providers must submit the $100 annual recertification fee at the time they complete their recertification. When the Commission established the annual recertification fee requirement in the *RMD Order,* 91 FR 343 (Jan. 6, 2026), it provided that the filing and the applicable filing fee would be submitted at the same time, but it did not codify that timing requirement in the rules. We note that the fee requirement has not yet gone into effect. The Commission will publish a notice in the **Federal Register** announcing when it has completed these steps and when the application fee requirement will become effective. For consistency with the requirement established in the *RMD Order* and administrative convenience, the Database will be configured such that providers will not be able to complete their annual recertification until they have paid the annual recertification fee. To the extent applicable, appropriate procedures will be adopted for exemptions to our fee requirements. Accordingly, if we implement a grace period for the annual recertification, any providers that use the grace period will also pay the fee at the time they file the annual recertification. We believe codifying the timing requirement in our rules will provide greater clarity to providers on the fee requirement. We seek comment on this proposal and assessment. Should we establish any additional rules related to the fee requirement that differ from the Commission's general procedural rules applicable to fees? The RMD recertification fee will be listed in § 1.1105, 47 CFR 1.1105, *Schedule of charges for applications and other filings for the wireline competition services.* Given how the Database will be configured, should we clarify that certain other rules are moot or otherwise inapplicable? In light of how the Database will be configured, should we clarify the recertification fee is late for purposes of the late payment penalty only for those who file after the grace period has expired? Section 159a(c)(1) requires the Commission to impose a late payment penalty of 25 percent of unpaid fees to be assessed on the first day following the deadline for payment of the fees. Section 159a(c)(2) requires the Commission to assess interest at the rate set forth in 31 U.S.C. 3717 on all unpaid fees, including the 25 percent penalty, until the debt is paid in full.

Filing status indicators and call acceptance requirements. We seek comment on whether, instead of hiding removed or suspended filings from view in the public database, they should remain viewable in the public database and we should establish new filing status indicators. Would appropriate indicators be ''removed,'' ''suspended,'' and ''published'' or ''active''? Would maintaining public viewing of removed and suspended filings better enable downstream providers to identify providers from which they are no longer permitted to accept voice calls and otherwise support their KYUP efforts? How should we modify our rule in § 64.6305(g) that directs providers to only accept voice calls from upstream providers that appear in the Database and have not been removed to account for all filings appearing in the database with such indicators? Rather than, or in addition to, including filing status indicators in the Database itself, should the Commission maintain and publish a separate and regularly updated list of all the names of providers whose filings have been removed and/or suspended from the RMD?

Mandatory customer notice. We propose to require providers that are subject to a removal order, suspension (if adopted), or mandatory blocking order to provide notice to their customers. Such notice may reduce consumer disruption by informing lawful customers that their service may be affected and by allowing them to migrate to another provider. We note that, under our existing rules, downstream providers must continue to accept 911 and emergency calls from a provider subject to a removal order. We seek comment on this proposal. Which providers should be required to provide customer notice—only retail providers, or also wholesale providers whose customers may include resellers, call centers, enterprise users, or other service providers? What information should the notice contain, and when should it be sent? Specifically, we seek comment on how the timing of this notice should be sequenced relative to the deadline for downstream providers to comply with any removal or mandatory blocking order so that customers are given sufficient time to find a new provider before their service is interrupted. Below, we propose to specify how quickly providers must stop accepting calls from removed providers. Should compliance with any removal, suspensions, or mandatory blocking order be delayed for some period of time to allow customers time to enter into new service agreements? Additionally, Section 214(a) of the Act provides that a carrier may not discontinue, reduce, or impair a telecommunications service without Commission authorization. Unless otherwise noted, we use the term ''discontinue'' or ''discontinuance'' as a shorthand for the statutory language ''discontinue, reduce, or impair.'' Does RMD removal implicate providers' obligation under Section 214(a) of the Act and our rules to seek Commission authorization before discontinuing, reducing, or impairing service to a community or part of a community? If so, how, if at all, should we revise our RMD rules or discontinuance rules to account for RMD removals? Should the provider be required to certify to the Commission that it has provided the RMD removal notice? Should we require providers seeking reinstatement to submit proof that they provided the RMD removal notice and/or the notice required by our discontinuance rules as a condition of reinstatement? Should the Commission specify a form of notice, such as email, customer portal notice, bill message, direct mail, or contractual notice, or delegate such implementation details to the Bureau? If RMD removal implicates Section 214(a) and our discontinuance rules, should the proposed RMD removal notice be included in the customer notice required by our discontinuance rules, or should it be separate? Are there alternative approaches we should consider for notifying customers that their provider's calls will no longer be accepted by downstream providers?

We further seek comment on whether downstream providers may or should provide direct notice to customers of an upstream provider whose calls will be blocked because of a removal or mandatory blocking order. Downstream providers may have visibility into traffic patterns or customer relationships that could help identify affected entities or individuals. However, such notice may implicate customer proprietary network information and other confidentiality obligations under Section 222 of the Act and the Commission's rules. We seek comment on how Section 222 applies in this context. Would customer notice be permissible either with customer consent, pursuant to an exception for protecting users or the provider's rights and property, or under another legal basis? Should the Commission adopt a rule expressly permitting limited use or disclosure of customer information for the purpose of providing notice required by a Commission removal or blocking order? If so, what safeguards should apply?

4. Keeping Removed Bad Actor Providers Out

We next propose and seek comment on measures to prevent bad actor providers, and the individuals and entities behind them, from reentering the Database after removal. As discussed above, removal from the Database is a significant remedy designed to protect consumers and the voice network from bad actor providers, including those that fail to comply with the Commission's robocall mitigation, caller ID authentication, traceback, and Database filing requirements. But removal may be less effective if the same individuals, related entities, or alter egos can quickly resume participation in the voice ecosystem by filing in the Database under a new business name, affiliate, successor, or other vehicle. We propose and seek comment on measures to address these tactics. We also seek general comment here on whether the processes we discuss are sufficient to prevent bad actor providers from repeatedly ''reinventing'' themselves to evade the consequences of removal, or whether additional tools are needed.

Identifying and acting on unauthorized re-filings. We seek comment on mechanisms to determine when a new filing is unauthorized because it is being made by, on behalf of, or for the benefit of a provider whose filing has been removed from the Database, a provider or person prohibited from filing in the Database pursuant to any debarment process we may adopt (as discussed below), or an alter ego, successor, affiliate, or evasion vehicle of such provider or person. Should any factor, such as common ownership or control, create a rebuttable presumption that the new filing is unauthorized? How should the Commission distinguish between evasion and legitimate business transactions, such as a bona fide arm's length acquisition of assets from a removed provider? Should it be incumbent upon filers to communicate such circumstances to the Commission?

We seek comment on the actions we should take when we determine that a new filing is unauthorized, including for example, rejecting or assigning a ''pending review'' status to prevent publication of such filings and/or removal of filings unauthorized re-filings that are published. Should such actions be performed automatically or manually? Although we believe that such actions may help prevent bad actors from quickly reentering the voice ecosystem, to what extent would they present a risk of false positives that delay or prevent publication of filings by legitimate providers that have common vendors, shared office space, or similar names? Are any such characteristics common for legitimate providers? Should automated rejection, suppression, or removal be limited to filings with high-confidence matches, such as identical OCNs, overlapping FRNs (a given FRN may only be associated with a single RMD filing—however, filers are required to list any additional FRNs in their filing, which may overlap with FRNs associated with other RMD filings, including removed filings), principals, or contact information? When a filing is rejected, suppressed, or removed, should or must we provide notice to the filer with an opportunity to demonstrate that the filing was not made by, on behalf of, or for the benefit of a provider whose filing has been removed from the Database? If so, what showing should we require, and should the filing remain unpublished while the Bureaus review that showing? If, after reviewing the filing and any such showing, the Bureaus determine that a filing is unauthorized, should the filing be rejected, suppressed, or removed? What, if any, additional notice and opportunity to cure is required before an unauthorized filing can be rejected, suppressed, or removed?

Reinstatements. We propose to clarify and codify the circumstances and process under which a removed provider may seek reinstatement to the Database. We propose to require that a removed provider seeking reinstatement must submit a written request to the Enforcement Bureau, demonstrate that it has cured all violations, pay any outstanding regulatory or filing fees owed to the Commission or forfeitures imposed by a court, update all required RMD and CORES information, demonstrate compliance with traceback obligations, and demonstrate it has implemented a robocall mitigation program that complies with Commission rules. We also propose to codify the existing requirement that a provider whose filing has been removed from the Database is not permitted to refile unless and until both the Bureau and Enforcement Bureau consent. Consistent with the publication rule proposed above, even where the Bureaus consent to reinstatement or refiling, the provider's filing would not ''appear'' in the Database for the purposes of § 64.6305(g) unless and until the filing is accepted and published. We further propose to clarify that the Enforcement Bureau, in consultation with the Wireline Bureau, has the discretion to grant, deny, or condition reinstatement based on the provider's cooperation with the Bureau, the provider's showing, the provider's compliance history, and the Enforcement Bureau's risk assessment regarding whether reinstatement would permit the provider's network or services to be used to transmit illegal calls. Reinstatement might also be contingent on the provider agreeing to a consent decree with the Enforcement Bureau. Consistent with current practices, these procedures would create no expectation that a provider whose filing has been removed will be reinstated. We seek comment on these proposals.

Bar on RMD participation. We seek comment on whether to establish an RMD-specific debarment, limited denial of participation, bar on participation, or similar process to prevent bad actor providers and associated natural persons from participating in the Database for a defined period or, in appropriate cases, permanently. For purposes of this inquiry, we use ''participation'' to include filing in the Database, maintaining a filing in the Database, seeking reinstatement after removal, owning or controlling a provider with a filing in the Database, managing or operating such a provider, or submitting a filing on behalf of such a provider. We address below whether RMD misconduct should have broader consequences for other Commission authorizations, licenses, certifications, or applications—here, we focus on whether and how the Commission should limit participation in the Database itself.

