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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2555; Project Identifier AD–2025–00433–E; Amendment 39–23446; AD 2026–17–03]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG Engines; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to certain International Aero Engines AG (IAE AG) Model V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 engines. As published, paragraph (g) of the regulatory text contains a typographical error. This document corrects that error. In all other respects, the original document remains the same.

DATES: This correction is effective September 24, 2026. The effective date of AD 2026–17–03 remains September 24, 2026.

ADDRESSES: *AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2555; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule; correction, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7655; email: *carol.nguyen@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

AD 2026–17–03, Amendment 39–23446 (91 FR 53713, August 20, 2026) (AD 2026–17–03), requires replacement of affected 3rd stage High Pressure Compressor (HPC) rotor blades with parts eligible for installation for certain IAE AG Model V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 engines.

Need for the Correction

As published, paragraph (g) of AD 2026–17–03 contains a typographical error. The word ''blade'' was inadvertently omitted from the final regulatory text. Paragraph (g) of AD 2026–17–03 should read, ''. . . where the 3rd stage HPC rotor blade is exposed . . .,'' which is consistent with the intent of the proposed AD (90 FR 51600, November 18, 2025).

Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains September 24, 2026.

Since this action only corrects the typographical error, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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 [Corrected]

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

2026–17–03 International Aero Engines AG: Amendment 39–23446; Docket No. FAA–2025–2555; Project Identifier AD–2025–00433–E.

(a) Effective Date

This airworthiness directive (AD) is effective September 24, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines AG (IAE AG) Model V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 engines with a 3rd stage high-pressure compressor (HPC) rotor blade having part number (P/N) 6A8353 or P/N 6A8688 installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by multiple reports of failed 3rd stage HPC rotor blades that resulted in engine fires, unplanned engine removals, aborted takeoffs, and in-flight shutdowns (IFSD). The FAA is issuing this AD to prevent failure of the 3rd stage HPC rotor blades. The unsafe condition, if not addressed, could result in engine fire, reduced control of the airplane, and engine IFSD.

(f) Compliance

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

(g) Required Actions

At the next engine shop visit after the effective date of this AD where the 3rd stage HPC rotor blade is exposed, replace the full set of 3rd stage HPC rotor blades with parts eligible for installation.

(h) Definitions

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

(i) A 3rd stage HPC rotor blade having P/N 6C8368, 6C8403, or later approved P/N; or

(ii) A 3rd stage HPC rotor blade modified to P/N 6A8353–001 or P/N 6A8688–001.

(2) For the purpose of this AD, a ''3rd stage HPC rotor blade exposure'' is when any 3rd stage HPC rotor blade is removed from the HPC stage 3 to 8 drum.

(3) For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

For more information about this AD, contact Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7655; email: *carol.nguyen@faa.gov*.

(k) Material Incorporated by Reference

None.

Issued on September 4, 2026.

Brian Knaup,

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

[FR Doc. 2026–18423 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–3238; Airspace Docket No. 26–ASW–3]

RIN 2120–AA66

Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Clovis, NM, and Portales, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace at Clovis, NM, and establishes Class E airspace at Clovis, NM, and Portales, NM. This action is the result of a biennial airspace review conducted for Cannon AFB (Air Force Base), Clovis, NM, and airspace reviews conducted at Clovis Regional Airport, Clovis, NM, and Portales Municipal Airport, Portales, NM, due to updated instrument procedures. The name and geographic coordinates for the Cannon TACAN are also being updated to coincide with the FAA's aeronautical database. This action brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, December 24, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D and Class E airspace and establishes Class E airspace at the affected airport to support IFR operations.

History

The FAA published an NPRM for Docket No. FAA–2026–3238 in the **Federal Register** (91 FR 14488; March 25, 2026) proposing to amend the Class D and Class E airspace at Clovis, NM, and establish Class E airspace at Clovis, NM, and Portales, NM. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class D and E airspace designations are published in paragraphs 5000, 6002, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 ft. above the surface at Clovis, NM, and establishing Class E airspace extending upward from 700 ft. above the surface at Clovis, NM, and Portales, NM, due to a biennial airspace review and airspace reviews conducted due to updated instrument procedures.

For the Cannon AFB, Clovis, NM, Class D airspace, this action: (1) decreases the radius from 6 miles to 5.4 miles; (2) adds an extension within 1 mile each side of the 039° bearing from the Cannon TACAN extending from the 5.4-mile radius to 5.9 miles northeast of the airport; and (3) updates the outdated term ''Airport/Facility Directory'' to ''Chart Supplement.''

For the Cannon AFB Class E surface area, this action: (1) decreases the radius from 6 miles to 5.4 miles; (2) adds an extension within 1 mile each side of the 039° bearing from the Cannon TACAN extending from the 5.4-mile radius to 5.9 miles northeast of the airport; (3) removes the Cannon ILS Localizer from the airspace legal description as it is not required; (4) updates the geographic coordinates and the name of the Cannon TACAN, previously Cannon TACAN0,

to coincide with the FAA's aeronautical database; and (5) updates the outdated term ''Airport/Facility Directory'' to ''Chart Supplement.''

For the Cannon AFB Class E airspace extending upward from 700 ft. above the surface, this action: (1) decreases the radius from 20 miles to 7.9 miles; (2) removes the Portales Municipal Airport and associated airspace from the airspace legal description as separate airspace is being established to comply with FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; (3) removes the Texico VORTAC and associated extension as they are no longer required; and (4) removes the city associated with Cannon AFB from the airspace legal description header to comply with changes to FAA Order JO 7400.2R.

This action establishes Class E airspace extending upward from 700 ft. above the surface within a 7.5-mile radius of Clovis Regional Airport, Clovis, NM.

And this action establishes Class E airspace extending upward from 700 ft. above the surface within a 7.4-mile radius of Portales Municipal Airport, Portales, NM.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' Paragraph B–2.5(a). This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW NM D Clovis, NM [Amended]

Cannon AFB, NM
(Lat. 34°22′58″ N, long. 103°19′20″ W)
Cannon TACAN
(Lat. 34°22′50″ N, long. 103°19′21″ W)

That airspace extending upward from the surface to and including 6,800 feet MSL within a 5.4-mile radius Cannon AFB; and within 1 mile each side of the 039° bearing from the Cannon TACAN extending from the 5.4-mile radius of Cannon AFB to 5.9 miles northeast of Cannon AFB. The Class D airspace area is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASW NM E2 Clovis, NM [Amended]

Cannon AFB, NM
(Lat. 34°22′58″ N, long. 103°19′20″ W)
Cannon TACAN
(Lat. 34°22′50″ N, long. 103°19′21″ W)

That airspace extending upward from the surface within a 5.4-mile radius Cannon AFB; and within 1 mile each side of the 039° bearing from the Cannon TACAN extending from the 5.4-mile radius of Cannon AFB to 5.9 miles northeast of Cannon AFB. The Class E airspace area is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW NM E5 Clovis, NM [Amended]

Cannon AFB, NM
(Lat. 34°22′58″ N, long. 103°19′20″ W)

That airspace extending upward from 700 feet above the surface within a 7.9-mile radius of Cannon AFB.

* * * * *

ASW NM E5 Clovis, NM [Establish]

Clovis Regional Airport, NM
(Lat. 34°25′36″ N, long. 103°04′39″ W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Clovis Regional Airport.

* * * * *

ASW NM E5 Portales, NM [Establish]

Portales Municipal Airport, NM
(Lat. 34°08′44″ N, long. 103°24′37″ W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Portales Municipal Airport.

* * * * *

Issued in Fort Worth, Texas, on September 8, 2026.

Courtney E. Johns,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2026–18437 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2026–N–9911]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Anti-Tumor Necrosis Factor Alpha Monoclonal Antibody Test System for Inflammatory Bowel Disease

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the anti-tumor necrosis factor alpha monoclonal antibody test system for inflammatory bowel disease into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for

classification of the anti-tumor necrosis factor alpha monoclonal antibody test system for inflammatory bowel disease. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on September 29, 2023.

FOR FURTHER INFORMATION CONTACT: Simona Puiu, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3564, Silver Spring, MD 20993–0002, 240–402–4940, *Simona.Puiu@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the anti-tumor necrosis factor alpha monoclonal antibody test system for inflammatory bowel disease into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On December 8, 2021, FDA received ProciseDx, Inc.'s request for De Novo classification of the Procise IFX device. On April 4, 2022, FDA received ProciseDx, Inc.'s request for De Novo classification of the Procise ADL device. FDA reviewed both requests in order to classify the devices under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the requests, we determined that the devices can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the devices.

Therefore, on September 29, 2023, FDA issued orders to the requester classifying both devices into class II. In this final order, FDA is codifying the classification of the devices by adding 21 CFR 862.3115.[1] We have named the generic type of device ''anti-tumor necrosis factor alpha monoclonal antibody test system for inflammatory bowel disease,'' and it is identified as an in vitro diagnostic device intended for the measurement of an anti-tumor necrosis factor alpha monoclonal antibody as an aid in the management of patients with Crohn's disease or ulcerative colitis.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR ANTI-TUMOR NECROSIS FACTOR ALPHA MONOCLONAL ANTIBODY TEST SYSTEMS FOR INFLAMMATORY BOWEL DISEASE

Identified risks to health	Mitigation measures
Incorrect test results	Certain design verification and validation activities and documentation, including certain studies. Certain labeling information, including certain limiting statements.
Incorrect interpretation of test results.	Certain design verification and validation activities and documentation, including certain studies. Certain labeling information, including certain limiting statements.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for anti-tumor necrosis factor alpha monoclonal antibody test systems for inflammatory bowel disease. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 862.3115 to subpart D to read as follows:

§ 862.3115 Anti-tumor necrosis factor alpha monoclonal antibody test system for inflammatory bowel disease.

(a) *Identification.* An anti-tumor necrosis factor alpha monoclonal antibody test system is an in vitro diagnostic device intended for the measurement of an anti-tumor necrosis factor alpha monoclonal antibody as an aid in the management of patients with Crohn's disease or ulcerative colitis.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include the following:

(i) Detailed documentation of studies that demonstrate the analytical performance of the device for its intended use, including for each analyte and device output. These studies must demonstrate analytical performance for each monoclonal antibody analyte and device output that is adequate to support all intended clinical uses, including all of its indications for use, and testing environments. These studies must include precision, reproducibility, linearity, accuracy, high dose hook effect, sample stability, detection limits (including limit of blank, limit of detection, and limit of quantification) and analytical specificity studies, or alternative approaches determined to be appropriate by FDA.

(ii) Detailed documentation of data that is adequate to support the accuracy of the device and/or device performance for all intended clinical uses, including all of its indications for use, as determined to be appropriate by FDA.

(iii) Detailed documentation demonstrating traceability of the device to an internationally recognized reference material, as determined to be appropriate by FDA.

(2) The labeling required under § 809.10(b) of this chapter must include limiting statements including the following:

(i) The device should not be used for conditions other than Crohn's disease or ulcerative colitis.

(ii) The test result is intended as an aid in the management of the patient, and not to be used to replace clinical judgment.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18430 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2026–N–9905]

Medical Devices; Cardiovascular Devices; Classification of the Mechanical Deviation Device for Esophageal Protection During Cardiac Ablation Procedures

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the mechanical deviation device for esophageal protection during cardiac

ablation procedures into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the mechanical deviation device for esophageal protection during cardiac ablation procedures. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on September 6, 2023.

FOR FURTHER INFORMATION CONTACT: Aneesh Deoras, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5540, Silver Spring, MD 20993–0002, 240–402–4363, *Aneesh.Deoras@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the mechanical deviation device for esophageal protection during cardiac ablation procedures into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On January 24, 2023, FDA received S4 Medical Corp.'s request for De Novo classification of the esolution Esophageal Retractor. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on September 6, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 870.5710.[1] We have named the generic type of device ''mechanical deviation device for esophageal protection during cardiac ablation procedures,'' and it is identified as a device that is placed in the lumen of the esophagus to reduce the likelihood of esophageal injury or a specific adverse event during cardiac ablation procedures. The device uses mechanical means to deviate the esophagus away from the source of ablation energy.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR MECHANICAL DEVIATION DEVICES FOR ESOPHAGEAL PROTECTION DURING CARDIAC ABLATION PROCEDURES

Identified risks to health	Mitigation measures
Failure to protect the esophagus during ablation leading to esophageal perforating complications.	Clinical performance testing; animal performance testing; non-clinical performance testing; and labeling.
Device malfunction leading to esophageal injury	Non-clinical performance testing; and shelf life and packaging testing.
Adverse tissue reaction	Biocompatibility evaluation.
Infection	Sterilization validation; shelf life and packaging testing; and labeling.
Mechanical injury to esophageal or oral structures	Clinical performance testing; animal performance testing; and labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. FDA supports the principles of the ''3Rs,'' to replace, reduce, and/or refine animal use in testing when feasible. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider whether such an alternative method could be assessed for equivalency to an animal test method.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for mechanical deviation devices for esophageal protection during cardiac ablation procedures. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 870.5710 to subpart F to read as follows:

§ 870.5710 Mechanical deviation device for esophageal protection during cardiac ablation procedures.

(a) *Identification.* This device is placed in the lumen of the esophagus to reduce the likelihood of esophageal injury or a specific adverse event during cardiac ablation procedures. The device uses mechanical means to deviate the esophagus away from the source of ablation energy.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use and include the following:

(i) Evaluation of reduction of the incidence of esophageal injury during cardiac ablation procedures; and

(ii) Evaluation of any esophageal or oral injury from use of the device.

(2) Animal performance testing must demonstrate that the device performs as intended under the anticipated conditions of use and include the following:

(i) Evaluation of the device's capability to adequately deviate the esophagus, including its trailing edge, away from the source of ablation energy; and

(ii) Evaluation of any esophageal injury from use of the device.

(3) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use and include the following:

(i) Mechanical integrity testing using clinically relevant forces; and

(ii) Compatibility testing with accessory devices.

(4) Performance data must demonstrate the sterility of any device components intended to be provided sterile.

(5) The patient-contacting components of the device must be demonstrated to be biocompatible.

(6) Performance data must support the shelf life of the device by demonstrating package integrity and device functionality over the identified shelf life.

(7) Labeling must include the following:

(i) A summary of clinical performance testing with the device; and

(ii) A shelf life.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18433 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2026–N–9906]

Medical Devices; Cardiovascular Devices; Classification of the Extravascular Support for an Arteriovenous Fistula for Vascular Access

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the extravascular support for an arteriovenous fistula for vascular access into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the extravascular support for an arteriovenous fistula for vascular access. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on September 26, 2023.

FOR FURTHER INFORMATION CONTACT: Nicole Schiavone, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2570, Silver Spring, MD 20993–0002, 240–402–4053, *Nicole.Schiavone@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the extravascular support for an arteriovenous fistula for vascular access into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On April 29, 2022, FDA received Laminate Medical Technologies Ltd.'s request for De Novo classification of the VasQ device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on September 26, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 870.4600.[1] We have named the generic type of device ''extravascular support for an arteriovenous fistula for

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

vascular access,'' and it is identified as a permanent implant which is surgically placed outside and/or around an artery and/or vein to provide external support to arteriovenous fistulas created for vascular access by means of vascular surgery.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR EXTRAVASCULAR SUPPORTS FOR AN ARTERIOVENOUS FISTULA FOR VASCULAR ACCESS

Identified risks to health	Mitigation measures
Vascular or tissue injury or bleeding	Clinical performance testing; Animal performance testing; Non-clinical performance testing; and Labeling.
Adverse effect of hemodynamics of the arteriovenous fistula	Clinical performance testing; and Animal performance testing.
Failure to support a durable fistula that is usable for vascular access	Clinical performance testing; and Animal performance testing.
Use of the device adversely impacts future vascular access sites	Clinical performance testing; and Labeling.
Mechanical device failure/malfunction leading to injury or fistula failure	Clinical performance testing; Non-clinical performance testing; and Labeling.
Improper size selection	Labeling.
Improper device placement	Labeling.
Imaging incompatibility	Non-clinical performance testing; and Labeling.
Adverse tissue reaction	Biocompatibility evaluation.
Infection	Sterilization validation; Shelf-life testing; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. FDA supports the principles of the ''3Rs,'' to replace, reduce, and/or refine animal use in testing when feasible. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider whether such an alternative method could be assessed for equivalency to an animal test method.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for extravascular supports for an arteriovenous fistula for vascular access. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 870.4600 to subpart E to read as follows:

§ 870.4600 Extravascular support for an arteriovenous fistula for vascular access.

(a) *Identification.* This device is a permanent implant which is surgically placed outside and/or around an artery and/or vein to provide external support to arteriovenous fistulas created for vascular access by means of vascular surgery.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Testing must evaluate:

(i) The ability to safely implant the device;

(ii) The ability of the arteriovenous fistula supported by the device to attain a blood flow rate and diameter suitable for hemodialysis;

(iii) The ability of the fistula to be used for vascular access;

(iv) The primary, assisted primary, and secondary patency of the fistula;

(v) The rates and types of device integrity events and any associated clinical sequelae;

(vi) The rates and types of all adverse events; and

(vii) The rates and outcomes of reinterventions.

(2) If FDA determines that premarket clinical information is insufficient to evaluate long-term safety and effectiveness of the product, postmarket data must be collected through an adequately designed and powered postmarket study to assess the following:

(i) The functionality and patency of the fistula through a clinically meaningful timeframe;

(ii) The rates and types of access-related, reintervention-related, and cannulation-related adverse events; and

(iii) The reasons for, rates, types, and outcomes of reinterventions.

(3) Animal performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be assessed:

(i) Implantation of the device;

(ii) Patency of the fistula; and

(iii) Gross pathology and histopathology assessing vascular injury and downstream embolization.

(4) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Resistance to kinking;

(ii) Resistance to crush and local compression;

(iii) Tensile strength of joints and components;

(iv) Device integrity;

(v) Corrosion resistance; and

(vi) Characterization and verification of all dimensions.

(5) Non-clinical testing must evaluate the compatibility of the device in a magnetic resonance (MR) environment.

(6) All patient-contacting components of the device must be demonstrated to be biocompatible.

(7) Performance data must demonstrate sterility of the device components intended to be provided sterile.

(8) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the identified shelf life.

(9) Labeling for the device must include:

(i) Specific instructions regarding device size selection and device placement;

(ii) Expertise needed for safe use of the device;

(iii) A detailed summary of the clinical testing conducted and the patient population studied, including information on effectiveness and device- and procedure-related complications;

(iv) A detailed summary of the device technical parameters;

(v) A shelf life and storage conditions; and

(vi) MR information.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18431 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2026–N–9910]

Medical Devices; Cardiovascular Devices; Classification of the Temperature Regulation Device for Esophageal Protection During Cardiac Ablation Procedures

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the temperature regulation device for esophageal protection during cardiac ablation procedures into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the temperature regulation device for esophageal protection during cardiac ablation procedures. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on September 13, 2023.

FOR FURTHER INFORMATION CONTACT: David Hazlewood, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2227, Silver Spring, MD 20993–0002, 240–402–3641, *David.Hazlewood@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the temperature regulation device for esophageal protection during cardiac ablation procedures into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a

determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On March 30, 2023, FDA received Advanced Cooling Therapy, Inc. (d/b/a Attune Medical)'s request for De Novo classification of the ensoETM device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on September 13, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 870.5720.[1] We have named the generic type of device ''temperature regulation device for esophageal protection during cardiac ablation procedures,'' and it is identified as a device that is placed in the lumen of the esophagus to reduce the likelihood of esophageal injury or a specific adverse event during cardiac ablation procedures. The device uses temperature regulation to control the temperature of the esophagus during cardiac ablation.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR TEMPERATURE REGULATION DEVICES FOR ESOPHAGEAL PROTECTION DURING CARDIAC ABLATION PROCEDURES

Identified risks to health	Mitigation measures
Failure to protect the esophagus during ablation leading to esophageal perforating complications.	Clinical performance testing; Animal performance testing; Non-clinical performance testing; and Labeling.
Device alters ablation procedure resulting in patient injury, improper catheter performance, or interruption of procedure.	Clinical performance testing.
Device malfunction leading to esophageal injury	Non-clinical performance testing; and Shelf life and packaging testing.
Adverse tissue reaction	Biocompatibility evaluation.
Infection	Sterilization validation; Shelf life and packaging testing; and Labeling.
Mechanical injury to esophageal or oral structures	Clinical performance testing; Animal performance testing; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. FDA supports the principles of the ''3Rs,'' to replace, reduce, and/or refine animal use in testing when feasible. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider whether such an alternative method could be assessed for equivalency to an animal test method.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for temperature regulation devices for esophageal protection during cardiac ablation procedures. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 870.5720 to subpart F to read as follows:

§ 870.5720 Temperature regulation device for esophageal protection during cardiac ablation procedures.

(a) *Identification.* This device is placed in the lumen of the esophagus to reduce the likelihood of esophageal injury or a specific adverse event during cardiac ablation procedures. The device uses temperature regulation to control the temperature of the esophagus during cardiac ablation.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use and include the following:

(i) Evaluation of reduction of the incidence of esophageal injury during cardiac ablation procedures;

(ii) Evaluation of any effects on the ablation procedure resulting in patient injury, improper catheter performance, or interruption of procedure; and

(iii) Evaluation of any esophageal or oral injury from use of the device.

(2) Animal performance testing must demonstrate that the device performs as intended under the anticipated conditions of use, including evaluation of any esophageal injury from use of the device.

(3) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use and include the following:

(i) Mechanical integrity testing using clinically relevant forces;

(ii) Testing to determine temperature change rate(s); and

(iii) Compatibility testing with accessory devices.

(4) Performance data must demonstrate the sterility of any device components intended to be provided sterile.

(5) The patient-contacting components of the device must be demonstrated to be biocompatible.

(6) Performance data must support the shelf life of the device by demonstrating package integrity and device functionality over the identified shelf life.

(7) Labeling must include the following:

(8) A summary of clinical performance testing with the device; and

(9) A shelf life.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18432 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 874

[Docket No. FDA–2026–N–9902]

Medical Devices; Ear, Nose, and Throat Devices; Classification of the Cooperative Powered Surgical Assist Device for ENT Surgery

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the cooperative powered surgical assist device for ear, nose, and throat (ENT) surgery into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the cooperative powered surgical assist device for ENT surgery. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on July 19, 2023.

FOR FURTHER INFORMATION CONTACT: Vasant Dasika, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1206, Silver Spring, MD 20993–0002, 301–796–5365, *Vasant.Dasika@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the cooperative powered surgical assist device for ENT surgery into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is

substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On July 22, 2022, FDA received Galen Robotics' request for De Novo classification of the Galen ES Robotic Surgical Assistant Platform. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on July 19, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 874.4460.[1] We have named the generic type of device ''cooperative powered surgical assist device for ENT surgery,'' and it is identified as a device that facilitates ENT surgical procedures, including instrument placement. The device works in conjunction with the surgeon's movements to assist with precise and stable positioning of an instrument while maintaining the surgeon's direct physical control of the instrument.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR COOPERATIVE POWERED SURGICAL ASSIST DEVICES FOR ENT SURGERY

Identified risks to health	Mitigation measures
Injury to anatomic structures resulting in bleeding or loss of function	Simulated use testing; Human factors evaluation; Non-clinical performance testing; Software verification, validation, and hazard analysis; Labeling; Electromagnetic compatibility testing; Electrical safety testing; Thermal safety testing; and Biocompatibility evaluation.
Inability to remove the device expeditiously (*e.g.,* if device becomes sluggish or frozen) resulting in: • Lack of sufficient control of bleeding • Prolonged time for removal and delayed access to critical structures	Simulated use testing; Non-clinical performance testing; Software verification, validation, and hazard analysis; Labeling; Electromagnetic compatibility testing; and Electrical safety testing.
Infection	Labeling; Simulated-use testing; Sterilization validation; and Shelf-life testing.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

section 510(m) of the FD&C Act. At this time FDA has not made this determination for cooperative powered surgical assist devices for ENT surgery. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 874

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 874 is amended as follows:

PART 874—EAR, NOSE, AND THROAT DEVICES

■ 1. The authority citation for part 874 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 874.4460 to subpart E to read as follows:

§ 874.4460 Cooperative powered surgical assist device for ENT surgery.

(a) *Identification.* A cooperative powered surgical assist device for ear, nose, and throat (ENT) surgery is a device that facilitates ENT surgical procedures, including instrument placement. The device works in conjunction with the surgeon's movements to assist with precise and stable positioning of an instrument while maintaining the surgeon's direct physical control of the instrument.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Simulated-use testing must demonstrate that the device performs as intended under anticipated conditions of use to successfully assist in the indicated surgery, including:

(i) Testing in a simulated hospital environment with an anatomically relevant model;

(ii) Compatibility testing of all indicated instruments;

(iii) Human factors/usability evaluation; and

(iv) Validation of device use by surgeons, including:

(A) The user interface and controller(s);

(B) Compatibility with the ranges of surgeon-applied forces, torques, speeds, and motion; and

(C) Time required for emergency removal of the device and associated instruments in the event of power loss or device failure.

(2) Non-clinical performance testing must demonstrate hardware and system verification, including verification of critical parameters (including minimum and maximum forces, torques, speeds, and range of motion).

(3) Software verification, validation, and hazard analysis must be performed for any software components of the device.

(4) Performance testing must demonstrate the electromagnetic compatibility, electrical safety, and thermal safety of the device.

(5) All parts or components of the device that enter the sterile field must be demonstrated to be sterile.

(6) Performance testing must support the shelf life of device components provided sterile by demonstrating continued sterility, package integrity, and device functionality over the labeled shelf life.

(7) All patient-contacting components of the device must be demonstrated to be biocompatible.

(8) Labeling must include:

(i) Identification of compatible instruments;

(ii) A statement about any training needed prior to use of the device;

(iii) A summary of all relevant performance testing, including simulated-use testing; and

(iv) Reprocessing instructions for reusable device components.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18429 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2026–N–9908]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Implanted Tibial Electrical Urinary Continence Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the implanted tibial electrical urinary continence device into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the implanted tibial electrical urinary continence device. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on August 16, 2023.