In the recent *Suspension and Debarment Order,* 91 FR 18134 (April 9, 2026), the Commission adopted a Limited Denial of Participation (LDP) framework as an FCC-specific alternative to governmentwide suspension and debarment, explaining that an LDP may offer a more flexible remedy for misconduct that warrants limiting participation in FCC programs but may not warrant full suspension or debarment from all government programs. The Commission also adopted rules allowing the LDP to be limited to particular FCC programs, to be extended to other Commission programs depending on the facts and circumstances, to include notice and an opportunity to be heard, and to last initially for up to 12 months, with a possible six-month extension. We seek comment on whether we should establish an RMD-specific framework, modeled off the LDP framework, to address bad actor providers, including those whose filings have been removed from the Database and natural persons

or related entities associated with such providers. As an alternative, should we instead amend the recently adopted LDP rules so that the causes for removal or other enforcement action discussed above may also serve as bases for an LDP, either limited to RMD participation or, where warranted, extended to other Commission programs under the standards and procedures applicable to LDPs?

In particular, we seek comment on whether there should be a process to bar participation by barring from reinstatement a provider whose filing has been removed from the Database for a defined period of time or permanently where the provider was removed for serious or repeated misconduct. We believe that time-limited or permanent bars on RMD reinstatement may be appropriate where the cause for removal was lack of candor, failure to respond to traceback requests or other traceback violations, impersonation, national security or law enforcement concerns, final Commission enforcement actions, or repeat violations by providers that were previously reinstated. We seek comment on this view. Should the Commission codify these or other causes as warranting time-limited or permanent bars on RMD reinstatement? Should the Commission establish a specific period of time for time-limited bars and if so, what duration would be appropriate—one year, three years, five years, or another period? Should different periods apply depending on the nature and severity of the misconduct? Should any particular misconduct warrant a permanent bar, or should permanent bars be reserved for egregious or repeated misconduct after notice and an opportunity to respond?

We also seek comment on the entities and individuals to which an RMD participation bar should apply. Should any RMD-specific debarment, LDP, time-limited or permanent bar on RMD participation, or similar remedy apply only to the removed provider, or also to related entities and natural persons associated with that provider? For example, should the Commission establish a process under which owners, officers, directors, board members, managers, key employees, persons responsible for regulatory compliance, or other associated natural persons may be barred for a period of time or permanently from owning, controlling, managing, operating, or submitting a filing on behalf of a provider that is required to submit a filing in the Database? Should any such rule apply to regulatory consultants, third-party filing agents, or other persons who knowingly submit false, misleading, or inaccurate Database filings on behalf of multiple providers? Should a time-limited or permanent bar on participation extend to affiliates, successors, alter egos, or entities under common ownership or control with the removed provider?

We seek comment on the procedures and safeguards that should apply before the Commission imposes an RMD-specific debarment, LDP, time-limited or permanent bar on RMD participation, or similar remedy. Because any such remedy could limit a provider's or natural person's ability to participate in the Database, we seek comment on what process is required before imposing such a remedy for misconduct. What standard of proof should apply? What notice and opportunity to respond should be required? Should such a bar apply automatically upon removal of a provider's filing from the Database, or only after a separate finding that the natural person participated in, directed, knew of, or should have known of the conduct that led to removal? If there exist substantial and material questions of fact regarding whether a provider, related entity, or associated natural person should be barred from RMD participation, should the matter be designated for an evidentiary hearing before the Administrative Law Judge or the Commission? Evidentiary hearings may be conducted by the Administrative Law Judge, by one or more commissioners, or by the Commission, which may appoint a case manager. The Administrative Law Judge may be tasked with finding facts only or with rendering an Initial Decision on the merits, which may be appealed to the Commission. When the Commission hears the matter itself utilizing a case manager, the case manager oversees the daily progress of the case, but the Commission renders the decision on the merits. Evidentiary hearings allow for discovery, including production of documents, taking of depositions and live testimony, subpoenaing of witnesses and documents, and requiring personal appearances by natural persons associated with the provider and by other witnesses. Section 309(e) of the Act, 47 U.S.C. 309(e), provides a model. It requires that when a broadcast application presents a substantial and material question of fact, or when the Commission (or the Media Bureau on delegated authority) is unable to determine upon the record before it whether the application should be granted, that application is to be designated for an evidentiary hearing. Should a hearing before the Administrative Law Judge be available as part of the appeals process for denial of reinstatement or imposition of a time-limited or permanent bar by the Bureaus? The Commission previously has utilized the Administrative Law Judge in the appeals process. To facilitate the upper C-band transition, the Commission established a procedure by which a satellite operator could seek Media Bureau review of the cost clearinghouse's determination of the operator's reimbursable costs. The operator then could seek *de novo* review of the Media Bureau's order. The *de novo* review was effected through an evidentiary hearing before the Administrative Law Judge. This option for *de novo* review, however, did not alter the pre-existing option for the Media Bureau to designate the matter for hearing before the Administrative Law Judge rather than decide the matter based upon the record available to it. The decision of the Administrative Law Judge, whether made after designation for hearing by the Media Bureau or after the operator sought *de novo* review, then could be appealed to the Commission. What appeal rights should apply, and should such appeals be resolved by the Bureaus, the Commission, the Administrative Law Judge, or some combination? Should there be additional procedural safeguards or enhanced processes for permanent bars compared to time-limited bars?

Finally, we seek comment on conditions and collateral requirements that should apply when a provider, related entity, or associated natural person that was barred from participating in the Database is permitted to participate again, such as at the expiration of a time-limited bar. Should the Commission require a compliance plan, independent audit, officer certification, probationary period, periodic reporting, or other conditions as part of any renewed participation? Should such providers be subject to heightened scrutiny or more frequent recertification for a defined period? Should barred individuals or entities be listed publicly, or would publication raise privacy, due process, or law enforcement concerns? Should the Database form require filers to certify that no barred individual or entity owns, controls, manages, operates, or submits filings on behalf of the provider? Would such a certification help prevent bad actors from reentering the Database through new entities, affiliates, successors, or third-party filing agents, or would it impose undue burdens on legitimate providers?

Effect of removal on other Commission business. We further seek comment on whether misconduct in

connection with the RMD should affect a provider's or person's ability to conduct other business with the FCC for a period of time. As a starting point, to what extent are attorneys who submit RMD filings for an entity that is subsequently subject to an RMD enforcement action susceptible to potential censure, suspension, or disbarment from practice before the Commission under § 1.24(a) of the Commission's rules? If remedies under § 1.24(a) already would apply to such attorneys, should the same or similar remedies apply to others who engaged in misconduct in connection with the RMD?

Beyond that, many providers listed in the Database may hold other Commission authorizations, licenses, or certifications, such as domestic and international Section 214 authorizations, authorization for direct access to numbering resources, eligible telecommunications carrier designations, or spectrum licenses. In the *Sixth Caller ID Authentication Order,* the Commission adopted rules permitting revocation of Section 214 authority and other Commission authorizations, licenses, or certifications for continued violations of the robocall mitigation rules, and stated that it would consider, in future application proceedings, whether it is in the public interest for individual company owners, directors, officers, and principals associated with entities subject to revocation to obtain new Commission authorizations, licenses, or certifications. The Commission declined at that time to adopt a broader proposal to ban principals (either individuals or entities) associated with entities subject to any such revocations from serving, either directly or indirectly, as an attributable principal, officer, or director of entities that hold or apply for any FCC license or authorization for the provision of a Title II-regulated service or other voice service, citing the limited record, the complexity of identifying affected providers and applicants, and the risk of harm to providers and customers associated with the targeted principal but not involved in the robocall misconduct, but the Commission stated that it would consider whether to adopt such rules if repeat offenses increased.

Our experience administering the Database and enforcing its requirements has demonstrated an increased risk that bad actor providers, principals, affiliates, successors, or alter egos may evade removal by reentering the voice ecosystem through new filings by related entities. Above, we seek comment on whether to establish an RMD-specific debarment, limited denial of participation, participation bar, or similar process to limit participation in the Database itself. We now seek tailored comment on whether the same types of misconduct that could warrant an RMD participation bar—such as RMD removal, repeated submission of deficient or false RMD filings, evasion through alter egos, repeated failure to respond to traceback requests, or repeated transmission of illegal calls—should also have broader consequences for the provider's or principal's Commission authorizations, licenses, certification, or applications. We note that, in the *Robocall Numbering Policies NPRM,* we sought comment on whether providers' access to numbering resources should be affected when there is indicia of fraud or misuse of numbering resources, such as a high number of tracebacks over a defined period or receipt of a ''Notification of Suspected Illegal Traffic.'' Specifically, should such conduct serve as grounds to initiate proceedings to revoke, suspend, condition, designate for hearing, or otherwise review Commission authorizations, licenses, or certifications held by the provider or principal? Should such conduct affect future applications to the Commission for authorizations, licenses, or certifications by the provider or by principals, affiliates, successors, alter egos, or entities under common ownership or control? If so, should those consequences apply automatically for a defined period, only after a separate Commission finding, or only after application-specific review under the rules and procedures governing the relevant authorization, license, certification, and application? Should we adopt a process to bar, for a period of time or permanently, principals of entities that engage in such misconduct from owning, controlling, managing, or operating, either directly or indirectly, an entity that holds or is applying for an FCC authorization, license, or certification? What additional findings, procedures, and safeguards would be necessary before imposing any such consequences? We note that there might already be procedural requirements governing revocation of certain types of Commission authorizations. For example, Section 312(c) of the Act requires an evidentiary hearing before a broadcast license may be revoked. Potential bases for revoking a broadcast license may arise in relation to the RMD as a result of, for instance, violations of the RMD rules, false or misleading statements in an RMD submission, or abusing the RMD process. Section 73.4280 of the Commission's rules incorporates these character policy statements by reference and thereby makes them part of the Commission's rules. Are there situations in which it would be necessary or appropriate to conduct an evidentiary hearing before the Administrative Law Judge or the Commission, such as when material questions of fact exist or when required by statute or rule governing the relevant authorization, license, or certification? Should the Commission adopt narrower RMD-specific consequences that only affect voice service-related authorizations, licenses, or certifications?