FOR FURTHER INFORMATION CONTACT: Sharon Andrews, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2640, Silver Spring, MD 20993–0002, 301–796–6529, *Sharon.Andrews@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the implanted tibial electrical urinary continence device into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance

patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On October 5, 2022, FDA received BlueWind Medical Ltd.'s request for De Novo classification of the Revi System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on August 16, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 876.5305.[1] We have named the generic type of device ''implanted tibial electrical urinary continence device,'' and it is identified as an implanted prescription device that receives power from a non-implanted external power source to provide electrical stimulation of the tibial nerve in proximity to the ankle. The device is intended for the treatment of overactive bladder related symptoms of urge urinary incontinence, urinary urgency, urinary frequency, and nocturia.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR IMPLANTED TIBIAL ELECTRICAL URINARY CONTINENCE DEVICES

Identified risks to health	Mitigation measures
Overstimulation leading to nerve/tissue damage	Non-clinical performance testing; Electromagnetic compatibility testing; Electrical safety testing; Software verification, validation, and hazard analysis; Wireless coexistence testing; and Labeling.
Adverse tissue reaction	Biocompatibility evaluation; and Labeling.
Infection	Sterilization validation; Shelf-life testing; and Labeling.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR IMPLANTED TIBIAL ELECTRICAL URINARY CONTINENCE DEVICES—Continued

Identified risks to health	Mitigation measures
Thermal injury	Non-clinical performance testing; Thermal safety testing; and Electrical safety testing.
Interference with other medical devices	Electromagnetic compatibility testing; Magnetic resonance compatibility testing; Electrical safety testing; Software verification, validation and hazard analysis; Wireless coexistence testing; and Labeling.
Pain and discomfort	Non-clinical performance testing; Electrical safety testing; and Labeling.
Electrical shock or stimulation of non-target tissue	Electrical safety testing; Electromagnetic compatibility testing; and Labeling.
Mechanical injury to device or tissue/nerves	Non-clinical performance testing; and Labeling.
Undesired fluid retention due to use in inappropriate population	Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

At the time of classification, implanted tibial electrical urinary continence devices are for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for implanted tibial electrical urinary continence devices. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 876.5305 to subpart F to read as follows:

§ 876.5305 Implanted tibial electrical urinary continence device.

(a) *Identification.* An implanted tibial electrical urinary continence device is an implanted prescription device that receives power from a non-implanted external power source to provide electrical stimulation of the tibial nerve in proximity to the ankle. The device is intended for the treatment of overactive bladder related symptoms of urge urinary incontinence, urinary urgency, urinary frequency, and nocturia.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following testing must be conducted:

(i) Electrical performance testing of the device must be conducted to validate the specified electrical output and duration of stimulation of the device; and

(ii) Testing must verify the implant can withstand clinically relevant forces during and after implantation.

(2) The patient-contacting components of the device must be demonstrated to be biocompatible.

(3) Performance data must demonstrate the sterility of the patient-contacting components of the device.

(4) Performance data must support the shelf life of the device by demonstrating continued sterility of patient-contacting components, package integrity, and device functionality over the identified shelf life.

(5) Performance testing must demonstrate the electromagnetic compatibility, electrical safety, thermal safety, and wireless performance of the device.

(6) Software verification, validation, and hazard analysis must be performed.

(7) Performance testing must evaluate the compatibility of the device in a magnetic resonance environment.

(8) Labeling for the device must include:

(i) A contraindication against use during pregnancy;

(ii) A contraindication against using the device in men who have Benign Prostatic Hyperplasia (BPH) or other lower urinary tract obstructions;

(iii) A detailed summary of the device technical parameters and the typical course of treatment;

(iv) Device- and procedure-related adverse events pertinent to use of the device; and

(v) A shelf life for any sterile components.

(9) Patient labeling must include:

(i) Post-operative care instructions to avoid infection and inflammation of the surgical site;

(ii) Instructions to avoid overstimulation related nerve and tissue damage;

(iii) Instructions to avoid mechanical injuries to nerve and tissue caused by the implanted component;

(iv) Instructions for reprocessing/cleaning of any reusable components;

(v) Clinical performance reported by relevant subgroups;

(vi) The risks and benefits associated with use of the device;

(vii) Information on the typical course of treatment;

(viii) Instructions to avoid pain and discomfort; and

(ix) Instructions to avoid interference with other medical devices.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18428 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 880

[Docket No. FDA–2026–N–9909]

Medical Devices; General Hospital and Personal Use Devices; Classification of the Whole Room Microbial Reduction Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the whole room microbial reduction device into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the whole room microbial reduction device. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on September 1, 2023.

FOR FURTHER INFORMATION CONTACT: Christopher Dugard, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4640, Silver Spring, MD 20993–0002, 240–402–6031, *Christopher.Dugard@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the whole room microbial reduction device into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On February 1, 2023, FDA received Xenex Disinfection Services, Inc.'s request for De Novo classification of the LightStrike+ device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable

assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on September 1, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 880.6510.[1] We have named the generic type of device ''whole room microbial reduction device,'' and it is identified as a medical device to be used to reduce microbial load on medical device surfaces following cleaning and disinfection.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR WHOLE ROOM MICROBIAL REDUCTION DEVICES

Identified Risks to Health	Mitigation Measures
Exposure to microbiocidal agent, leading to skin and eye damage	Non-clinical performance testing; biocompatibility evaluation; software verification, validation, and hazard analysis; and labeling.
Respiratory mucous membrane irritation and pulmonary edema due to chemical exposure.	Non-clinical performance testing; and biocompatibility evaluation.
Patient cross-contamination due to device failure leading to inadequate microbial reduction.	Non-clinical performance testing; labeling; and software verification, validation, and hazard analysis.
Electrical shock	Electrical safety testing; non-clinical performance testing; and labeling.
Interference with other devices	Electromagnetic compatibility testing; electrical safety testing; and labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for whole room microbial reduction devices. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 880

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 880 is amended as follows:

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

■ 1. The authority citation for part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 880.6510 to subpart G to read as follows:

§ 880.6510 Whole room microbial reduction device.

(a) *Identification.* A whole room microbial reduction device is a medical device to be used to reduce microbial load on medical device surfaces following cleaning and disinfection.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Performance testing must demonstrate microbial log reduction of the demonstrated most resistant microorganism on medical device surfaces commensurate with the intended level of microbial reduction;

(ii) Simulated use testing must evaluate device performance under simulated worst-case use conditions

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(*e.g.,* soiling, room objects and surfaces, distances);

(iii) In-use testing must evaluate device performance under real-world use conditions;

(iv) Performance testing must demonstrate the photobiological safety of any lamps or lamp systems;

(v) Performance testing must evaluate safety features intended to prevent exposure and ensure that device operation can only occur in an unoccupied environment; and

(vi) Performance testing must characterize the long-term material compatibility of the microbiocidal agent on clinically relevant surfaces and/or devices.

(2) Biocompatibility testing must demonstrate safe residual levels of chemicals on medical devices surfaces and/or gaseous byproducts in air.

(3) Software verification, validation, and hazard analysis must be performed for any software components.

(4) Performance data must demonstrate the electromagnetic compatibility and electrical safety of the device.

(5) Labeling must include:

(i) Warnings and instructions to ensure the device is operated in an unoccupied environment;

(ii) Setup and positioning instructions; and

(iii) Information regarding material compatibility.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18426 Filed 9–9–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 892

[Docket No. FDA–2026–N–9904]

Medical Devices; Radiology Devices; Classification of the Vaginal Hydrogel Packing System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the vaginal hydrogel packing system into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the vaginal hydrogel packing system. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective September 10, 2026. The classification was applicable on August 22, 2023.

FOR FURTHER INFORMATION CONTACT: Justina Tam, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3661, Silver Spring, MD 20993–0002, 240–402–4974, *Justina.Tam@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the vaginal hydrogel packing system into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On August 26, 2022, FDA received BrachyFoam, Inc. (d/b/a Advaray)'s request for De Novo classification of the BrachyGel Vaginal Hydrogel Packing

System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on August 22, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 892.5735.[1] We have named the generic type of device ''vaginal hydrogel packing system,'' and it is identified as a non-powered positioning device composed of a flexible container filled with a hydrogel. The device is intended to reduce the radiation dose delivered to adjacent pelvic organs by temporarily displacing the vaginal wall and adjacent pelvic tissues during radiation therapy treatment planning and delivery.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR VAGINAL HYDROGEL PACKING SYSTEMS

Identified risks to health	Mitigation measures
Unintended irradiation of healthy tissue and/or underdosing of the target.	Clinical performance data; Performance testing; and Labeling.
Tissue damage from device instability, failure, or removal	Clinical performance data; Non-clinical performance testing; and Labeling.
Infection	Sterilization validation; Non-clinical performance testing; Labeling; and Shelf-life testing.
Adverse tissue reaction	Biocompatibility evaluation.
Prolonged or delayed procedure due to delays caused by device deployment, instability, or failure.	Clinical performance data; and Labeling.
Patient discomfort	Clinical performance data; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for vaginal hydrogel packing systems. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 892

Medical devices, Radiation protection, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 892 is amended as follows:

PART 892—RADIOLOGY DEVICES

■ 1. The authority citation for part 892 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 892.5735 to subpart F to read as follows:

§ 892.5735 Vaginal hydrogel packing system.

(a) *Identification.* A vaginal hydrogel packing system is a non-powered positioning device composed of a flexible container filled with a hydrogel. The device is intended to reduce the radiation dose delivered to adjacent pelvic organs by temporarily displacing the vaginal wall and adjacent pelvic tissues during radiation therapy treatment planning and delivery.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance data must demonstrate the device performs as intended under anticipated conditions of use and evaluate the following:

(i) Radiation dose to adjacent organs at risk;

(ii) Device stability;

(iii) Ability to deploy, expand, and remove the device; and

(iv) Patient comfort.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Testing must include:

(i) Testing to evaluate the effect of therapeutic radiation levels on device integrity;

(ii) Bioburden testing to demonstrate the device does not pose an infection risk, if the device is not provided sterile; and

(iii) Structural integrity testing of the container, including tensile strength, container leakage, and burst strength.

(3) Performance testing must demonstrate space creation and maintenance for the duration of a radiation treatment fraction.

(4) The patient-contacting components of the device must be demonstrated to be biocompatible.

(5) Performance data must demonstrate the sterility of patient-contacting components of the device that are provided sterile.

(6) Performance data must support the shelf life of the device by demonstrating package integrity and device functionality over the labeled shelf life.

(7) Labeling must include:

(i) Warnings that:

(A) A three-dimensional imaging method is needed to ensure the device is placed correctly; and

(B) Failure to perform the standard imaging position verification protocol may cause the device to not perform as intended.

(ii) Instructions on how to proceed if the device fails to perform as intended;

(iii) A summary of clinical data relevant to the device, including device-related complications; and

(iv) An expiration date or shelf life.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18427 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions and Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; stay of effectiveness.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is indefinitely suspending three general licenses and one licensing policy issued pursuant to the Iranian Transactions and Sanctions Regulations to align with changes in the foreign policy of the United States towards Iran.

DATES: Effective September 8, 2026, 31 CFR 560.522, 560.528, and 560.529 are stayed indefinitely.

As of September 8, 2026, the effectiveness of Iran General License J–1, which is available on OFAC's website (*https://ofac.treasury.gov*), is stayed indefinitely.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On October 22, 2012, OFAC issued a final rule that amended the former Iranian Transactions Regulations, 31 CFR part 560 (ITR), and reissued them in their entirety as the Iranian Transactions and Sanctions Regulations (ITSR or ''the Regulations'') (77 FR 64664, October 22, 2012). Since then, OFAC has amended the Regulations on several occasions.

On December 15, 2016, OFAC published on its website General License J–1, which was issued pursuant to the Regulations. This general license is available on OFAC's website (*www.treasury.gov/ofac*).

Rules To Be Stayed

In response to Iran's continued disruptions to global energy markets, attacks on partners and allies in the Middle East, reconstitution of its conventional and nuclear weapons programs, efforts to monetize the Strait of Hormuz, and continued support to terrorist proxies, OFAC is indefinitely suspending the general licenses and licensing policy contained at 31 CFR 560.522, 560.528, and 560.529. These general licenses and licensing policy authorize, respectively, certain payments for overflights of Iranian airspace; the issuance of specific licenses for certain transactions related to aircraft safety; and bunkering and emergency repairs. As a result of this suspension, any such transactions are no longer authorized by OFAC as of September 8, 2026.

In addition, OFAC is suspending indefinitely Iran General License J–1, published on OFAC's website on December 15, 2016. Iran General License J–1 authorizes the reexportation of certain civil aircraft to Iran on temporary sojourn, as well as related transactions. As a result of this suspension, any such transactions are no longer authorized by OFAC as of September 8, 2026.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of E.O. 14192 of January 31, 2025, ''Unleashing Prosperity Through Deregulation'' (90 FR 9065, February 6, 2025) and E.O. 14219 of February 19, 2025, ''Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative'' (90 FR 10583, February 25, 2025), are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Executive Order 14294

Section 5 of E.O. 14294 of May 9, 2025, ''Fighting Overcriminalization in Federal Regulations'' (90 FR 20367, May 14, 2025), directs that all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute. E.O. 14294 directs agencies to draft this statement in consultation with the Department of Justice.

E.O. 14294 further directs that the regulatory text of all NPRMs and final rules with criminal consequences

published in the **Federal Register** after May 9, 2025 should explicitly state a mens rea requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

Willful violations of the regulations set forth in this final rule may be subject to criminal penalties pursuant to 50 U.S.C. 1705 and regulations promulgated thereunder. The statutory authority for criminal liability requires a mens rea of willfulness as an element pursuant to 50 U.S.C. 1705(c). In drafting this statement, OFAC has consulted with the Department of Justice.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 560

Administrative practice and procedure, Banks, Banking, Blocking of assets, Credit, Foreign trade, Iran, Sanctions, Services.

For the reasons set forth in the preamble, OFAC amends 31 CFR part 560 as follows:

PART 560—IRANIAN TRANSACTIONS AND SANCTIONS REGULATIONS

■ 1. The authority citation for part 560 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 22 U.S.C. 2349aa–9, 7201–7211, 8501–8551, 8701–8795; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217; E.O. 13599, 77 FR 6659, 3 CFR, 2012 Comp., p. 215; E.O. 13846, 83 FR 38939, 3 CFR, 2018 Comp., p. 854.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§§ 560.522, 560.528, and 560.529 [Stayed]

■ 2. Sections 560.522, 560.528, and 560.529 are stayed indefinitely.

Bradley T. Smith,

Director, Office of Foreign Assets Control, Department of the Treasury.

[FR Doc. 2026–18461 Filed 9–8–26; 4:15 pm]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–0998]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone, San Diego TriRock Triathlon

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego TriRock Triathlon special local regulation on the waters of San Diego Bay, California on September 12, 2026. This special local regulation is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulation in 33 CFR 100.1101, Table 1 to § 100.1101, Item No. 8, will be enforced from 6:30 a.m. until 9 a.m. on September 12, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Skye Eastman, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.1101, Table 1 to § 100.1101, Item No. 8, for the San Diego TriRock Triathlon race regulated area daily from 6:30 a.m. until 9 a.m. on September 12, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. The Southern California Annual Marine Events for the San Diego Captain of the Port Zone, § 100.1101, Table 1 to § 100.1101, Item No. 8, specifies the location of the regulated area for the San Diego TriRock Triathlon which encompasses the waters of San Diego Bay to include Spanish Landing. Under the provisions of § 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

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

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Safety Marine Information Broadcast or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

R.C. Tucker,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2026–18492 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–1156]

Special Local Regulations; Marine Events Within the USCG East District—Ocean City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the Ocean City Airshow on September 20, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the USCG East District identifies the regulated area for this event in Ocean City, NJ. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the special local regulations listed in Table 1 to Paragraph (i)(1) of § 100.501 for the Ocean City Airshow from 11:30 a.m. through 3:30 p.m. on September 20, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dominick J. Dobridge, Waterways Management

Division, Sector Delaware Bay, U.S. Coast Guard; telephone (206) 815–6688, option 3; email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in Table 1 to Paragraph (i)(1) in 33 CFR 100.501, for the regulated area of the Ocean City Airshow from 11:30 a.m. to 3:30 p.m. on September 20, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the USCG East District, § 100.501, specifies the location of the regulated area for the ''Ocean City Airshow'' which encompasses portions of the Atlantic Ocean off Ocean City, NJ. During the enforcement period, as reflected in § 100.501(d)(2), a vessel operator may request permission to enter and transit through a regulated area by contacting the Event PATCOM or official patrol vessel on VHF–FM channel 16. When authorized to transit through the regulated area, the vessel must proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the event area.

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

R. Rivera,

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

[FR Doc. 2026–18463 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 03–123, GN Docket No. 25–133; FCC 26–56; FR ID 366314]

Telecommunications Relay Service ASCII Format Requirement

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) amends its rules to eliminate the requirement that Text Telephone (TTY)-based Telecommunications Relay Services (TRS) be capable of communicating in the American Standard Code for Information Interchange (ASCII) format. By removing this outdated regulatory mandate, the Commission relieves TRS providers of the obligation to maintain costly and obsolete ASCII-compatible hardware and software systems. Eliminating this requirement will reduce inefficiencies, preserve the integrity of the TRS Fund, and allow providers to redirect resources toward modern relay technologies, all without adversely impacting functional equivalence for consumers who rely on TTY-based TRS.

DATES: Effective October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 559–7304 or *Joshua.Mendelsohn@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities and Delete, Delete, Delete, Report and Order (*Order*) in CG Docket No. 03–123 and GN Docket No. 25–133, document FCC 26–56, adopted August 21, 2026 and released August 25, 2026. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/FCC-26-56A1.pdf.*

Paperwork Reduction Act: The *Order* does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.

Congressional Review Act: The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission sent a copy of the *Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

1. Title IV of the Americans with Disabilities Act of 1990 (ADA), codified at section 225 of the Communications Act, requires the Commission to ensure that TRS is available ''to the extent possible and in the most efficient manner'' to enable people with hearing or speech disabilities to communicate in a manner that is functionally equivalent to voice communication service. 47 U.S.C. 225(a)(3), (b)(1). In accordance with this directive, the Commission has adopted mandatory minimum standards for TRS.

2. At that time, TTYs generally used the Baudot coding format, but the ASCII format was widely used to transmit data between personal computers over the telephone network. The Commission, believing that ASCII was ''a superior technology'' that would eventually supplant Baudot as the preferred format, required that TRS be able to transmit in both ASCII and Baudot at any speed generally in use. Over the last three decades, technological advancements have revolutionized the TRS landscape, and introduced forms of non-TTY-based TRS that do not rely on the ASCII and Baudot formats to transmit information.

3. Baudot remains the predominant TTY-based TRS format, currently accounting for almost all TTY-based TRS communications. Recognizing the obsolescence of the ASCII format, T-Mobile Accessibility (T-Mobile) filed a Petition for Rulemaking in August 2022, requesting the Commission to amend § 64.604(b)(1) of its rules, to eliminate the ASCII requirement. T-Mobile noted that ASCII-based TTY calls represent a tiny fraction of its overall TRS call minutes, and that complying with the requirement forces providers to incur unnecessary hardware costs and hinders network upgrades. Following a June 2023 request from T-Mobile for a temporary waiver of the rule, the Consumer and Governmental Affairs Bureau (Bureau) granted a conditional two-year waiver of the ASCII requirement to T-Mobile and Hamilton on November 22, 2024. On June 27, 2025, the Commission released a Notice of Proposed Rulemaking (*NPRM*), published at 90 FR 164, August 27, 2025, proposing to permanently delete the ASCII requirement from § 64.604(b)(1) of the Commission's rules.

4. The Commission adopts its proposal to delete the requirement in § 64.604(b)(1) of its rules, 47 CFR 64.604(b)(1), that TTY-based TRS support the ASCII format. The Commission also finds good cause to eliminate the definition of ASCII from the Commission's TRS rules. The record confirms that ASCII usage for TTY-based TRS is exceedingly small and continues to shrink. Data provided in the NPRM indicated that in a three-month period in 2022, total ASCII usage of TTY-based TRS did not exceed 87 minutes, representing approximately 0.01 percent of total TTY-based TRS minutes. Following waiver of the ASCII requirement in November 2024, one TTY-based TRS provider reports that it has not had a single request to have ASCII made available and the Commission has not received any inquiries or complaints from consumers

regarding the availability of the ASCII-format.

5. Furthermore, the Commission concludes that there is no prospect of a resurgence in ASCII usage. Stakeholders, including the Telecommunications Equipment Distribution Program Association and the National Association of State Relay Administrators, point out that ASCII equipment is no longer commercially available, functional units are increasingly difficult to locate, and the format is incompatible with modern telephone networks. Because of these realities, the record reflects unanimous support for the rule's elimination from both providers and consumer advocacy groups that acknowledge the technology is obsolete.

6. *The Commission also deletes the second sentence of § 64.604(b)(1) of the Commission's rules which currently states:* ''Other forms of TRS are not subject to this requirement.'' As noted in the NPRM, because the first sentence of the revised provision explicitly makes clear that the Baudot rule applies only to ''TTY-based relay service,'' the second sentence is unnecessary surplusage.

7. *Benefits and Costs.* The record affirms the Commission's tentative conclusion that the cost savings for TRS providers far outweigh the negligible burdens of transitioning the few, if any, remaining ASCII users. Maintaining the ASCII obligation imposes ongoing software and network compatibility costs that yield no consumer benefit and needlessly burden the TRS Fund. Removing this mandate allows providers to redirect vital resources toward improving modern, widely used relay technologies, such as Real-Time Text (RTT), Internet-Protocol Relay, and Video Relay Service. The Commission concludes that eliminating this requirement provides administrative and financial relief. By freeing providers from maintaining obsolete hardware platforms, providers can more easily execute necessary network upgrades.

8. The record demonstrates that the number of consumers impacted by this change is effectively zero. To the extent any legacy users remain, the record shows that the transition process will be seamless and straightforward. Switching from ASCII to Baudot does not require the purchase of new equipment; a TTY user will only need to change a setting on the user's existing TTY device, because most TTYs automatically default to Baudot unless specifically configured to ASCII-only. Providers have affirmed their readiness to assist any affected users to ensure a seamless migration to Baudot or other modern platforms. Because users can transition simply by adjusting their device settings, and providers will offer technical support, the Commission finds that mandating providers to supply new Baudot devices at their own expense is unnecessary.

9. The Commission concludes that eliminating the ASCII requirement is a targeted, common-sense reform that modernizes TRS regulations. The substantial benefits of reduced network complexity, hardware cost savings, and the ability to invest in modern technologies unequivocally outweigh the minimal costs of transitioning remaining ASCII users.

10. *Deleting the Definition of ASCII.* The Commission also deletes the definition of ASCII from the TRS rules. Under the Administrative Procedure Act, when an agency for good cause finds that notice and public comment ''are impracticable, unnecessary, or contrary to the public interest,'' it need not follow notice and comment procedures before modifying or repealing rules. Prior notice and comment are ''unnecessary'' when ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.''

11. The definition of ASCII was only relevant to two provisions of this subpart F in Part 64 of the Commission rules. First, § 64.607(b)(2) of the Commission's rules, concerned the availability of text telephones using ASCII, which the Commission eliminated by Direct Final Rule. Second, in this item, the Commission deletes the only other reference to ASCII. The Commission therefore finds good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose because the term ASCII no longer needs to be defined in this portion of the rules and its deletion is inconsequential.

Final Regulatory Flexibility Analysis

12. As required by the Regulatory Flexibility Act of 1980, as amended, the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) in its *NPRM,* released in June 2025. The Commission sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. No comments were filed addressing the IRFA.

Need for, and Objectives of, the Rules

13. In the *Order,* the Commission amends its rules to eliminate the requirement that TTY-based relay service providers offer users the service in the ASCII format, as it has become an outdated and infrequently used format. TTY-based TRS is a text-based relay service. To make a call, a TTY user calls a TRS center and types the number of the person he or she wishes to call. A Communications Assistant at the relay center then makes a voice telephone call to the other party to the call, and relays the call back and forth between the parties by speaking what a text user types, and typing what a voice telephone user speaks.

14. In addition to the near-obsolescence of the ASCII format, the Commission takes these steps because TTY users also have access to Baudot format, which is more commonly used. At present, there are only two providers of TTY-based telecommunications relay service, and usage of ASCII-format TTY totaled less than 100 minutes during three months in 2022, with less than 10 users placing calls in any month. Based on these reports, it appears that total ASCII usage of TTY-based TRS was limited to approximately 0.01% of total TTY-based TRS minutes for that period, while Baudot format TTY would account for the remaining TTY-based TRS minutes. Furthermore, retaining the requirement to support ASCII-format TTY-based TRS limits the ability of TTY-based TRS providers to upgrade and improve their networks for delivery of enhanced services. Eliminating the ASCII-support requirement will ultimately benefit both TTY-based TRS users and providers by facilitating network upgrades by providers while TTY-based TRS users can continue communicating with Baudot-format TTY or other forms of text-based TRS.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

15. No comments were filed addressing the impact of the proposed rules on small entities.

Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy (SBA)

16. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

17. The rules adopted in the *Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System codes and corresponding SBA size standard. Where available, the Commission also provides additional information

regarding the number of potentially affected entities in the identified industries below.

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
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19

Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

18. The changes made in the *Order* would not impose new or modified reporting, recordkeeping, or other compliance obligations on certain small entities that provide TTY-based TRS. Currently, there are only two providers of TTY-based TRS. To facilitate a transition to TTY-based TRS using the Baudot format, for consumers without access to broadband services, the Commission sought comment on whether to require small and other TTY-based TRS providers to provide information about State equipment distribution programs that make Baudot-format TTY-devices available, where available. It also sought comment on whether to require TRS providers to make available a Baudot-format TTY device to ASCII-format TTY users, without cost to the user. The Commission considered requiring providers to issue free Baudot-compatible devices, but the record demonstrated that switching from ASCII to Baudot does not require new TTY equipment, a user need only change a setting on the TTY device. After developing a record, the Commission determined that no additional obligations needed to be placed on entities that provide TTY-based TRS.

Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

19. The amendment to the Commission's rules governing TRS is designed to facilitate upgrades to providers' networks by eliminating the requirement to support rarely-used ASCII format. This amendment would only affect two TTY-based relay service providers and a handful of ASCII-format TTY users, who account for a very small number of TTY-based TRS call minutes. The Commission considered requiring TRS providers to incur the costs of making Baudot-format TTY devices available given the small number of ASCII-format TTY users. However, the record demonstrated that switching from ASCII to Baudot only requires changing a device setting. By removing this ASCII mandate, TTY-based TRS providers are relieved of the financial and operational costs required to support obsolete technology, thereby facilitating network upgrades without countervailing transition costs.