Prohibition on Accepting Voice Calls from Unlisted Providers. We propose to amend § 64.6305(g) to provide greater clarity and specificity regarding downstream providers' obligation to only accept voice calls from providers that appear in the Database, and seek comment on how to do so. Section 64.6305(g) requires intermediate providers and voice service providers to accept voice calls sent directly from domestic or foreign voice service providers and intermediate providers only if the upstream provider's filing appears in the Database and has not been removed. Notwithstanding this requirement, ''(i) [a] provider may not block a voice call under any circumstances if the call is an emergency call placed to 911; and (ii) [a] provider must make all reasonable efforts to ensure that it does not block any calls from public safety answering points and government emergency numbers.'' As an initial matter, should we amend our rules to affirmatively prohibit providers from accepting voice calls from a provider that is not published in the Database, rather than the current wording that requires providers to only accept calls from a provider whose filing appears in the Database and has not been removed? If we adopt our proposal that providers have a temporary exemption while they seek to obtain an SPC token, should we specify that providers are not permitted to accept calls from upstream providers unless they appear in the Database and have obtained an SPC token?

We propose to specify the minimum frequency with which providers must check the Database to ensure compliance with this obligation and seek comment on that frequency. Should providers be required to check the Database before entering into a new interconnection, service, or traffic-exchange arrangement; at regular intervals; and/or upon notice from the Commission that a provider has been removed? Should the Commission

establish a minimum frequency, such as daily, weekly, monthly, or before accepting calls from any upstream provider? Should the obligation vary based on a provider's size, role in the call path, traffic volume, or risk profile? What costs would providers, particularly small and rural providers, face in complying with such procedures? If the Commission were to adopt any such procedures, how long would providers need to implement any changes to their networks or operations to comply with new rules? We also seek comment on providers' current practices for complying with their obligations under § 64.6305(g), including whether they rely on the Database's API, downloadable .CSV file, or another data source, and whether they employ any technical validation tools or rely on manual checks.

We propose to specify how quickly downstream providers must stop accepting calls after a provider's filing is removed from the Database and seek comment on when this should occur. In the *Sixth Caller ID Authentication Report and Order,* the Commission concluded that the existing Enforcement Bureau process, whereby providers are given two business days to block calls following Commission notice of removal from the Database, is sufficient, as it appropriately balances the public's interest in blocking unwanted robocalls against the need to allow providers sufficient time to take the necessary steps to block calls. However, since that *Order* was adopted, the Enforcement Bureau has issued orders removing substantial numbers of filings from the Database, including two orders in August 2025 that removed 1,203 and 185 filings, respectively. In light of this substantial uptick in enforcement, we now seek further comment on whether the current two-day compliance timeline is reasonable, and on the burdens and costs to providers in complying, and on the impact on customers of the deficient filer. Should we establish a default or minimum timeline that would apply to compliance with § 64.6305(g) with respect to removal orders generally, but delegate to the Enforcement Bureau the discretion to establish a longer compliance timeline in a particular removal order, such as based on the number of filings being removed? Should a default minimum timeline require downstream providers to cease accepting calls immediately upon release of the removal order, within the current two business days, or some other length of time? Should the Enforcement Bureau consider other factors for extending the compliance timeline, and if so, what factors? What operational steps must downstream providers take to stop accepting calls, and how much time is reasonably necessary? How should we balance the need to protect consumers from illegal calls against the risk of disrupting lawful calls?

We also seek comment on harmonizing the Database removal process with the Commission's call blocking rules. Under § 64.1200(n), a provider that receives a Notification of Suspected Illegal Traffic from the Enforcement Bureau must, within a minimum of 14 days, investigate the identified traffic, report the results of its investigation within the timeframe specified in the notice, and, if its investigation determines that it served as the gateway or originating provider for the identified traffic, block or cease accepting the identified traffic and substantially similar traffic on an ongoing basis within the timeframe specified in the notice. If the provider fails to respond, provides an insufficient response, continues to originate or transmit substantially similar traffic, or the Enforcement Bureau determines that the traffic is illegal despite the provider's assertions, the Enforcement Bureau may issue an Initial Determination Order and, after a minimum of 14 additional days to respond, a Final Determination Order finding that the provider is not in compliance with § 64.1200(n)(2). Section 64.1200(n)(3), in turn, requires any provider immediately downstream from the upstream provider identified in the Final Determination Order to block all traffic received directly from that upstream provider beginning 30 days after release of the Final Determination Order.

Thus, the Commission's blocking obligations under § 64.1200(n) operate using different processes and timelines than used for § 64.6305(g), described above. We seek comment on whether and how these processes and timelines should be harmonized. Should the Commission align the two-day time period for downstream providers to cease accepting traffic from a provider removed from the Database with the 30-day period that applies to immediately downstream providers after release of a Final Determination Order? Should we instead align the 30-day period with the two-day period, or otherwise set different periods for these timelines before harmonizing them? How much time do voice service providers need to implement mandatory blocking under § 64.1200(n)(3) or cease accepting traffic under § 64.6305(g)? Are the obligations sufficiently distinct that different timeframes remain warranted? Should a mandatory blocking order under § 64.1200(n)(3) automatically trigger the RMD removal process for the provider that received the Final Determination Order as well as for the provider(s) that originated the illegal traffic identified in the order, or should Database removal and mandatory blocking orders remain separate actions? Should the Commission align terminology across the two rules, such as ''refuse traffic,'' ''block traffic,'' ''cease accepting traffic,'' and ''identified and substantially similar traffic'' to reduce confusion about providers' obligations? We also seek comment on whether providers should be permitted to satisfy both rule frameworks through a single compliance process, such as unified investigation, mitigation, blocking, and reporting workflow and how such a process could operate effectively. Would such harmonization reduce burdens on providers and improve enforcement, or would it risk conflating distinct obligations that address different types of provider misconduct? We seek comment on these questions.

We seek comment on how downstream providers can identify whether a provider whose filing has been removed from the Database is the same entity as, or affiliated with, a provider from which they accept calls. Should the Commission include OCNs (when available), FRNs, known business names, prior business names, affiliates, principals, or other identifiers in removal orders to assist downstream providers? Should the Database include a downloadable list of removed providers and associated identifiers? Should downstream providers be entitled to rely on the Database as the authoritative source, or should they also be required to conduct independent due diligence when they have reason to believe an upstream provider is an alter ego of a removed provider? How would such obligations interact with KYUP obligations proposed in the *KYUP FNPRM*?

We propose to clarify that providers' call refusal obligations apply to all voice calls, including calls that originate outside of the United States using non-NANP resources, and not just calls using NANP resources, to ensure bad actors cannot attempt to evade robocall mitigation rules by using non-NANP numbers, invalid numbers, or other caller ID information. The Commission's existing rule requiring providers to accept calls from a foreign voice service provider only if it is listed in the Database refers to calls using NANP resources that pertain to the United

States in the caller ID field. We believe that expanding this requirement to require refusal of all voice calls will better prevent bad actors' evasive tactics. This would not change providers' obligation to not block emergency voice calls placed to 911 and to ''make all reasonable efforts to ensure that it does not block any calls from public safety answering points and government emergency numbers.'' In the *Gateway Order,* 87 FR 42916 (July 18, 2022), the Commission stated that ''[f]oreign-originated robocalls are successful to the extent that end users believe they are calls from U.S. customers or businesses, and we therefore conclude it is appropriate to focus our efforts on such calls.'' However, as we and providers increase efforts to combat illegal calls that use U.S. NANP resources, we are concerned that bad actors may increase the volume of illegal calls using non-U.S. NANP resources and seek to close that loophole here. We seek comment on this proposal, including on the extent to which this changes providers' current practices, on any operational challenges to this requirement, and on any unintended effects for lawful international traffic. Similarly, while our existing rules place a general requirement on originating, terminating, and non-gateway providers to adopt a robocall mitigation program, gateway providers must only adopt a program to address robocalls using U.S. NANP resources in the caller ID field. In the *KYUP FNPRM,* we proposed to modify the robocall mitigation program obligation for gateway providers to require that their programs apply to all calls they carry and process, and not just calls using U.S. NANP resources in the caller ID filed.

We also seek comment on whether providers should be required or permitted to block text traffic from providers that are not listed in or have been removed from the Database. The RMD is designed for voice service provider robocall mitigation obligations, but illegal text messages present related consumer protection concerns, and some providers participate in both the voice and text ecosystems. We believe providers that pose threats to consumers and the integrity of the voice ecosystem are also likely to pose threats to consumers and the integrity of the text ecosystem. We seek comment on this view. What authority would support such action? What technical, operational, and consumer-impact issues would arise?

Finally, we seek comment on whether we should specify additional consequences that should follow from Database removal, such as notification to the Governance Authority for potential SPC token suspension or revocation, notification to the NANPA for potential review of access to numbering resources, notification to other Commission bureaus or offices regarding licenses or authorizations held by the provider, and notice to state and federal law enforcement partners. Should any of these consequences be automatic, or should they require separate review under the rules governing the relevant authorization or credential? We also seek comment on how to coordinate these processes while preserving appropriate procedural protections.

5. Audits

The Commission recently asked if it should consider requiring independent audits of provider compliance with both its KYC rules and KYUP rules. Should the Commission use audits to assess companies' compliance with requirements designed to target illegal calls, including its RMD requirements? If so, should the Commission, either itself or through a third party, conduct random audits of Database filings, targeted audits of high-risk providers, audits of providers seeking reinstatement, or a combination? Should providers be required to retain records supporting their Database filings, robocall mitigation plans, KYC and KYUP practices, STIR/SHAKEN implementation certifications, traceback responses, and customer or upstream-provider due diligence? If so, for how long? Should failure to cooperate with and provide fulsome responses to audits constitute a cause for removal and/or other penalties? We seek comment on the burdens audits would impose, particularly on small providers, and on the benefits of audits in deterring bad actor providers and improving the reliability of the Database. We also seek comment on amending § 52.15(k) of the Commission's rules subjecting telecommunications service providers to ''for cause'' and random audits to ''verify carrier compliance with Commission regulations and applicable industry guidelines relating to numbering administration'' to expand the scope of audits that may be conducted under that rule to include compliance with the Commission's RMD requirements and whether such a change would be necessary. Or, should the Commission consider proposing new audit requirements for purposes of testing provider compliance with all Commission requirements aimed at preventing unlawful calls and robocalls, including the RMD requirements?