Ordering Clauses

20. Pursuant to sections 1, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 225, that the *Order* is *adopted,* and the Commission's rules are *amended.*

21. The *Order shall be effective* October 13, 2026.

22. The Office of the Managing Director, Performance Evaluation and Records Management, *sent* a copy of the *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

23. The Commission's Office of the Secretary, *shall send* a copy of the *Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy.

List of Subjects in 47 CFR Part 64

Communications, Communications common carriers, Communications equipment, Individuals with disabilities, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. 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.

§ 64.601 [Amended]

■ 2. Amend § 64.601 by removing paragraph (a)(7), and redesignating paragraphs (a)(8) through (a)(62) as paragraphs (a)(7) through (a)(61).

■ 3. Amend § 64.604 by revising paragraph (b)(1) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(b) *Technical Standards*—(1) *Baudot.* TTY-based relay service shall be capable of communicating with Baudot format.

* * * * *

[FR Doc. 2026–18478 Filed 9–9–26; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 91, No. 174
Thursday, September 10, 2026

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

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 106

[CIS No. 2861–26; DHS Docket No. USCIS–2026–0298]

RIN 1615–AD20

Fee for Certain H–1B Petitions

Correction

In proposed rule document 2026–17324 published on pages 54817–54839 in the issue of Tuesday, August 25, 2026, make the following correction:

On pages 54834 and 54835, Table 13 should read as follows.

TABLE 13—RECEIPTS FORM I–129, PETITION FOR A NONIMMIGRANT WORKER, H–1B FOR FY 2021 THROUGH FY 2025

Fiscal year	Total receipts	Cap-subject receipts *
2021	398,281	79,903
2022	474,292	111,269
2023	386,593	74,759
2024	427,314	111,108
2025	456,726	106,711
5-year Total	2,143,206	483,750
5-year Annual Average	428,641	96,750
FY 2024 through FY 2025 Total	884,040	217,819
FY 2024 through FY 2025 Annual Average	442,020	108,910

Source: DHS, USCIS, Office of Performance and Quality (OPQ); ELIS and CLAIMS3 databases, queried Mar. 2026, PAER0020722.
* The basis for classification is ''new employment'' and numerical limitation information is ''Cap H–1B Bachelor's Degree'' and ''Cap H–1B U.S. Master's Degree or Higher''. Fiscal year of receipt and the fiscal year of the cap may differ, resulting in year-to-year deviations shown. These deviations are smoothed out by the average estimates.

[FR Doc. C1–2026–17324 Filed 9–9–26; 8:45 am]
BILLING CODE 0099–10–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8798; Project Identifier MCAI–2025–01771–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

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 Bell Textron Canada Limited Model 505 helicopters. This proposed AD was prompted by a quality escape affecting certain tailcone assemblies. This proposed AD would require replacing any tailcone assembly that has exceeded a certain life limit. Also, this proposed AD would require inspecting the tailcone assembly for gaps, and repetitively inspecting the tailcone assembly for loose, damaged, or missing fasteners. Depending on the results of these inspections, this proposed AD would require conducting further inspections and corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by October 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–2026–8798; 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; phone: (888) 663–3639; email: *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find the Transport Canada material on the Transport Canada website at *tc.canada.ca/en/aviation*.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Zakaria Abdi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4141; email: *zakaria.f.abdi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–8798; Project Identifier MCAI–2025–01771–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Zakaria Abdi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–62, dated November 28, 2025 (Transport Canada AD CF–2025–62) (also referred to as the MCAI), to correct an unsafe condition on certain Bell Textron Canada Limited Model 505 helicopters. The MCAI states that the manufacturer identified a quality escape affecting tailcone assemblies having part number (P/N) SLS–030–600–XYZ and with certain serial numbers as identified in the service material. The MCAI further states that gaps were found between the frames and skin of the tailcone assembly, and elongated holes have been observed in multiple joints of the tailboom. The MCAI also states that these discrepancies may lead to the initiation of a crack in a non-inspectable area of the tailboom skin, which can propagate circumferentially and remain undetected until it reaches a critical length. This condition, if not detected and corrected, could result in a tailboom skin fracture, separation of the tailboom from the fuselage, and loss of control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8798.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–62, which specifies procedures for replacing a tailcone assembly before exceeding the airworthiness life limit. Transport Canada also specifies procedures for inspecting the tailcone assembly for gaps and if there are gaps greater than 0.003 inch (0.076 mm), inspecting the tailboom skin. Depending on those inspection results, Transport Canada specifies procedures to contact Bell for corrective actions. Additionally, Transport Canada specifies procedures to repetitively inspect the tailcone assembly for loose, damaged, or missing fasteners, and, depending on the results of the inspection, contacting Bell for corrective actions.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2025–62 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See ''Differences Between this Proposed AD and the MCAI'' for a discussion of these differences.

Differences Between This Proposed AD and the MCAI

The MCAI requires contacting Bell product support engineering for applicable repair instructions, whereas this proposed AD would require repairing using a method approved by the Manager, International Validation Branch, FAA; Transport Canada; or Bell Textron Canada Limited's Transport Canada Design Organization Approval (DOA).

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary

source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–62 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–62 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–2025–62 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8798 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 190 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect tailcone for gaps	4 work-hours × $85 per hour = $340	$0	$340	$64,600
Inspect tailcone for loose, damaged, or missing fasteners.	3 work-hours × $85 per hour = $255	0	255	48,450
Replace tailcone	30 work-hours × $85 per hour = $2,550	54,280	56,830	10,797,700

The FAA estimates the following costs to do any replacements or repairs that would be required based on the results of the proposed inspection. The agency has no way of determining the number of helicopters that might need replacements or repairs.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspect tailcone repetitively (for gap larger than 0.003 inch)	1 work-hour × $85 per hour = $85	$0	$85

The FAA has no way to determine the cost estimate of repairing any damage using a method approved by the Manager, International Validation Branch, FAA; Transport Canada; or Bell Textron Canada Limited's Transport Canada DOA.

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:

Bell Textron Canada Limited: Docket No. FAA–2026–8798; Project Identifier MCAI–2025–01771–R.

(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 Bell Textron Canada Limited Model 505 helicopters, certificated in any category, as identified in Transport Canada AD CF–2025–62, dated November 28, 2025 (Transport Canada AD CF–2025–62).

(d) Subject

Joint Aircraft System Component (JASC) Code 5302, Rotorcraft tailboom.

(e) Unsafe Condition

This AD was prompted by the identification of a manufacturing quality escape affecting certain tailcone assemblies. The FAA is issuing this AD to detect and correct crack initiation in the tailboom skin. The unsafe condition, if not detected and corrected, could result in a tailboom skin fracture, separation of the tailboom from the fuselage, and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

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–2025–62.

(h) Exceptions to Transport Canada AD CF–2025–62

(1) Where Transport Canada AD CF–2025–62 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–62 requires compliance in terms of hours air time, this AD requires using hours time-in-service.

(3) Where Transport Canada AD CF–2025–62 specifies to contact Bell Product Support Engineering (PSE) for repair or disposition, this AD requires corrective action in accordance with a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bell Textron Canada Limited's Transport Canada Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Where the material referenced in Transport Canada AD CF–2025–62 specifies ''check'', this AD requires replacing that text with ''inspect''.

(5) Where the material referenced in Transport Canada AD CF–2025–62 specifies damage, for the purposes of this AD, damage can be indicated by, but not limited to, excessive wear marks, or yielding to the fastener head.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–62 specifies submitting certain information to the manufacturer, this AD does not include that action.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Zakaria Abdi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, New York, NY 11590; phone: (316) 946–4141; email: *zakaria.f.abdi@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–62, dated November 28, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may view 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, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on September 3, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18468 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8796; Project Identifier AD–2026–00018–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bell Textron Canada Limited (Bell) Model 206L, 206L–1, 206L–3, and 206L–4 helicopters with FAA Supplemental Type Certificate (STC) SR02684LA installed. This proposed AD was prompted by an event where a Bell Model 206L helicopter with FAA STC SR02684LA installed experienced moderate to severe vertical vibration, which resulted in damage to the tail boom of the helicopter. This proposed AD would require revising the Limitations section of the existing rotorcraft flight manual (RFM) for the helicopter to include a never-exceed-speed (V_{NE}) limitation and would require incorporating a rotorcraft flight manual supplement (RFMS) into the existing RFM. 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–2026–8796; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Van Horn Aviation, L.L.C. material identified in this proposed AD, contact Van Horn Aviation, LLC, 1510 West Drake Drive, Tempe, AZ 85283; phone: (480) 483–4202; email: *info@vanhornaviation.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: James Guo, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5357; email: *WCB-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 **ADDRESSES**. Include ''Docket No. FAA–2026–8796; Project Identifier AD–2026–00018–R'' at the beginning of your

comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise 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 James Guo, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712. 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 received a report of an event involving a Model 206L helicopter with Van Horn Aviation main rotor blades, part number 20633000–101. These blades were approved for installation through FAA STC SR02684LA.

During this event, the helicopter experienced an unexpected moderate-to-severe vertical vibration during flight. Due to the unexpected vibration, the pilot initially lowered the collective to begin a descent. Subsequently, when the pilot raised the collective and initiated a left turn, the vibration diminished. The pilot was able to complete a landing without further incident; however, post-flight inspection revealed that the helicopter had sustained tail boom damage. Due to this event, the manufacturer issued material that includes accomplishing existing maintenance actions that may help reduce the likelihood of this unsafe condition. The root cause for the vibration is still being investigated. Due to risk analysis based on historical events and ongoing investigation, the FAA has determined that this proposed interim AD is necessary to mitigate risk. This condition, if not addressed, could result in structural damage to the aircraft and loss of control of the helicopter.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Van Horn Aviation, L.L.C. Rotorcraft Flight Manual Supplement, Document No. 206L–MR–FMS–101, Revision 0, dated March 25, 2026 (VHA RFMS). This material specifies procedures to accomplish in the event of an unexpected moderate-to-severe vibration during flight. 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.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing RFM for the helicopter to include revising the Limitations section to include a text stating a V_{NE} limitation based on gross weight. This proposed AD would also require revising the existing RFM for the helicopter by incorporating the VHA RFMS.

The owner/operator (pilot) holding at least a private pilot certificate may revise the existing RFM for the helicopter and must enter compliance into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this action because it only involves revising the RFM, which could be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

Differences Between This Proposed AD and the Referenced Material

Where the material in Section 1, ''Limitations,'' of the VHA RFMS specifies ''No Limitations,'' this proposed AD would require revising the RFM to also include a V_{NE} limitation based on gross weight. Due to risk analysis based on historical events and ongoing investigation, the FAA has determined that this V_{NE} limitation is necessary to mitigate risk.

Interim Action

The FAA considers that this proposed AD would be an interim action. If further action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 200 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the RFM	1 work-hour × $85 per hour = $85	$0	$85	$17,000

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:

Bell Textron Canada Limited: Docket No. FAA–2026–8796; Project Identifier AD–2026–00018–R.

(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 all Bell Textron Canada Limited Model 206L, 206L–1, 206L–3, and 206L–4 helicopters, certificated in any category, with FAA Supplemental Type Certificate (STC) SR02684LA installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 6210, Main Rotor Blades.

(e) Unsafe Condition

This AD was prompted by an event where an affected helicopter with FAA STC SR02684LA installed experienced moderate to severe vertical vibration which resulted in damage to the tail boom of the helicopter. The FAA is issuing this AD to prevent excessive vibration which may result in structural failure. The unsafe condition, if not addressed, could result in structural damage to the aircraft and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD revise the existing rotorcraft flight manual (RFM) for the helicopter by accomplishing the following:

(i) Insert the Van Horn Aviation, L.L.C. Rotorcraft Flight Manual Supplement, Document No. 206L–MR–FMS–101, Revision 0, dated March 25, 2026.

(ii) In the Limitations section of the RFM, insert the following text with pen and ink: ''V_{NE} is 85 KIAS (98 MPH) when Gross Weight is 3400 lb or below, or placarded V_{NE}, whichever is less''.

(2) The owner/operator (pilot) holding at least a private pilot certificate may revise the existing Rotorcraft Flight Manual for the helicopter as required by paragraphs (g)(1)(i) and (ii) and must enter compliance with this requirement into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided the flight is restricted to a speed of no greater than 85 KIAS while the Gross Weight is less than 3400 lbs.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

For more information about this AD, contact James Guo, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5357; email: *WCB-COS@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 the AD specifies otherwise.

(i) Van Horn Aviation, L.L.C. Rotorcraft Flight Manual Supplement, Document No. 206L–MR–FMS–101, Revision 0, dated March 25, 2026.

(ii) [Reserved]

(3) For Van Horn Aviation, L.L.C. material identified in this AD contact Van Horn Aviation, LLC, 1510 West Drake Drive, Tempe, AZ 85283; phone: (480) 483–4202; email: *info@vanhornaviation.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 4, 2026.

Christopher R. Parker,

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

[FR Doc. 2026–18522 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8801; Project Identifier MCAI–2025–01495–T]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 7X, MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. This proposed AD was prompted by reported occurrences of seats sliding without passenger input. The cabin seat track locking mechanism was found to jam in isolated conditions during taxi, take-off, and landing (TTOL). This proposed AD would require modifying or replacing each affected seat. This proposed AD would also prohibit the installation of affected

seats. 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–2026–8801; 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–2026–8801.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA 98198. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–288–7368; email: *9-AVS-AIR-BACO-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–2026–8801; Project Identifier MCAI–2025–01495–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 Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–288–7368; email: *9-AVS-AIR-BACO-COS@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0200, dated September 17, 2025; corrected September 30, 2025 (EASA AD 2025–0200) (also referred to as the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X, MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. The MCAI states that occurrences were reported of seats sliding without passenger input. The cabin seat track locking mechanism was found to jam in isolated conditions during TTOL. If not corrected, this condition could lead to failure of the affected seat to remain in its position during critical phases of flight, possibly resulting in injury to passengers.