6. Resources for Administration

The RMD currently contains over 11,000 filings and continues to grow as new providers enter the voice ecosystem. In addition, existing filings are continuously updated when providers comply with the requirement to update their filings within 10 business days of any change to the information they must provide. Each RMD submission must be processed and reviewed by Commission staff to determine if it complies with the requirements of the Commission's caller ID authentication and robocall mitigation rules, as well as to verify that all existing filers have timely complied with the requirement to recertify their filings annually by March 1. As the Commission has recognized, this compliance review process requires significant staff resources, including analysts to review each filing, attorneys to perform compliance assessments, and a supervisory attorney to oversee the process and coordinate the referral of any non-compliance and fraudulent filings to the Enforcement Bureau. Enforcement actions also require significant staff resources.

The Commission has adopted several measures to support the continued administration and integrity of the Database. Specifically, the Commission established a $100 application processing fee for initial Database filings and annual recertifications and applied the Commission's red-light rule to RMD filings. As noted in the *RMD Order,* filing fees assessed pursuant to our Section 8 authority are deposited in the general fund of the U.S. Treasury and are not available for use by the agency absent an appropriation made by law. We note that the requirement to submit an application fee as required by the amendment to 47 CFR 1.1105 adopted in the *RMD Order,* is not yet effective. The Commission stated in the *RMD Order,* that the rules it adopted would become effective 30 days after publication in the **Federal Register**, except for § 1.1105, ''which requires notice to Congress pursuant to Section 9A(b)(2) of the Communications Act, 47 U.S.C. 159A(b)(2), and also requires certain updates to the FCC's information technology systems and internal procedures . . . .'' The Commission will publish a notice in the **Federal Register** announcing when it has completed these steps and when the application fee requirement will become effective. The Commission has also implemented multi-factor authentication for accessing the Database, has established a dedicated email address that stakeholders can use

to report deficient RMD filings to the Commission, and has released guidance and filer education in the form of a ''Frequently Asked Questions'' document to assist filers with their RMD compliance obligations. At the Commission's direction and pursuant to its delegated authority, Bureau staff coordinates the development, testing, implementation, and maintenance of various technical and administrative aspects of the RMD system and submission portal. Staff also monitors the email inboxes established for general questions, outreach and compliance, and reports of deficient filings, and responds as appropriate to inquiries from users and stakeholders.

The proposals and inquiries in this Further Notice may require additional technical tools, staff review, coordination among Commission bureaus and offices, information-sharing mechanisms, and provider outreach. We seek comment on measures the Commission can implement to effectively administer the RMD, including resources and mechanisms that may support the costs and requirements of such administration. To the extent we determine that changes in procedures proposed herein result in increases or decreases in the cost of processing such that the application fee schedule may require an amendment pursuant to Section 8(c) of the Communications Act, 47 U.S.C. 158(c), the Commission will initiate a rulemaking to seek comment on any proposed amendment(s) to the application fee schedule. In a recent *NPRM,* 91 FR 21761 (Apr. 23, 2026), that aimed to take the profit out of unlawful calls originating from outside of the United States, the Commission sought comment on bond- or fee-based approaches to deter bad actors, and referenced the House version of the Foreign Robocall Elimination Act bill which would require certain providers to post a bond or fee to file in the RMD. Should the Commission adopt a bond-based or similar approach, we seek comment on whether the Commission has statutory authority to retain such monies, and how collected fees or bonds could best be expended on the Commission's robocalls-related administrative functions, including resources for administering the RMD. We also seek comment on whether we have authority to establish or designate an RMD Administrator, either within the FCC or externally, to perform certain administrative functions under Commission oversight, and on the virtues and shortcomings of doing so.

C. Other Considerations

1. Further Streamline and Clarify the RMD Rules

In this section, we propose and seek comment on additional amendments to streamline and clarify the Commission's RMD rules. In the *KYUP FNPRM,* we proposed a comprehensive review of our caller ID authentication rules to remove unnecessary redundancy, ensure consistency, and increase clarity for providers. The proposed changes would already result in significant streamlining of the RMD rules, and as stated above, those proposed streamlined rules were the starting point for our proposed rule revisions here. We propose to further revise our RMD rules without changing providers' existing obligations (except as proposed above) to ensure that § 64.6305 uses consistent terminology, accurately reflects the full scope of the information providers must submit and maintain in the Database, and aligns with related robocall mitigation, KYC, and KYUP obligations in § 64.1200. We also propose the following specific revisions.

First, we propose to revise § 64.6305 to use the term ''filing,'' as in ''Robocall Mitigation Database filing'' or ''Database filing,'' when referring to the full submission a provider must make and maintain in the Database, including its certifications, robocall mitigation information, business identifying information, provider type and service information, and robocall mitigation plan. The current rules often use ''certification'' to refer to the broader Database submission, even though the required filing includes information and documents beyond the provider's certifications. We believe using ''filing'' to refer to the overall submission and ''certification'' only when referring to a specific certification will make the rules easier to understand and administer. We seek comment on this proposal. Would this terminology better reflect how providers interact with the Database? Are there provisions where retaining the term ''certification'' would avoid confusion? Should we instead use ''submission'' or another term?

Second, we propose to amend the terminology in § 64.6305 to refer to ''illegal calls'' rather than only ''illegal robocalls'' or ''illegal robocall traffic.'' Above, we propose to amend the rule obligating providers to implement a mitigation program to require that such programs are designed to mitigate all illegal calls, and not just robocalls. For the detailed reasons we provided there, we believe all our RMD rules should be targeted toward all illegal calls, and therefore propose to change all references to ''robocalls'' to ''calls,'' except when referring to the Robocall Mitigation Database, robocall mitigation program, and robocall mitigation plan, where the word ''robocall'' would take on the colloquial use. Relatedly, we propose to amend the term ''illegal robocall traffic'' to ''illegal calls,'' to align with other rules and proposals that focus on the illegality of each call. Should we define the term ''illegal calls,'' and if so, how?

Third, we propose to codify the existing requirement that providers with a STIR/SHAKEN implementation obligation are prohibited from certifying to complete or partial implementation in the RMD unless they have obtained an SPC token and digital certificate and sign calls with their certificate, either themselves or when working with a third party to perform the technological act of signing calls. The Commission established this prohibition in the *Eighth Caller ID Authentication Order,* but it did not codify the requirement in § 64.6305. We believe that codifying this requirement is necessary to clarify and ensure compliance with providers' filing obligations.

Finally, we seek comment on any additional conforming, clarifying, or streamlining amendments to § 64.6305 that would improve readability and administrability without altering providers' substantive obligations, except as otherwise proposed in above.

2. Effective Date

We propose that the proposed rules become effective as follows:

- The proposed rules in Section III.A.1 would become effective the later of 6 months after **Federal Register** publication of a Report and Order adopting the rules or 30 days after publication in the **Federal Register** of notice of approval by the Office of Management and Budget (OMB) for rules that contain new or modified information collections subject to review under the Paperwork Reduction Act (PRA);
- The proposed rules in Sections III.A.2 and III.A.3 would become effective under the following conditions: (1) a Report and Order adopting the rules is published in the **Federal Register***;* (2) publication in the **Federal Register** of notice of approval by OMB of rules that contain new or modified information collections subject to review under the PRA; (3) the FCC's information technology systems and internal procedures have been updated to implement the rules; and (4) the Bureau publishes notice(s) in the **Federal Register** announcing that providers must comply with the rules

when completing the next annual recertification; and

- The proposed rules in Sections III.B and III.C would become effective the later of 30 days after **Federal Register** publication of a Report and Order adopting the rules or 30 days after publication in the **Federal Register** of notice of approval by OMB for rules that contain new or modified information collections subject to review under the PRA.

We seek comment on these proposals.

D. Legal Authority

We propose to adopt the foregoing proposals pursuant to the same sources of authority we have relied upon in our previous RMD, caller ID authentication, and call blocking orders. Specifically, we propose to rely on Sections 201(b) and 202(a), which provide the Commission broad authority to adopt rules governing the just and reasonable practices of common carriers, as the basis for our proposed requirements with respect to common carriers. We believe that Section 251(e)(1) of the Act, which grants us ''exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States,'' also provides us with authority to adopt additional RMD requirements to prevent the fraudulent abuse of NANP resources. The Commission has found that our Section 251(e) authority provided the basis for permissive blocking of invalid, unallocated, or unused numbers to protect users from spoofing. Similarly, the Commission has found that ''the Truth in Caller ID Act grants us authority to prescribe rules to make unlawful the spoofing of caller ID information with the intent to defraud, cause harm, or wrongfully obtain something of value.'' Section 251(e) and the Truth in Caller ID Act, taken together, grant us authority to prescribe rules to prevent the unlawful spoofing of caller ID and abuse of NANP resources by all voice service providers, and the proposed RMD requirements would take a further positive step toward stopping such illegal calling. In addition, the Commission has relied on Section 251(e) and the Truth in Caller ID Act to prohibit certain providers from accepting traffic from entities that are not listed in the RMD. The TRACED Act's authentication framework provisions also grant us authority over non-IP networks, including to require robocall mitigation programs. The Commission has also relied on Section 4 of the TRACED Act in adopting robocall mitigation duties for voice services providers, and we intend to also rely on that authority. We also believe that our proposed RMD mitigation and certification requirements will help protect consumers from unwanted calls and invite comment on our authority under Section 7 of the TRACED Act, which directed the Commission to ''initiate a rule-making to help protect a subscriber from receiving unwanted calls or text messages from a caller using an unauthenticated number.'' We seek comment on these proposals and on additional sources of legal authority for any new or amended rules discussed above.

We propose to rely on Sections 201(b) and 202(a), the Truth in Caller ID Act, and the TRACED Act for ensuring that our proposed robocall mitigation rules apply to all illegal calls, including calls originating outside of the United States using non-NANP resources, and not just calls using NANP resources. Sections 201(b) and 202(a) apply to all common carriers and are not limited to calls using NANP resources. We believe the Truth in Caller ID Act would apply to any calls that involve misleading or inaccurate caller identification information, and not just such caller identification information using NANP resources because the statute, as amended, applies not just to ''any person within the United States'' but also to ''any person outside the United States if the recipient is within the United States.'' We seek comment on this proposal. We also seek comment on whether Section 4 of the TRACED Act may provide authority to impose requirements on providers to address all illegal calls. In particular, we seek comment on whether the definition of ''voice service'' in the TRACED Act, which specifies that it is a service that uses NANP resources, is jurisdictional, limiting the providers to which we may apply requirements to only those that provide services using NANP resources but not limiting the requirements we may impose to only calls that use NANP resources in the caller ID field.

Ancillary authority. We propose to rely on our ancillary authority under Section 4(i) of the Act to the extent necessary to support our RMD-related proposals, particularly as they apply to voice service providers that have not been classified as common carriers. Although we believe our direct statutory authorities provide substantial support of the rules we propose, we have, in prior rulemakings addressing illegal calls, also relied on Section 4(i) as an independent basis for adopting requirements applicable to all voice service providers. We seek comment on this approach. The Commission has previously relied on Section 4(i) to extend KYC, KYUP, call-blocking, and mitigation related obligations to non-common-carrier providers, explaining that applying these requirements uniformly is essential to the effectiveness of our robocall mitigation framework. We likewise believe that the RMD-related obligations proposed here are ''reasonably ancillary to the Commission's effective performance of its . . . responsibilities.'' The Commission may exercise ancillary authority when two conditions are met: (1) the subject of regulation falls with the Commission's general jurisdictional grant under Title I, and (2) the regulations are reasonably ancillary to the Commission's statutorily mandated responsibilities. We tentatively conclude that the first prong is satisfied because voice service providers are interconnected with the public switched telephone network, and the exchange of IP-based voice traffic constitutes ''communication by wire or radio'' under Section 2(a) of the Act.

We further believe that the proposed RMD requirements are reasonably ancillary to the effective performance of our statutory responsibilities under Sections 201(b), 202(a), 251(e), the Truth in Caller ID Act, and the TRACED Act. More specifically, we believe the proposed requirements are reasonably ancillary to our exercise of authority under Sections 201(b) and 202(a), as we do not believe we could ensure that voice service providers that are classified as common carriers comply with obligations to address illegal calls if the same rules do not apply to voice service providers that are not classified as common carriers, and the inability of common carriers to comply with obligations could create a gap that bad actor providers could exploit to undermine the effectiveness of illegal-call mitigation and impede our ability to carry out our statutory responsibilities. Additionally, we believe the proposals are reasonably ancillary to our authority in Section 251(e) and the Truth in Caller ID Act to adopt rules to prevent the unlawful spoofing of caller ID and abuse of NANP resources by all voice service providers, and our authority in the TRACED Act to ensure mitigation to prevent unlawful robocalls. We also believe our proposal to apply robocall mitigation requirements is reasonably ancillary to the authority in these provisions to prevent the transmission of illegal calls. We seek comment on this analysis and on the extent to which Section 4(i) provides additional or independent support for our proposed RMD requirements.

Indirect effect on foreign voice service providers. We propose to conclude that

any effect our proposed rules may have on foreign voice service providers would be indirect and therefore consistent with the scope of the Commission's authority. In the *Second Caller ID Authentication Order,* the Commission recognized that its rules would ''have an indirect effect on foreign voice service providers by incentivizing them to certify to be listed in the database,'' but found such effects permissible under longstanding Commission and court precedent. This precedent includes the Commission's authority under Section 201 to require a domestic carrier to modify its contractual arrangements with a foreign provider concerning ''foreign communication'' to ensure that related charges and practices remain ''just and reasonable.'' Consistent with this approach, we tentatively conclude that the rules proposed here do not assert or entail any direct exercise of jurisdiction over foreign providers. We seek comment on this tentative conclusion and on whether any of our proposals may extend beyond the limits of our authority over foreign communications entering the United States. We also seek comment on whether any proposed rule would conflict with U.S. treaty obligations or with other applicable international laws or norms, or would create the risk of retaliatory measures by foreign governments.

E. Cost-Benefit Analysis

Robocalls and related scams result in substantial harms to consumers, and the proposed rule revisions are intended to help reduce the volume of illegal robocalls reaching U.S. consumers. We believe these proposals may yield substantial benefits, including improved transparency, enhanced data accuracy, and more reliable compliance information from providers. At the same time, we recognize that the proposals may impose incremental costs on RMD filers, such as expanded information-submission requirements and strengthened accountability obligations. We seek comment on how to quantify the expected reduction in illegal robocalls and the associated benefits, including the degree to which improved data quality, enhanced screening of bad actor providers, and more effective mitigation program requirements may contribute to observable reductions in illegal call activity. We also seek comment on appropriate methods to isolate the effects of these proposed rule changes from other recent efforts to combat illegal calls.

We believe our proposals to strengthen RMD filing obligations will improve predictability and administrative efficiency for providers and Commission staff alike. Clearer obligations regarding which entities must file, what information must be submitted, and how such information should be organized may reduce confusion and enhance the quality of RMD filings. To the extent codifications and clarifications ease providers' ability to comply with our requirements, we seek comment on the anticipated time and cost savings. We also seek comment on the costs associated with any new or expanded filing requirements. For instance, the proposed rules would codify the existing requirement that parents, affiliates, and subsidiary companies must submit separate RMD filings when they independently meet the definition of voice service provider, and we seek comment on how many entities will be newly aware of their obligation to file and on the associated incremental costs. Our preliminary view is that good-faith providers should already maintain much of the newly required information in the normal course of business and therefore would not require significantly more time to submit this information to the RMD. We seek comment on the accuracy of these assumptions and on the incremental costs providers may incur in preparing and submitting the expanded RMD filings.

We believe our proposals to strengthen our ability to identify, deter, and remove non-compliant or bad actor providers are likely to generate significant benefits by improving the integrity of the RMD and reducing opportunities for illegal calls to reach consumers. Enhanced information sharing, improved traceback responsiveness, clearer removal and reinstatement procedures, and stronger safeguards against evasion may increase the efficiency of enforcement and further deter unlawful activity. We also acknowledge that these proposals may impose new obligations on some providers, including increased responsiveness to inquiries, additional documentation obligations, and the potential for more frequent compliance reviews. The proposed rules would also codify, clarify, or expand our processes for removing non-compliant and fraudulent filings from the RMD and the conditions under which a provider may refile in the RMD. We seek comment on the expected costs associated with these new obligations, on the benefits of any streamlined removal or reinstatement procedures, and on the burdens such processes may impose on affected filers. We further seek comment on the expected benefits of strengthening providers' traceback commitments and cooperation obligations, including whether faster or more automated traceback could materially improve the identification of bad actors, as well as on how increased information sharing and coordination between the Commission and the Governance Authority may affect providers.

II. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *FNPRM* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *FNPRM.* The Commission will send a copy of the *FNPRM,* including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

In the *FNPRM,* the Commission proposes additional steps to strengthen the effectiveness of the Robocall Mitigation Database (RMD or Database) as a central tool in our broader efforts to combat illegal robocalls and restore trust in voice communications. The RMD supports provider transparency, accountability, and compliance with robocall mitigation and caller ID authentication obligations, but as its importance has grown, the Commission must ensure its RMD rules and existing functionality stays ahead of bad actors' increasingly sophisticated tactics to gain access to the U.S. voice network.

The *FNPRM* therefore aims to improve the reliability and usefulness of RMD filings and establish clearer and more enforceable obligations for all providers in the call path. Specifically, we seek comment on whether additional clarity is needed regarding which entities must file in the RMD, including which entities meet the broad definition of ''voice service provider.'' We also propose and seek comment on enhancements to the information required in RMD submissions, including certifications and commitments filers must make; information about the STIR/SHAKEN implementation exemptions

prior enforcement actions, and use of third-party vendors as part of the robocall mitigation information providers must supply; the type of business identifying information providers must submit; provider type and other service related information; and the level of detail for robocall mitigation plans. These measures aim to ensure that RMD filings give the Commission and other stakeholders a more complete and accurate picture of provider operations and compliance, thereby supporting compliance review and enforcement functions.

The *FNPRM* also seeks to ensure that only legitimate providers with compliant filings appear in the Database. Specifically, we propose and seek comment on measures to prevent bad actors and deficient filings from entering the Database in the first instance, including clarifying the Bureau's authority to develop and implement technical and operational measures to screen filings, identify indicia of deficient or evasive filings, and prevent such filings from being accepted into the Database. We also propose to codify that a filing does not ''appear'' in the Database for purposes of § 64.6305(g) unless and until it has been accepted and published, and that the Bureau may reject, withhold publication of, or place into pending status filings that appear deficient, evasive, unauthorized, or otherwise subject to a cause for removal, and on the appropriate process for such filings, including notice, opportunity to cure, and timing for Commission action. We also seek comment on whether letters of credit or similar requirements could help deter bad actors from filing in the RMD.

We also propose and seek comment on measures and tools to enhance our ability to identify and remove bad actors that are in the Database. These include proposals to develop enhanced technical screening mechanisms and require domestic voice service providers with RMD filings to submit Foreign Adversary Control attestations and seeking comment on expediting the traceback process and improving information sharing with the STIR/SHAKEN Governance Authority. We propose to adopt new causes for removal and to codify three-step and two-step removal procedures to address deficiencies ranging from incomplete filings to facially deficient filings and other serious causes for removal. We also seek comment on whether additional streamlining, including a potential one-step removal process for egregious conduct or circumstances requiring immediate action, would be appropriate. We seek comment codifying the scope of causes for removal. We also seek comment on establishing a grace period for annual recertifications, on potential suspension mechanisms for providers that fail to complete an annual recertification or pay required fees or that otherwise present serious compliance concerns, and on whether and how to use filing status indicators. Additionally, we propose to require providers that are subject to a removal order, suspension, or mandatory blocking order to provide notice to their customers.