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–2026–8801.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0200 specifies procedures for modifying each affected seat (any single seat assembly and any double seat assembly having part numbers and serial numbers listed in Table 1 or Table 2 of Appendix 1 of EASA AD 2025–0200). EASA AD 2025–0200 allows replacing each affected seat with a serviceable seat in lieu of modifying the seat. EASA also prohibits the installation of affected seats.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0200 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 2025–0200 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0200 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 2025–0200 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 2025–0200. Material required by EASA AD 2025–0200 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8801 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 22 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 2 work-hours × $85 per hour = $170	Up to $9,432	Up to $9,602 (per seat assembly)	Up to $945,797.*

*There are 125 single seat assemblies at $4,801 and 36 double seat assemblies at $9,602 affected.

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:

Dassault Aviation: Docket No. FAA–2026–8801; Project Identifier MCAI–2025–01495–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 all Dassault Aviation Model FALCON 7X, MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reported occurrences of seats sliding without passenger input. The cabin seat track locking mechanism was found to jam in isolated conditions during taxi, take-off, and landing. The FAA is issuing this AD to address seats sliding without passenger input. The unsafe condition, if not addressed, could lead to failure of the affected seat to remain in its position during critical phases of flight, resulting in possible injury to passengers.

(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 2025–0200, dated September 17, 2025; corrected September 30, 2025 (EASA AD 2025–0200).

(h) Exceptions to EASA AD 2025–0200

(1) Where EASA AD 2025–0200 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0200 defines the SB as ''Dassault Service Bulletin (SB) SB 7X–556 Revision (Rev.) 1 or SB F2000EX–497 Rev. 1, as applicable'', this AD requires replacing that text with ''Dassault Aviation Service Bulletin 7X–556, dated December 5, 2023, or Revision (Rev.) 1, dated July 3, 2024, or Rev. 2, dated July 25, 2025; or Dassault Aviation Service Bulletin F2000EX–497, dated December 5, 2023, or Rev. 1, dated July 3, 2024, or Rev 2, dated July 25, 2025; as applicable''.

(3) Where EASA AD 2025–0200 defines serviceable seat as ''Any single seat assembly P/N 3ABF0107( ) and double seat assembly P/N 3ABF0207( ), which is not an affected part'', this AD requires replacing that text with ''Any single seat assembly P/N 3ABF0107( ) and double seat assembly P/N 3ABF0207( ), which is not an affected seat''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0200.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0200 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 EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Additional Information

For more information about this AD, contact Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–288–7368; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0200, dated September 17, 2025; corrected September 30, 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 98198. 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 8, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18520 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Census Bureau

15 CFR Parts 60 and 70

[Docket No. 260903–0005]

RIN 0607–AA75

Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

AGENCY: Census Bureau, Department of Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: The Census Bureau is proposing to add two new parts to the Code of Federal Regulations governing the decennial census of population and housing. First, the Census Bureau is proposing to add a part outlining the residence criteria used for identifying each person's ''usual residence,'' as needed to determine whether and where to count them in the census of the population throughout the United States. Second, the Census Bureau is proposing to add a part establishing standards and restrictions for the inclusion of certain demographic questions on the decennial census short-form questionnaire and any other questionnaire used for the enumeration of the population. The Census Bureau is considering these two additions to better prioritize and fulfill its Constitutional mandate to count for apportionment the ''whole number of persons in each State'' based on the concept of ''usual residence''—a process that factors in an element of allegiance but otherwise should be colorblind and should not be distorted in any way by questions about immaterial personal characteristics, such as race. Although these two parts are somewhat related and complementary, each is being proposed independently based on its own merits. These proposals are intended to ensure fidelity to the Constitution, improve and protect the core decennial census data, and promote efficiency.

DATES: To ensure consideration during the decision-making process, comments must be received by October 13, 2026.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket number USBC–2026–0628, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter USBC–2026–0628 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to 4600 Silver Hill Road, Designation: ADDEMO/FRN, Washington, DC 20746.
- *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by Census. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be posted and publicly accessible. Census will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). However, comments containing offensive or threatening language will not be posted.

Electronic copies of the Regulatory Impact Analysis prepared for this action is available from *www.regulations.gov.* As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is also available from *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Deputy General Counsel for Economic, Statistical, and Regulatory Affairs, Office of the General Counsel, Department of Commerce, at (301) 996–3533.

SUPPLEMENTARY INFORMATION:

I. Proposed Residence Criteria

For the decennial census, the Census Bureau is committed to counting every person who should be counted *once, only once, and in the right place.* The sole Constitutional purpose of the decennial census is to apportion the seats in the U.S. House of Representatives among the States based on the number of qualifying persons ''in each State.'' U.S. Const. Art. I § 2.[1] Under 13 U.S.C. 141, the Census Bureau is statutorily tasked with tabulating the total population of the States required for this apportionment. To determine the number of persons ''in each State,'' the Census Bureau evaluates each person's ''usual residence'' as of April 1st of the decennial census year, which is the statutorily-designated date of the decennial census.

The concept of ''usual residence'' was established by the First Congress in the First Census Act on March 1, 1790. Specifically, section 5 of the First Census Act established that each

person's residence should be determined based on their ''usual place of abode'' and/or where they ''usually reside[ ].'' Act of Mar. 1, 1790, ch. 2, § 5, 1 Stat. 101, 103. The Census Bureau has therefore been guided by the general principle of ''usual residence'' since 1790. *See Franklin* v. *Massachusetts,* 505 U.S. 788, 804 (1992) (' 'Usual residence' was the gloss given the constitutional phrase 'in each State' by the first enumeration Act and has been used by the Census Bureau ever since to allocate persons to their home States.''). In order to consistently carry out the general principle of ''usual residence'' for any given decennial census, the Census Bureau has historically developed and applied more specific residence criteria for each decennial census—and those criteria have changed over time, depending on changing circumstances and operational decisions. Those changes are consistent with the ''virtually unlimited discretion'' the Constitution affords to Congress over the conduct of the census and with Congress's delegation of ''its broad authority over the census to the Secretary.'' *Wisconsin* v. *City of New York,* 517 U.S. 1, 19 (1996); *see Franklin,* 505 U.S. at 806 (approving of a policy decision that was ''consonant with, though not dictated by, the text and history of the Constitution'').

For example, prior to 1970, with a one-time exception for the 1900 decennial census, the Census Bureau did not allocate any Federal personnel who were stationed overseas as of the date of the census to any particular State for apportionment purposes. *See Franklin,* 505 U.S. at 792–93. Put differently, Federal personnel stationed overseas were historically not considered to be ''usual residents'' of any State or qualifying persons ''in'' any State. But then in 1970, against the backdrop of the Vietnam War, the Census Bureau introduced a new residence criterion that would allocate members of the Armed Forces stationed overseas to their ''home of record'' (*i.e.,* the State declared by each person upon entrance into military service). Twenty years later, the Census Bureau opted to apply the same approach for all overseas employees of the Department of War (at the time, the Department of Defense) for the 1990 decennial census. Several states then challenged the constitutionality of that approach, but the Supreme Court ultimately confirmed that it was within the agency's discretion to make such a residency determination. *See Franklin,* 505 U.S. at 803–06. In so doing, the Supreme Court explained as follows:

> The term [''usual residence''] can mean more than mere physical presence, and has been used broadly enough to include some element of allegiance or enduring tie to a place. . . . In this case, the Secretary of Commerce made a judgment, consonant with, though not dictated by, the text and history of the Constitution, that many federal employees temporarily stationed overseas had retained their ties to the States and could and should be counted toward their States' representation in Congress . . . .

Id. Accordingly, in every decennial census since 1990, the Census Bureau has exercised its discretion to count some overseas Federal personnel as qualifying persons ''in'' their home States for apportionment purposes.

Consistent with this history, every ten years, the Census Bureau must settle on and apply a set of residence criteria to determine each person's ''usual residence.'' In recent history, it is typical for that set of residence criteria to contain specific rules for, among other groups, college students,[2] incarcerated individuals, overseas military personnel, and foreign citizens present in the United States.

For example, in the lead up to the 2020 decennial census, the Census Bureau settled on the following residence criterion for foreign citizens who were present in the United States as of April 1, 2020, and who were not members of any foreign diplomatic staff:

- Foreign citizens ''*living in*'' the United States were to be counted at the U.S. residence where they live and sleep most of the time for apportionment purposes; and
- Foreign citizens ''*visiting*'' the United States, ''such as on a vacation or business trip,'' were not to be counted in the census for apportionment purposes.[3]

Notably, that residence criterion did not call for any difference in treatment between foreign citizens present in the United States legally and those present illegally—a category of individuals sometimes referred to as ''removable aliens.'' *See, e.g.,* 8 U.S.C. 1229a; *see also id.* 1227 (addressing the subclass of ''deportable aliens''); *id.* 1182 (addressing ''inadmissible aliens''). That criterion has been the subject of multiple legal challenges brought by States, particularly with respect to its application to illegal aliens.[4] (This notice incorporates for consideration, without necessarily endorsing, the arguments raised in those challenges.) The counting of illegal aliens for apportionment purposes has also been heavily criticized within the Federal government itself. *See* Memorandum of July 21, 2020, *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census,* 85 FR 44679 (July 23, 2020); *see also Equal Representation Act,* H.R. 151, 119th Cong. (2025); *COUNT Act,* H.R. 5156, 119th Cong. (2025); *Correct the Count Act,* H.R. 4884, 119th Cong. (2025) *Count Only Citizens Act,* H.R. 6942, 118th Cong. (2024); *No Representation Without Legal Immigration Act,* H.R. 6520, 118th Cong. (2023).

One of the primary legal arguments against including illegal aliens in the apportionment count is rooted in the understanding that the term ''persons,'' as used in the Apportionment Clause of Article I, Section 2, was deliberately chosen instead of ''citizens'' to reflect the Three-Fifths Compromise but nonetheless was largely informed by (and synonymous with) the term ''inhabitants,'' which was historically understood to refer to members of the body politic. *See Wesberry* v. *Sanders,* 376 U.S. 1, 13–14 (1964) (''The debates at the Convention make at least one fact abundantly clear: that when the delegates agreed that the House should represent 'people' they intended that in allocating Congressmen the number assigned to each State should be determined solely by the number of the State's inhabitants. The Constitution embodied Edmund Randolph's proposal for a periodic census to ensure 'fair representation of the people,' an idea endorsed by Mason as assuring that 'numbers of inhabitants' should always be the measure of representation in the House of Representatives.'' (footnotes omitted)); *see also* Timothy Farrar, *Manual on the Constitution of the United States of America* 55–56 (1867) (identifying various descriptors in the Constitution of members of the body politic, including the phrase ''inhabitants of a State''); *Potter* v. *Ross,* 23 N.J.L. 517, 520 (Sup. Ct. 1852) (interpreting the term ''inhabitant,'' as used in a New Jersey statute and ''in the popular acceptation of the phrase,'' to mean ''something more than a person having a mere temporary residence'' and to ''import[ ] citizenship and municipal relations''); Letter from John Adams to the President of Congress (Nov. 3, 1784), in 16 *Papers of John Adams* 362 (Gregg L. Lint et al. eds., 2012) (Adams) (Although ''[b]oth Citizens and Inhabitants have a Right to Protection, . . . every Stranger who has been in the United States, or who may be there at present, is not an Inhabitant,'' and ''different States have different Definitions of this Word.''). At a minimum, an alien could not qualify as an ''inhabitant,'' at the time of the Founding, without establishing a residence within a jurisdiction and an

intent to remain there indefinitely. *See, e.g.,* Adams 362 (noting that ''[t]he Domicil and the animus habitandi is necessary in all'' definitions); *Bas* v. *Steele,* 2 F. Cas. 988, 993 (C.C.D. Pa. 1818) (No. 1088) (Washington, Circuit Justice) (concluding that a Spanish subject who had remained in Philadelphia as a merchant for four months ''was not an inhabitant of this country, as no person is an inhabitant of a place, but one who acquires a domicil there''); [1] Emmerich de Vattel, *The Law of Nations* § 213, at 92 (1760) (defining ''inhabitants, as distinguished from citizens,'' as ''strangers, who are permitted to settle and stay in the country''). And, although the Fourteenth Amendment subsequently repealed the Three-Fifths Compromise and rightly rejected the view that individuals of African ancestry are not full and equal ''persons'' under the Constitution, the Fourteenth Amendment did *not*—so the legal argument goes—otherwise change the meaning of the term ''persons,'' as used in Article I, Section 2, and its associations with the term ''inhabitants'' and with the concept of the body politic. Proponents of this legal argument therefore understand the term ''persons,'' as used in Article I, Section 2, and in the Fourteenth Amendment, to denote *who* counts for purposes of apportionment (*i.e.,* ''inhabitants,'' members of the body politic), and understand the phrase ''in each State,'' as used in the Fourteenth Amendment, to denote *where* to count such individuals.