We further seek comment on measures to keep removed bad actor providers out of the Database and to clarify the obligations of providers that rely on the Database. We seek comment on criteria for determining when a filing is unauthorized or made on behalf of a removed or prohibited provider and whether similar filings should be held for review or automatically removed, as well as proposing procedures and standards for reinstatement. We seek comment on whether to establish an RMD-specific debarment-style framework or apply participation bars to removed providers and natural persons associated with removed providers. We also ask whether misconduct related to RMD filings should affect a provider's ability to obtain or maintain other Commission authorizations, licenses, and certifications and how to ensure appropriate due process protections. We seek comment on downstream provider obligations, including how often providers should check the RMD, how quickly providers must cease accepting traffic from providers whose filings do not appear or are removed from the Database, how providers can identify alter egos or affiliates of removed providers, whether and how to harmonize Database-related refusal obligations with call blocking obligations under § 64.1200(n), and whether RMD-based refusal or blocking obligations should apply to all voice traffic, including calls using non-U.S. NANP resources. We seek comment on whether providers should be required or permitted to block text traffic from providers that are not listed in or have been removed from the Database, and on whether additional consequences should follow from Database removal, such as notice to the Governance Authority, the NANPA, other Commission bureaus or offices, or state and federal law enforcement partners.

We seek comment on administrative and operational considerations for filers and entities that rely on the accuracy of RMD filings, including on whether certain RMD information should remain non-public, whether recertification or update intervals should be adjusted, and whether audits should be used to verify compliance. Finally, we request comment on what resources and system improvements may be necessary to support expanded screening and enforcement functions, propose additional conforming and clarifying rule changes, and seek comment on the effective date for rules adopted in this proceeding.

B. Legal Basis

The proposed action is authorized pursuant to sections 4(i), 4(j), 201, 202, 217, 227, 227b, 251(e), 303(r), 403, 501, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 217, 227, 227b, 251(e), 303(r), 403, 501, 502, and 503 and Sections 4 and 7 of the TRACED Act, 47 U.S.C. 227b.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do not have data regarding the number of

non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	% Small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30
Telecommunications Resellers	517121	1,500 employees	955	847	88.69
Satellite Telecommunications	517410	$44 million	332	195	58.73
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2025 Universal service monitoring report telecommunications service provider data (data as of December 2024)	SBA size standard (1,500 employees)		
Affected entity	Total number FCC form 499A filers	Small firms	% Small entities
Competitive Local Exchange Carriers (CLECs)	4,049	3,853	95.16
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	920	78.30
Interexchange Carriers (IXCs)	112	92	82.14
Local Exchange Carriers (LECs)	5,224	4,773	91.37
Local Resellers	253	242	95.65
Other Toll Carriers	72	69	95.83
Prepaid Card Providers	47	45	95.74
Telecommunications Resellers	655	630	96.18
Toll Resellers	402	388	96.52
Wired Telecommunications Carriers	4,971	4,531	91.15
Wireless Telecommunications Carriers (except Satellite)	608	522	85.86
Wireless Telephony	336	262	77.98

TABLE 3—CABLE ENTITIES DATA

Cable entities	Size standard	Total firms	Small firms	% Small firms in industry
Cable System Operators (Telecom Act Standard), Small Cable Operator.	Serves fewer than 498,000 subscribers, either directly or through affiliates.	530	524	98.87

A. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping, and other compliance requirements, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

In the *FNPRM,* the Commission proposes and seeks comment on rules that, if adopted, would affect all voice service providers seeking to obtain or maintain a filing in the RMD, including those that may be small entities. Specifically, we seek comment on whether we need to further clarify which entities qualify as voice service providers and therefore must file in the RMD. We propose and seek comment on enhancements to the information required in RMD filings, including additional certifications, more detailed ownership and affiliate disclosures, documentation regarding third-party service arrangements, enhanced robocall mitigation plan content, and more granular information about provider operations, numbering access, and STIR/SHAKEN implementation status. We seek comment on audit procedures and related burdens specific to small entities, expanding filing update requirements, potential participation bars, and new obligations related to traceback, data verification, and call acceptance by downstream providers. If adopted, these proposals could require small entities to devote additional resources to compliance, including the possible need to engage legal, technical, or compliance professionals, invest in new systems, or modify existing operational processes. However, good-faith providers likely already maintain much of the newly-required information in the normal course of business, and therefore we do not expect that the proposed rules, if adopted, would

require small entities to spend significantly more time submitting this information to the RMD. Additionally, several proposals—such as simplified filing formats, clearer definitions, and consolidation of certain disclosures—may reduce burdens by increasing predictability and reducing confusion for small entities. We anticipate that the comments we receive will assist the Commission in identifying and evaluating the extent of these potential burdens on small entities, including compliance costs such as whether small entities will have to hire professionals, and other burdens that may result from the inquiries we make in the *FNPRM.*

B. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

In the *FNPRM,* the Commission seeks to advance its objective of improving the effectiveness of the RMD while also minimizing unnecessary burdens on small entities. We seek comment on a range of proposals and possible alternatives that may impact small entities, including approaches specifically intended to achieve our goals to mitigate disruption to end users and consumers. For example, we seek comment on the use of third parties to submit RMD filings to reduce administrative costs for small providers that may lack significant in-house regulatory staff. We propose to specify the frequency with which providers must check the RMD to ensure compliance with new obligations and seek comment on whether that frequency should vary based on if the provider is a small or rural provider, and the associated costs for compliance. We also seek comment on whether any proposed enhancements to filing requirements could be tailored or streamlined for smaller providers, or whether certain information should be collected only when necessary for risk-based review. We also carefully consider the economic impact of these and other proposals on small entities and invite comment on potential approaches that would minimize burdens while still protecting consumers and the integrity of the U.S. voice network.

As we evaluate these proposals, the Commission will fully consider the economic impact on small entities, including costs and benefits identified in the record, and we expect that comments will provide additional insight into the potential compliance challenges these entities may face. We recognize that small providers may face unique challenges in meeting enhanced robocall mitigation, authentication, reporting, and filing obligations, and therefore we seek comment on the costs that could result from the proposed requirements and on alternative approaches that would achieve similar benefits at lower costs. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes to minimize any significant economic impact that may occur on small entities from the final rules.

D. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

III. Ordering Clauses

Accordingly, pursuant to sections 4(i), 4(j), 201, 202, 217, 227, 251(e), 303(r), 403, 501, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 217, 227, 251(e), 303(r), 403, 501, 502, and 503, and Sections 4 and 7 of the TRACED Act, 47 U.S.C. 227b, this Further Notice of Proposed Rulemaking *is adopted.*

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

List of Subjects in 47 CFR Parts 0, 1, and 64

Administrative practice and procedure, Communications, Communications common carriers, Communications equipment, Penalties, Reporting and recordkeeping requirements, Security measures, Telecommunications, Telephone, Waivers.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 parts 0, 1, and 64 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

■ 2. Amend § 0.91 by adding paragraph (s) to read as follows:

§ 0.91 Functions of the Bureau.

* * * * *

(s) Administer the Robocall Mitigation Database established under § 64.6305 of this chapter, in consultation with the Office of Managing Director, the Office of Economics and Analytics, and the Enforcement Bureau, as appropriate, including by:

(1) Establishing the form and format of filings;

(2) Making technical and operational changes to the Robocall Mitigation Database portal and submission interface;

(3) Developing and implementing technical data validation and screening measures;

(4) Developing measures for accepting and publishing a new or updated filing, including implementing policies and procedures for placing a filing into a pending status, withholding publication of a filing, rejecting publication of a filing, or removing a filing when the filing appears non-compliant, appears to have been submitted in evasion of Commission rules or orders, appears to have been submitted by, on behalf of, or for the benefit of a voice service provider whose filing was previously removed from the Robocall Mitigation Database absent any consent required under § 64.6305(n), or otherwise requires further analysis before it can be accepted and published because it appears to present a cause for removal or other enforcement action under § 64.6305(j); and

(5) Acting jointly with the Enforcement Bureau in determining whether filings are unauthorized under § 64.6305(m) and on requests for reinstatement under § 64.6305(n).

* * * * *

■ 3. Amend § 0.111 by revising paragraph (a)(28) to read as follows:

§ 0.111 Functions of the Bureau.

(a) * * *

(28) Take enforcement action, including removal from the Robocall Mitigation Database, against any voice service provider for any of the causes under § 64.6305(j) of this chapter, and act jointly with the Wireline Competition Bureau in determining whether filings are unauthorized under § 64.6305(m) and on requests for reinstatement under § 64.6305(n).

* * * * *

PART 1—Practice and Procedure

■ 4. 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.

■ 5. Amend § 1.80002 by revising Table 1 to paragraph (a) to read as follows:

§ 1.80002 Schedules of Covered Authorizations subject to Foreign Adversary Control rules.