Considering all of the above, the Census Bureau now proposes to formalize, by regulation, the residence criteria found below for decennial census enumeration moving forward. This proposed set of criteria is different from—and excludes certain criteria that were included in—the set of residence criteria for 2020. These proposed criteria reflect the Census Bureau's interpretation of the applicable laws as well as various operational and practical considerations.

In particular, the Census Bureau finds merit in the interpretive argument outlined above and has preliminarily determined that, under the best reading of the Constitutional mandate, illegal aliens (among others) should not be included in the apportionment count, as they are not true inhabitants, members of the body politic, or persons with a ''usual residence'' in the United States due to their lack of a sufficient tie and allegiance to the United States. Additionally and/or in the alternative, the Census Bureau has preliminarily determined, after revisiting and reviewing the applicable law, that excluding illegal aliens (among others) from the apportionment count is a lawful and appropriate exercise of the Census Bureau's discretion under 13 U.S.C. 141, *Franklin* v. *Massachusetts,* and all other applicable law. Given the historical meaning of ''usual residence'' as tied to allegiance, durable permission from the sovereign to settle within the United States, and establishment of domicile within the United States, the Census Bureau proposes to include lawful permanent residents within the apportionment base, while excluding from the apportionment base illegal aliens and aliens whose legal status is less durable and indefinite in length than lawful permanent resident status.[5] The Census Bureau invites comments on whether other forms of legal status are materially similar to lawful permanent resident status.

The Census Bureau is considering how best to distinguish between foreign citizens in the United States who are counted for apportionment and those who are not counted for apportionment. In particular, the Census Bureau is considering utilizing its enormously broad access to administrative records to determine an individual's legal status. The Census Bureau has access to a vast and expanding universe of records and information that includes, but is not limited to, Department of Treasury records; Department of Health and Human Services records; Department of Homeland Security records; Department of State records; Department of War records; U.S. Postal Service records; certain state, local, and tribal records; and third-party commercial data. The Census Bureau's administrative record holdings is nearly exhaustive of the civilian Federal government's holdings, and the Census Bureau is continually searching for new sources of information and routinely entering into and/or updating agreements with other Federal agencies, state and local governments, and other entities to expand its access to information.[6] The Census Bureau therefore now has access to substantially more information than it did when it conducted the 2020 Census, and the Census Bureau expects to continue obtaining additional information moving forward. The Census Bureau also has a highly-advanced data linkage infrastructure—one that has only improved in recent years as the Census Bureau has continued to develop and integrate new technologies.

The Census Bureau could, in addition, include a question about legal status on the short-form decennial census questionnaire. The Enumeration Clause ''permits Congress, and by extension the Secretary, to inquire about citizenship on the census questionnaire.'' *Dep't of Com.* v. *New York,* 588 U.S. 752, 770 (2019). Including a question about legal status would accord with substantial past practice. *See id.* at 760. It would likewise accord with the Census Bureau's reliance on the census questionnaire to gather other information. The Census Bureau welcomes comments on the inclusion of a legal-status question on the short-form decennial census questionnaire.

The Census Bureau is also proposing to define the relevant ''census enumeration period'' to run from January 3 to April 1 during decennial census years. January 3 is the start of the congressional term during odd-numbered years under the Twentieth Amendment and, thus, the half-way point of the congressional term during even-numbered years. April 1 is the reference date for the decennial census under 13 U.S.C. 141(a). The Census Bureau has preliminarily determined that considering information pertaining to this period would be sufficient and appropriate for purposes of making a holistic determination about a person's ''usual residence'' as of April 1, and that clearly defining a relevant period leading up to April 1 is preferable to leaving the issue open-ended and uncertain. To be clear, however, this definition of the ''census enumeration period'' would not restrict the Census Bureau from collecting information after April 1 *about* the relevant period. For example, the Census Bureau intends to consider tax records filed after April 1 insofar as they are probative of persons' ''usual residence'' from January 3 to April 1.[7]

The Census Bureau is making this overall proposal regarding the residence criteria independent of the proposal regarding demographic questions, which is discussed in greater detail below. If any provision of either proposal is stayed or determined to be invalid or unenforceable as applied to any person or circumstance in any jurisdiction, such stay or determination shall not affect the remainder of that proposal or any provision of the other proposal.

The Census Bureau invites the public to comment on these proposed residence criteria.

II. Proposed Restrictions on the Inclusion of Certain Demographic Questions in the Decennial Census Operation

As discussed above, the fundamental purpose of the decennial census, as

prescribed by the Constitution, is to conduct a population count for the apportionment. The Secretary of Commerce is also required, by statute, to share final census population tabulations with participating States for purposes of (re)districting. Public Law 94–171, 89 Stat. 1023 (1975).

Separate from these aforementioned mandates, the decennial census questionnaires historically have also been used as a vehicle for collecting demographic information about the population of the United States. Indeed, ''demographic questions have been asked in *every* census since 1790.'' *Dep't of Com.,* 588 U.S. at 769. For instance, past censuses have included questions asking about race, ethnicity, sex, age, citizenship, health, education, occupation, housing, military service, radio ownership, age at first marriage, and native tongue. *See id.* at 760. Congress has, at times in the past, required the collection of certain demographic information through the decennial census, and Congress has also generally authorized the Secretary of Commerce to ''obtain such other census information as necessary'' in connection with the decennial census. 13 U.S.C. 141(a). The Supreme Court has held that this statutory delegation lawfully permits the Census Bureau to at least inquire about citizenship on the census questionnaire, *see Dep't of Com.* v. *New York,* 588 U.S at 770, but the Supreme Court has not specifically decided the constitutionality of any other particular demographic question.

Whether generally authorized or specifically required (as it has been at times in the past) by Congress, the collection of such data does not, by itself, advance the fundamental, Constitutional purpose of the decennial census, which is to conduct an enumeration to ascertain the population count for apportionment. *See Carey* v. *Klutznick,* 653 F.2d 732, 736 (2d Cir. 1981) (''Although the census is the delight of statisticians and sociologists and serves as a convenient measuring stick for the dispensing of federal funds, it was not created for these purposes. Its purpose under the Constitution was to determine the apportionment of Representatives among the States. . . . [I]t is important that we keep this basic constitutional purpose in mind.''). To the contrary, in general, the more questions that are included on the decennial census questionnaire, the lower the overall response rate.[8]

Furthermore, each demographic question that is included on the decennial census increases the likelihood that the data of certain people who *do* respond will be identifiable in the resulting published data, in violation of their privacy and the law.[9] Under 13 U.S.C. 9(a)(2), the Census Bureau and the Department of Commerce are statutorily prohibited from ''mak[ing] any publication whereby the data furnished by any particular establishment or individual under this title can be identified.'' The Census Bureau implements this prohibition against disclosure by applying ''disclosure avoidance'' techniques, which effectively introduce uncertainty into the overall data to reduce the likelihood that the data of any particular respondent will be identifiable. The more data that the Census Bureau publishes, the higher the risk that a particular respondent's data can be identified, and the more uncertainty the Census Bureau must introduce into the data to reduce risk. The publication of personal demographic data is no exception. For example, at least in 2020, the publication of demographic data posed potential disclosure risks that led the Census Bureau to introduce deliberate randomness and uncertainty to, among other data, population counts below the state level, which are meant to be used for (re)districting. In general, the Census Bureau's disclosure avoidance approach to the 2020 decennial census has been the subject of numerous lawsuits.[10]

In addition to disclosure risk, the Census Bureau also is considering the (potentially) sensitive nature of questions about race, ethnicity, and sexual orientation. Substantial doubts about the meaning, significance, and impact of attempting to categorize persons by race and ethnicity,[11] in particular, have featured prominently in our national discourse and have been reflected in shifts in the law. *See, e.g., Students for Fair Admissions, Inc.* v. *President & Fellows of Harvard Coll.,* 600 U.S. 181, 276–77 (2023) (Thomas, J., concurring) (describing race as a ''social construct'' based on ''ephemeral, socially constructed categories'' that ''are little more than stereotypes''); *Allen* v. *Milligan,* 146 S. Ct. 1377, 1380 (2026) (per curiam) (describing the Constitution as ''colorblind''); *Louisiana* v. *Callais,* 146 S. Ct. 1131 (2026) (clarifying legal standards under the Voting Rights Act of 1965); *Ending Radical and Wasteful Government DEI Programs and Preferencing,* Exec. Order No. 14151, 90 FR 8339 (Jan. 20, 2025) (ordering the termination of so-called ''diversity, equity, inclusion, and accessibility'' programs and activities in the Federal government, and calling for all Americans to be treated with ''equal dignity and respect'').[12] These evolving discussions and understandings of the law have prompted the Census Bureau to revisit and reconsider the continued need to collect certain demographic data on the short-form decennial questionnaire. The (potentially) sensitive nature of questions about race, ethnicity, and sexual orientation, when considered in light of the reduced need for or usefulness of this information, may be a particular encumbrance on response given that, under 13 U.S.C. 221, respondents are *legally required* ''to answer, to the best of [their] knowledge, any of the questions . . . submitted to [them] in connection with any census,'' and the failure to do so constitutes a federal crime.

For all these reasons, the Census Bureau is re-evaluating the proper role of these demographic questions and proposes to establish, by regulation, the standards articulated below, which would prohibit the inclusion of questions about race and ethnicity or sexual orientation on the decennial census short-form questionnaire or any questionnaire used for purposes of the enumeration. Excluding such questions from the decennial census in this manner would reduce response burden as well as the risk of disclosure.[13] Reducing response burden is expected to increase response rate and thus improve the Census Bureau's record linkage efforts and also enable the Census Bureau to obtain a more complete population count directly from respondents, which helps ensure fairer political representation. Simplifying the short-form questionnaire in this manner conforms to the Census Bureau's responsibilities under the Privacy Act,[14] the Paperwork Reduction Act,[15] and The Census Act.[16]

Simplifying the short-form questionnaire in this manner also reflects the Census Bureau's plans to increase its use of administrative records for conducting the decennial census. Data from administrative records can fill information gaps, thereby reducing response burden and operational costs. Administrative records sourced from other governmental agencies—including certain tax-return information—can serve as reliable evidence for certain purposes.[17] The Census Bureau receives a substantial amount of demographic data from administrative records of other agencies. The Census Bureau is not proposing any restrictions on its ability to receive demographic data from administrative records and other sources. The Census Bureau also is not proposing any restrictions on its ability to ask demographic questions on the American Community Survey or other

surveys that are not used for the enumeration of the population. The Census Bureau is proposing restrictions only for the short-form decennial census questionnaire.

The Census Bureau is making this proposal regarding demographic questions independent of the proposal regarding residence criteria, which is discussed in greater detail above. If any provision of either proposal is stayed or determined to be invalid or unenforceable as applied to any person or circumstance in any jurisdiction, such stay or determination shall not affect the remainder of that proposal or any provision of the other proposal.

The Census Bureau invites the public to comment on this proposal regarding demographic questions.

III. Classification

Executive Orders 12866, 13563, and 14192

Executive Orders (E.O.s) 12866 and 13563 direct federal agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). This proposed rule has been determined to be a ''significant regulatory action'' under section 3(f) of E.O. 12866, although not economically significant under section 3(f)(1). Accordingly, this rule has been reviewed by the Office of Management and Budget (OMB). Please see the Preliminary Regulatory Impact Analysis, posted together with this proposed rule, for additional information on the potential impacts of this rulemaking.

Executive Order 14192, Unleashing Prosperity Through Deregulation, requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' Executive Office of the President, Executive Order 14192 of January 31, 2025, *Unleashing Prosperity Through Deregulation,* 90 FR 9065–9067 (Feb. 6, 2025). Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action. Executive Office of the President, OMB, *Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,''* Memorandum M–25–20 (Mar. 26, 2025).

A preliminary determination of whether a final rule here would be considered regulatory, deregulatory, or partially or fully exempt from the requirements of E.O. 14192 will be made when any final rule in this rulemaking is issued.

Regulatory Flexibility Act (RFA)

The Deputy General Counsel for Economic, Statistical, and Regulatory Affairs certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. A Regulatory Impact Review was prepared to assess costs and benefits of available regulatory alternatives. A copy of this analysis is available from *regulations.gov* (see **ADDRESSES**).

This proposed rule, if adopted, would govern the manner in which the Census Bureau collects data via the decennial census. No other public or private entity would be directly regulated. Although the proposed rule could impact the information available to some small entities, any resulting impacts would be indirect. To the extent that small governmental entities, as defined by the RFA, may use information collected by the decennial census to obtain funding, that information would remain available or could be obtained in other ways and/or the impact from any lack of information would be indirect.

Unfunded Mandates Reform Act of 1995

This proposal is not subject to the Unfunded Mandates Reform Act because it does not include a federal mandate that may result in the expenditure by State, local, and tribal governments, or by the private sector, of $100 million or more.

Executive Order 13132—Federalism

This proposed rule does not have federalism implications because it would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175—Tribal Consultation

The U.S. Census Bureau plans to formally notify federally recognized and state recognized tribes and conduct a tribal consultation regarding the proposed regulations.

Paperwork Reduction Act

This proposed rule contains no information collection requirements under the Paperwork Reduction Act. This proposed rule would not impose recordkeeping or reporting requirements on State, local, or Tribal governments, individuals, businesses, or organizations. 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 Census Bureau is seeking public comment on respondent burden reduction estimates resulting from this proposal.

Endnotes

[1] The Constitution expressly excludes ''Indians not taxed.''