(a) *Schedule A Covered Authorizations.*

TABLE 1 TO PARAGRAPH (a)

Legal authority citation	Covered authorization type	Qualification(s)
47 CFR parts 22, 24, 27, 30, 90, 96, and 101	Broadband-capable, geographic-area wireless licenses in the following services: • AWS–4 (2000–2020 MHz and 2180–2200 MHz). • AWS–H Block (at 1915–1920 MHz and 1995–2000 MHz). • AWS–3 (1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz). • AWS (1710–1755 MHz and 2110–2155 MHz). • 1670–1675 MHz Band, Market Area. • Broadband Radio Service. • 900 MHz Broadband Service. • Commercial Aviation Air-Ground Radiotelephone (800 MHz band). • Cellular. • PCS Broadband. • 1910–1915/1990–1995 MHz Bands, Market Area. • Educational Broadband Service. • 3.45 GHz Service. • 3.5 GHz Band Priority Access License. • 3.7 GHz Service. • Upper Microwave Flexible Use Service. • Wireless Communications Service. • 600 MHz Band. • 700 MHz Upper Band (Block C). • 700 MHz Lower Band (Blocks A, B & E). • 700 MHz Lower Band (Blocks C, D).	
47 CFR parts 26, 87, 90, 95, and 96	Frequency coordinator certifications.	
47 U.S.C. 310(b); 47 CFR part 1	Section 310(b) declaratory rulings.	
47 CFR part 25	Space and earth station authorizations.	
47 CFR parts 73, 74, 76, and 78	• Broadcast licenses (AM, FM, LPFM, FM translator, FM Booster, Full Power TV, Class A TV, LPTV, TV translator). • Cable television relay service station (CARS) licenses.	The holder of which has 6 or more full-time employees or, in the case of a holder of a broadcast license, receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
47 CFR part 73	International broadcast station licenses	The holder of which has 6 or more full-time employees or receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
47 U.S.C. 325(c); 47 CFR part 73	Section 325(c) authorizations	The holder of which has 6 or more full-time employees or receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
Cable Landing License Act of 1921; Executive Order 10530 of 1954; 47 CFR part 1.	Submarine cable landing licenses.	
47 U.S.C. 214(a); 47 CFR part 63	Domestic section 214(a) authorizations.	
47 U.S.C. 214(e), 47 CFR part 54, subpart C	Eligible telecommunications carrier designations.	
47 U.S.C. 214; 47 CFR part 63	International section 214 authorizations.	
47 CFR part 52	Interconnected Voice over Internet Protocol direct access to numbering resources authorizations.	
47 CFR part 2, subpart J	Equipment certifications.	
47 CFR part 1; ITU–T Recommendation X.121.	Data network identification codes.	
47 CFR part 1; ITU–T Recommendation Q.708.	International signaling point codes.	
47 CFR part 1; 47 CFR part 63; Constitution and Convention of the International Telecommunication Union.	Recognized operating agencies.	
47 U.S.C. 225; 47 CFR part 64, subpart F	Internet-based telecommunications relay services certifications.	
47 CFR part 64, subpart HH	Robocall Mitigation Database filings	The filer is a domestic voice service provider and the filing has been accepted and published in the Robocall Mitigation Database pursuant to § 64.6305.

* * * * *

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 6. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

■ 7. Amend § 64.6304 by redesignating paragraphs (c) through (f), as (d) through (g), and adding new paragraph (c) to read as follows:

§ 64.6304 Extension of implementation deadline.

* * * * *

(c) *Temporary SPC Token Extension.* A voice service provider that is in the process of obtaining an SPC token is exempt from the requirements of §§ 64.6301 and 64.6302.

* * * * *

■ 8. Revise § 64.6305 to read as follows:

§ 64.6305 Robocall mitigation.

(a) *Robocall mitigation program requirement.* Each voice service provider shall implement a robocall mitigation program that includes affirmative, effective measures to prevent its network or services from being used to transmit illegal calls.

(b) *Robocall Mitigation Database filing.*

(1) Each voice service provider, including each parent, affiliate, and subsidiary of a voice service provider that independently meets the definition of a voice service provider, shall submit a filing in the Robocall Mitigation Database that includes in English or with a certified English translation the information described in paragraphs (c) through (g) of this section.

(2) A voice service provider's Robocall Mitigation Database filing shall be signed by an officer of the voice service provider in conformity with § 1.16 of this chapter.

(3) A voice service provider's robocall mitigation plan required under paragraph (g) of this section shall be submitted as a PDF in machine-readable format.

(4) A filing does not appear in the Robocall Mitigation Database for purposes of this section unless and until the filing has been accepted and published in the Robocall Mitigation Database by the Wireline Competition Bureau under the measures developed pursuant to § 0.91(s)(4).

(c) *Certifications.*

(1) A voice service provider shall certify that:

(i) All of the calls its network or services transmit are subject to a robocall mitigation program consistent with paragraph (a) of this section;

(ii) It is not presently prohibited from filing in the Robocall Mitigation Database by the Commission;

(iii) It will respond fully and within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium in accordance with § 64.1200(n)(1) of this chapter;

(iv) It will cooperate with the Commission, law enforcement, and the industry traceback consortium in investigating and stopping any person or entity from using the voice service provider's network or services to transmit illegal calls;

(v) It has not submitted false, misleading, or inaccurate information to the Commission, the Governance Authority, the Policy Administrator, any Certification Authority, or any agent or other third party designated by the Commission or acting on behalf of the Commission pursuant to Commission rules or direction; and

(vi) It is in compliance with all applicable Commission rules pertaining to robocalls and other illegals calls, including all rules in subparts L, P, and HH of this part and in part 52 of this chapter.

(2) A facilities-based voice service provider shall certify to one of the following:

(i) It has fully implemented the STIR/SHAKEN authentication framework across its entire network and services and all calls it transmits are compliant with the Commission's caller ID authentication rules;

(ii) It has implemented the STIR/SHAKEN authentication framework on a portion of its network and services and all calls it transmits on that portion of its network are compliant with the Commission's caller ID authentication requirements; or

(iii) It has not implemented the STIR/SHAKEN authentication framework on any portion of its network.

(3) A facilities-based voice service provider shall not certify to full or partial implementation of the STIR/SHAKEN authentication framework pursuant to paragraphs (c)(2)(i) or (c)(2)(ii) of this section unless it has obtained an SPC token and Secure Telephone Identity certificate and signs all calls using its certificate in accordance with §§ 64.6301 and 64.6302.

(4) A voice service provider that serves end users directly shall certify that it makes attestation level decisions and applies attestation levels consistent with the STIR/SHAKEN authentication framework for each of its end users' calls it transmits on its network or services.

(d) *Robocall mitigation information.*

(1) A voice service provider that has certified to partial or no implementation of the STIR/SHAKEN authentication framework pursuant to paragraphs (c)(2)(ii) or (c)(2)(iii) of this section shall identify the exemption(s) or extension(s) the voice service provider received under § 64.6304 by citing the rule(s) permitting the exemption(s) or extension(s) for those portions of its network and explaining in detail why the exemption(s) or extension(s) applies, including the facts specific to its network and services that are within the scope of the exemption(s) or extension(s) and any steps it has taken to confirm that it cannot implement STIR/SHAKEN, or indicate that it is a foreign voice service provider not subject to a STIR/SHAKEN implementation obligation;

(2) A voice service provider shall state whether, at any time in the prior two years, the filing entity (and/or any entity for which the filing entity shares common ownership, management, directors, or control) has been the subject of a formal Commission, law enforcement, or regulatory agency action or investigation with accompanying findings of actual or suspected wrongdoing due to the filing entity transmitting, encouraging, assisting, or otherwise facilitating illegal calls or spoofing, or a non-compliant Robocall Mitigation Database filing, and, if so, shall describe any such action or investigation, except to the extent and only for the period during which an action or investigation has been designated as non-public or confidential by a law enforcement agency, regulatory agency, court, or other government entity that is involved, by providing:

(i) All law enforcement or regulatory agencies involved;

(ii) The date any findings of actual or suspected wrongdoing were issued;

(iii) One or more identifier for the action or investigation, such as a file number, case number, or document number; and

(iv) A URL to access a publicly available document that describes the findings of wrongdoing made in connection with the action or investigation, or if no such document is publicly available, a copy of such document, or if not memorialized in a document, an accurate summary of the specific findings of wrongdoing made in connection with the action or

investigation, including whether the findings constitute an actual determination of wrongdoing or a suspected determination of wrongdoing.

(3) A voice service provider shall identify whether or not it uses third parties for the following purposes, and supply the email, phone number, and, if available, website for such third parties.

(i) To perform call analytics in connection with its obligation to describe its call analytics system in its robocall mitigation plan under paragraph (g)(2) of this section.

(ii) To perform the technological act of signing calls to satisfy STIR/SHAKEN obligations as permitted under §§ 64.6301(b) and 64.6302(f).

(iii) To fulfill its obligation to know its customers and/or know its upstream providers, as applicable, pursuant to § 64.1200(n)(4)–(5).

(iv) To submit Robocall Mitigation Database filings as required by paragraph (b) of this section.

(e) *Business identifying information.* All filings submitted in the Robocall Mitigation Database pursuant to paragraph (b) of this section shall include the following information:

(1) The voice service provider's business name(s) and primary address;

(2) Other business names in use by the voice service provider;

(3) All business names previously used by the voice service provider;

(4) The name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues;

(5) The name, title, telephone number, email address, physical address, country of residence, and citizenship for each human principal (which must be no less than one individual);

(6) The Robocall Mitigation Database number for each non-human principal, affiliate, subsidiary, and parent company that has a filing in the Robocall Mitigation Database or the name and business address for each non-human principal, affiliate, subsidiary, and parent company that does not have a filing in the Robocall Mitigation Database; and

(7) The name, United States mailing address, telephone number, and email address for a United States registered agent that is authorized to accept service on behalf of the voice service provider.

(f) *Provider type and service information.* All filings submitted in the Robocall Mitigation Database pursuant to paragraph (b) of this section shall include the following information:

(1) Whether the voice service provider is a foreign voice service provider;

(2) Whether the voice service provider:

(i) Is a facilities-based provider that:

(A) Is an originating or terminating voice service provider directly serving end users;

(B) Is an originating or terminating provider acting as a wholesale voice service provider that is originating or terminating calls for end users it does not directly serve on behalf of any other voice service provider(s);

(C) Is a gateway provider; and/or

(D) Is a non-gateway intermediate provider; and/or

(ii) Is a non-facilities-based provider that:

(A) Is directly serving end users; and/or

(B) Is a wholesale voice service provider to any other voice service provider(s) that does not directly serve end users.

(3) The voice service provider's OCN if the voice service provider:

(i) has claimed the temporary SPC token extension pursuant to § 64.6304(c);

(ii) has certified to full or partial STIR/SHAKEN implementation pursuant to paragraph (c)(2) of this section; or

(iii) if the voice service provider otherwise has an OCN.

(4) A general description of the nature of its voice service, including the types of services offered and the types of customers it serves or intends to serve.

(g) *Robocall mitigation plan.* A voice service provider shall describe in detail the affirmative, effective measures the voice service provider uses to prevent its network or services from being used to transmit illegal calls, as part of its robocall mitigation program required by paragraph (a) of this section, including:

(1) a description of how it complies with its obligation to know its customers and/or know its upstream providers, as applicable, pursuant to § 64.1200(n)(4)–(5);

(2) a description of the specific call analytics measures it uses to identify and block illegal calls and whether or not each measure is performed by the voice service provider or by a third party; and

(3) a description of any contractual provisions with end-users or upstream providers addressing robocall mitigation.

(h) *Requirement to keep filing updated.* A voice service provider shall update its filing within ten (10) business days of any change to the information it must provide pursuant to paragraph (b) of this section, except that:

(1) A voice service provider that has been aggrieved by a Governance Authority decision to revoke that voice service provider's SPC token need not update its filing on the basis of that revocation until the sixty (60)-day period to request Commission review pursuant to § 64.6308(b)(1) following completion of the Governance Authority's formal review process expires or, if the aggrieved voice service provider files an appeal, until ten (10) business days after the Wireline Competition Bureau releases a final decision pursuant to § 64.6308(d)(1).

(2) If a voice service provider elects not to file a formal appeal of the Governance Authority decision to revoke that voice service provider's SPC token, the voice service provider need not update its filing on the basis of that revocation until the thirty (30) day period to file a formal appeal with the Governance Authority Board expires.

(i) *Annual recertification requirement.* In accordance with this section and § 1.16, all voice service providers shall certify annually, on or before March 1, that any information submitted to the Robocall Mitigation Database is true and correct.

(j) *Causes for removal.* A filing may be removed from the Robocall Mitigation Database for the following reasons:

(1) *deficient filing* because it contains information that is incomplete or insufficient, but not substantially or materially so;

(2) *facially deficient filing* because it lacks required information or certifications or the information it contains is invalid, non-responsive, or illegible;

(3) *materially deficient RMD filing* because it contains information that is substantially and materially incomplete or insufficient, contains material internal inconsistencies, or contains information that is materially inconsistent with information the provider has reported elsewhere or with reliable external sources, including CORES, the Governance Authority, the Policy Administrator, and Certification Authority, or the North American Numbering Plan Administrator;

(4) *lack of candor,* including submission of false, misleading, or inaccurate information to the Commission, the Governance Authority, the Policy Administrator, a Certification Authority, or any agent or other third party designated by the Commission or acting on behalf of the Commission pursuant to Commission rules or direction, including the North American Numbering Plan Administrator and the industry traceback consortium;

(5) *annual recertification violations,* including failure to complete the recertification, failure to complete the recertification on time, and failure to

pay the required annual recertification fee;

(6) *accepting calls from a prohibited voice service provider,* including a voice service provider that does not have a filing that appears in the Robocall Mitigation Database, whose filing has been removed from the Robocall Mitigation Database, or that is subject to a mandatory blocking order under § 64.1200(n);

(7) *traceback violations,* including failure to respond to traceback requests, repeated appearance in tracebacks, or submission of incomplete or inaccurate information in traceback responses;

(8) *enabling transmission of illegal calls,* including knowingly or negligently initiating, originating, carrying, processing, or terminating illegal calls;

(9) *inadequate robocall mitigation measures,* including failure to implement a robocall mitigation program that complies with § 64.6305(a) or failure to comply with the robocall mitigation practices described in the voice service provider's robocall mitigation plan;

(10) *failure to cooperate with a Commission investigation,* including failure to respond to a subpoena, letter of inquiry, cease-and-desist letter, or notice of suspected illegal traffic;

(11) *impersonation,* including the unauthorized use of another person's or entity's identifying information in a Robocall Mitigation Database filing;

(12) *STIR/SHAKEN implementation violations,* including failure to implement STIR/SHAKEN in accordance with §§ 64.6301 and/or 64.6302, as applicable, improper attestations, and unauthorized authentication practices;

(13) *national security and law enforcement concerns,* including when a voice service provider, or the voice service provider's subsidiary or affiliate, is identified on the Covered List, is identified as having foreign adversary control through the Foreign Adversary Control System, is subject to a Commission action revoking or terminating a license or authorization on national security or law enforcement grounds, is otherwise subject to a final Commission determination that its continued participation in the United States communications ecosystem poses unacceptable risks, or is owned or controlled by, under common ownership or control with, or acting on behalf of an entity that is subject to any such determination;

(14) *final Commission enforcement actions* with accompanying findings of actual wrongdoing related to facilitating illegal calls or spoofing, including a final determination order under section 64.1200(n)(3), a forfeiture order involving illegal calls or spoofing (if the forfeiture is paid or ordered to be paid by a court), revocation of a Commission authorization, or a final order finding that the provider has failed to comply with any rule in subparts L, P, and HH of this part and in part 52 of this chapter; and

(15) *repeat violations for reinstated voice service providers,* including when the voice service provider is removed for one basis and, after reinstatement, commits a violation under the same or another basis.

(k) *Removal procedures.* A voice service provider's filing may be removed from the Robocall Mitigation Database under the following procedures:

(1) *Three-Step Removal Process.* For removals under paragraph (j)(1) of this section, or for any other cause for removal for which the Wireline Competition Bureau or Enforcement Bureau determines that the Three-Step Removal Process is appropriate:

(i) the Wireline Competition Bureau or the Enforcement Bureau will notify the voice service provider of the violation under paragraph (j) of this section and direct the voice service provider to, within 14 days, cure the violation and notify the Wireline Competition Bureau or the Enforcement Bureau that the violation has been cured or accurately explain why the violation is not applicable;

(ii) if the voice service provider fails to cure the violation or accurately explain why the violation is inapplicable, the Enforcement Bureau will issue an order finding that the voice service provider's filing qualifies for removal under the violation identified and directing the voice service provider to, within 14 days, cure the violation and notify the Enforcement Bureau that the violation has been cured or explain why its filing should not be removed; and

(iii) if the voice service provider fails to cure or provide a sufficient explanation within the 14-day period, the Enforcement Bureau will issue an order removing the filing from the Robocall Mitigation Database.

(2) *Two-Step Removal Process.* For removals under paragraph (j)(2) through (14) of this section, unless the Wireline Competition Bureau or the Enforcement Bureau determines that the Three-Step Removal Process is appropriate:

(i) the Enforcement Bureau will issue an order finding that the voice service provider's filing qualifies for removal due to a violation under paragraph (j) of this section based on the available evidence and directing the voice service provider to, within 5 days, cure the violation and notify the Enforcement Bureau that the violation has been cured or explain why its filing should not be removed; and

(ii) if the voice service provider fails to cure or provide a sufficient explanation within the 5-day period, the Enforcement Bureau will issue an order removing the filing from the Robocall Mitigation Database.

(l) *Customer notice.* A voice service provider whose filing has been removed from the Robocall Mitigation Database, or that is subject to a Commission mandatory blocking order under § 64.1200(n)(3), shall provide notice to its customers in the manner and within the timeframe specified by the Commission, Wireline Competition Bureau, or Enforcement Bureau.

(m) *Unauthorized Filings and Evasion.*

(1) A voice service provider whose filing has been removed from the Robocall Mitigation Database may not re-file in, or otherwise have a filing accepted and published in, the Robocall Mitigation Database unless and until the Enforcement Bureau and the Wireline Competition Bureau consent to reinstatement pursuant to paragraph (n) of this section.

(2) The Wireline Competition Bureau or Enforcement Bureau may, absent the consent required under paragraph (n) of this section, place into pending status, reject, suspend, or remove a filing that is made by, on behalf of, or for the benefit of a voice service provider whose filing has been removed from the Robocall Mitigation Database, that is prohibited from filing in the Robocall Mitigation Database, or that is an alter ego, successor, affiliate, or evasion vehicle of such voice service provider, person, or entity.

(n) *Reinstatement.* A voice service provider whose filing has been removed from the Robocall Mitigation Database may request reinstatement from the Enforcement Bureau and the Wireline Competition Bureau.

(1) A request for reinstatement must be made in writing and must demonstrate that the voice service provider has cured all violations under paragraph (j) of this section, paid any outstanding regulatory or filing fees owed to the Commission and forfeitures imposed by a court, updated all required Robocall Mitigation Database and CORES information, demonstrated compliance with traceback obligations, and implemented a robocall mitigation program consistent with paragraph (a)(1) of this section.

(2) The Enforcement Bureau, in consultation with the Wireline Competition Bureau, may grant, deny, or condition reinstatement based on the voice service provider's showing, the voice service provider's cooperation with the Bureaus, the voice service provider's compliance history, and the risk that reinstatement would permit the voice service provider's network or services to be used to transmit illegal calls.

(3) A filing submitted pursuant to a grant of reinstatement does not appear in the Robocall Mitigation Database for purposes of this section unless and until the filing has been accepted and published in accordance with paragraph (b)(4) of this section.

(o) *Voice traffic acceptance obligations.*

(1) *Accepting calls from domestic voice service providers.* A voice service provider shall not accept calls directly from a domestic voice service provider unless that domestic voice service provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (b)(4) of this section and has not been removed pursuant to Commission action.

(2) *Accepting calls from foreign voice service providers.* A voice service provider shall not accept calls directly from a foreign voice service provider unless that foreign voice service provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (b)(4) of this section and has not been removed pursuant to Commission action.

(3) *Public safety safeguards.* Notwithstanding paragraphs (o)(1) and (2) of this section:

(i) A voice service provider may not block a voice call under any circumstances if the call is an emergency call placed to 911; and

(ii) A voice service provider must make all reasonable efforts to ensure that it does not block any calls from public safety answering points and government emergency numbers.

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