[2] Up until the 1950 decennial census, ''college students were enumerated as inhabitants of the states in which their parents maintained their homes.'' *Borough of Bethel Park* v. *Stans,* 449 F.2d 575, 579 (3d Cir. 1971); *see also id.* (discussing the history of where college students were counted up until, and including, the 1970 decennial census).

[3] *See* Final 2020 Census Residence Criteria and Residence Situations (83 FR 5525), Criterion 3, *https://www.federalregister.gov/documents/2018/02/08/2018-02370/final-2020-census-residence-criteria-and-residence-situations.*

[4] *See, e.g., Missouri* v. *U.S. Dep't of Com.,* 26–cv–00131, ECF No. 1 (E.D. Mo. Jan. 30, 2026); *Louisiana* v. *U.S. Dep't of Com.,* 25–cv–00076, ECF No. 1 (W.D. La. Jan. 17, 2025); *see also* the State of Florida's ''Petition for Rulemaking to the Census Bureau, U.S. Department of Commerce'' (Apr. 15, 2026), *https://www.myfloridalegal.com/sites/default/files/florida-petition-for-rulemaking-to-census-bureau.pdf.*

[5] The Census Bureau maintains and publishes statistics separate from those for apportionment, and the Census Bureau expects to continue doing so in the future.

[6] For example, the Census Bureau signed major agreements with both the Department of Homeland Security and the State Department in 2019, and the agreement with the former has been substantially expanded since then. The exchange of information facilitated by those agreements, among others, has equipped the Census Bureau with significantly more information pertaining specifically to foreign citizens present in the United States than was previously available in the lead up to 2020.

[7] In general, the Census Bureau's reliance on tax-return information and other administrative records to determine a person's usual residence (or some other piece of information) will necessarily be situation dependent. In assigning evidentiary weight to tax-return information and other administrative records, the Census Bureau will consider each particular data element's purpose, timing, and reliability.

[8] The Census Bureau observes this general relationship through its testing and

operational metrics. *See, e.g.,* Cong. Rsch. Serv., R41532, *The American Community Survey: Development, Implementation, and Issues for Congress* (Dec. 19, 2014), n.11 *https://www.congress.gov/crs_external_products/R/PDF/R41532/R41532.20.pdf;* Dillman, D. *et al., Mail-back Response Rates for Simplified Decennial Census Questionnaire Designs* (1992), *https://www.academia.edu/53698749/Mail_Back_Response_Rates_for_Simplified_Decennial_Census_Questionnaire_Designs.*

[9] *See* Hawes, M.B. *et al., Toward a Principled Framework for Disclosure Avoidance,* Harv. Data Sci. Rev. § 3(Aug. 20, 2025) *https://hdsr.mitpress.mit.edu/pub/bux70n5u/release/3* (''Every statistical product that an agency publishes that is derived from a confidential data source reveals or leaks confidential information in the process. Consequently, the more statistics an agency publishes (the *availability,* granularity, and relevance of the statistics), and the greater the *accuracy* of those statistics (the precision, validity, and reliability of the statistics, the higher the risk that they could permit *confidentiality*-violating disclosure.'' (citation omitted)); *id.* § 5.5 (''[E]very statistic that an agency releases that is derived from a confidential source carries a nonzero disclosure risk.'').

[10] *See, e.g., University of South Florida College Republicans* v. *Lutnick,* 25–CV–02486, ECF No. 43 (M.D. Fla. Nov. 12, 2025); *Alabama* v. *U.S. Dep't of Com.,* ECF No. 1 (M.D. Ala. Mar. 10, 2021).

[11] Questions about tribal membership are not necessarily questions about race and/or ethnicity. *See Constitutionality of Race-Based Department of Education Programs,* 49 Op. O.L.C. ____(Dec. 2, 2025), available at *https://www.justice.gov/olc/media/1421576/dl* (''Current equal-protection doctrine recognizes a difference between preferences based on Indian ethnicity and those based on affiliation (often membership or citizenship) in a federally recognized tribe.''); *Morton* v. *Mancari,* 417 U.S. 535, 551–55 (1974) (discussing the ''unique legal status of Indian tribes'' and explaining how certain preferences for members of Indian tribes are not the same as preferences for discrete racial groups).

[12] The Department of Commerce has recognized the ''arbitrary nature'' of racial and ethnic categories and expressed skepticism and concern with placing undue weight and attention on said categories. *See* Rescinding Portions of Department of Commerce Title VI Regulations To Conform More Closely With the Statutory Text and To Implement Executive Order 14281 (91 FR 20326, 20329), *https://www.federalregister.gov/documents/2026/04/16/2026-07477/rescinding-portions-of-department-of-commerce-title-vi-regulations-to-conform-more-closely-with-the.*

[13] *See supra* note 9; *see also* Department Administrative Order 216–26, *Disclosure Avoidance for Statistical Products https://www.commerce.gov/opog/disclosure-avoidance-statistical-products* (explaining the categories of disclosure avoidance and prohibiting the use of noise infusion).

[14] The Privacy Act requires federal agencies to maintain only that information about an individual that is ''relevant and necessary'' for the agency to meet requirements established by statute or by Executive Order. 5 U.S.C. 552a(e)(1).

[15] The Paperwork Reduction Act requires federal agencies to justify the need for each collection of information from the public. The Paperwork Reduction Act also requires agencies to actively consider the utility of the information collected and the reduction of response burden. 44 U.S.C. 3506.

[16] The Census Act, specifically 13 U.S.C. 9, obligates the Census Bureau to protect all data its collects from wrongful disclosure. Reducing the amount of information collected and published, particularly data on individual characteristics, reduces the risk of disclosure and the identification of an individual's data.

[17] The Census Bureau will continue to obtain and use other agencies' administrative records consistent with applicable statutory authorities and the terms of the data sharing arrangements. For example, returns and return information obtained from the Internal Revenue Service may be obtained and used only as authorized under 26 U.S.C. 6103(j)(1) and 6103(p)(4), 26 CFR 301.6103(j)(1)–1, and applicable data-sharing arrangements and safeguard requirements; nothing in this proposed rule would alter those limitations. And, as noted above, the Census Bureau's reliance on administrative records will vary across particular situations and data elements. *See supra* note 7.

List of Subjects

15 CFR Part 60

Census, Decennial census, Residence criteria, Residence rules, Usual residence, Enumeration, Data collection, Administrative practice and procedure.

15 CFR Part 70

Census, Decennial census, Demographic data, Race and ethnicity, Data collection, Confidentiality, Privacy, Administrative practice and procedure.

Dated: September 8, 2026.

Howard Lutnick,

Secretary of Commerce.

For the reasons stated in the preamble, the Census Bureau proposes to add parts 60 and 70 to Subtitle B, Chapter I of Title 15 of the Code of Federal Regulations, to read as follows:

PART 60—RESIDENCE CRITERIA FOR THE DECENNIAL CENSUS OF THE AMERICAN POPULATION

Sec.

60.1 Purpose.
60.2 General definition of ''usual residence'' for conducting the Decennial Census.
60.3 Dependents.
60.4 Foreign citizens in the United States.
60.5 Persons living outside the United States (including certain federal personnel).
60.6 U.S. Military personnel inside the United States.
60.7 Merchant Marine personnel on U.S. Flag Maritime/Merchant Vessels.
60.8 Persons who are born or who die around Census Day.
60.9 Persons confined at correctional or detention facilities.
60.10 Persons in transitory locations.
60.11 Severability.

Authority: 13 U.S.C. 4 and 141.

§ 60.1 Purpose.

This part sets forth the criteria used by the Census Bureau to determine each individual's place of ''usual residence,'' as needed to determine whether and where to count each individual as part of the decennial census for purposes of apportionment.

§ 60.2 General definition of ''usual residence'' for conducting the Decennial Census.

(a) A person's ''usual residence'' is the residence at which they have lawfully spent the greatest number of days during the census enumeration period. A person's ''usual residence'' should be consistent with, and evidenced by, their tax records (*e.g.,* tax returns, W–2 forms).

(b) A person is considered to have spent a day at a residence if he or she spent at least one hour physically and lawfully present there that day. A person may spend a certain day at more than one residence.

(c) The census enumeration period runs from January 3 to April 1 during decennial census years. April 1 is referred to as ''Census Day.''

§ 60.3 Dependents.

(a) *Dependents who have a consistent usual residence separate from their provider(s) for the census enumeration period.* Counted at that separate usual residence.

(b) *All other dependents.* Counted at the usual residence of their provider(s) at which they spend the most amount of days during the census enumeration period.

§ 60.4 Foreign citizens in the United States.

(a) *Citizens of foreign countries who are also either citizens or lawful permanent residents of the United States as of April 1 of a decennial census year.* Counted at their usual residence in accordance with § 60.2.

(b) *All other citizens of foreign countries as of April 1 of a decennial census year.* Not counted for apportionment.

§ 60.5 Persons living outside the United States (including certain federal personnel).

(a) *Persons living outside the United States on Census Day who are not military or civilian employees of the*

U.S. government and are not dependents living with military or civilian employees of the U.S. government. Not counted in the stateside census.

(b) *Persons deployed outside the United States on Census Day (while stationed or assigned in the United States) who are military or civilian employees of the U.S. government.* Counted at their usual residence in the United States in accordance with § 60.2, using tax records and the administrative data provided by federal agencies.

(c) *U.S. military personnel assigned to U.S. military vessels with a U.S. homeport on Census Day.* Counted at their onshore usual residence in the United States in accordance with § 60.2, using tax records and the administrative data provided by the Department of War and other federal agencies.

(d) *U.S. military personnel assigned to U.S. military vessels with a homeport outside the United States on Census Day.* Counted as part of the U.S. federally affiliated overseas population, using administrative data provided by the Department of War.

(e) *Persons stationed or assigned outside the United States on Census Day who are military or civilian employees of the U.S. government, as well as their dependents living with them outside the United States.* Counted as part of the U.S. federally affiliated overseas population, using administrative data provided by the Department of War and other federal agencies.

§ 60.6 U.S. Military personnel inside the United States.

(a) *U.S. military personnel in the United States and not in military disciplinary barracks or jails on Census Day.* Counted at their usual residence in accordance with § 60.2, using tax records and the administrative data provided by the Department of War and other federal agencies.

(b) *U.S. military personnel in military disciplinary barracks and jails in the United States on Census Day.* Counted at the facility.

§ 60.7 Merchant Marine Personnel on U.S. Flag Maritime/Merchant Vessels.

(a) *Crews of U.S. flag maritime/merchant vessels docked in a U.S. port, sailing from one U.S. port to another U.S. port, sailing from a U.S. port to a foreign port, sailing from a foreign port to a U.S. port on Census Day, or engaged in U.S. inland waterway transportation on Census Day.* Counted at their onshore usual residence in the United States in accordance with § 60.2, using tax records and the administrative data provided by federal agencies.

(b) *Crews of U.S. flag maritime/merchant vessels docked in a foreign port or sailing from one foreign port to another foreign port on Census Day.* Counted at their onshore usual residence in the United States in accordance with § 60.2, using tax records and the administrative data provided by federal agencies.

§ 60.8 Persons who are born or who die around Census Day.

(a) *Babies born on or before Census Day.* Counted at their parent(s) or guardian(s)' usual residence at which they will spend the most amount of days during the census enumeration period, even if they are still in a hospital on Census Day.

(b) *Babies born after Census Day.* Not counted in the census.

(c) *Persons who die before Census Day.* Not counted in the census.

(d) *Persons who die on or after Census Day.* Counted at their usual residence as of Census Day.

§ 60.9 Persons confined at correctional or detention facilities.

Persons confined at correctional or detention facilities, including juvenile facilities. Counted at the facility.

§ 60.10 Persons in transitory locations.

Persons at transitory locations, such as recreational vehicle (RV) parks, campgrounds, marinas, hotels, and motels. Counted at their usual residence in accordance with § 60.2. If they do not have any usual residence, they are counted at the transitory location.

§ 60.11 Severability.

If any criterion or provision of this part is stayed or determined to be invalid or unenforceable as applied to any person or circumstance in any jurisdiction, such stay or determination shall not affect the remainder of this part or the application of the criterion or provision at issue to other persons or circumstances and/or in other jurisdictions. In the event of such a stay or determination, the remaining criteria and provisions of this part shall continue in effect to the maximum extent possible.

PART 70—RESTRICTIONS ON THE INCLUSION OF CERTAIN DEMOGRAPHIC QUESTIONS IN THE DECENNIAL CENSUS OPERATION

Sec.

70.1 Purpose.
70.2 Restrictions on the inclusion of certain demographic questions.
70.3 Demographic data and disclosure avoidance.
70.4 Other sources of demographic data.
70.5 Severability.

Authority: 13 U.S.C. 4, 5, and 141.

§ 70.1 Purpose.

This part sets forth restrictions on the inclusion of certain demographic questions on the decennial census short-form questionnaire or any questionnaire used for the enumeration of the population. These restrictions are meant to ensure that certain demographic questions do not undermine or distort the fundamental, Constitutional purpose of the decennial census: to conduct a population count for purposes of congressional apportionment.

§ 70.2 Restrictions on the inclusion of certain demographic questions.

(a) No question about race, ethnicity, or sexual orientation shall appear on the short form decennial census questionnaire or any questionnaire used for the enumeration of the population.

(b) Questions about biological sex, date of birth, and household relationships may be included on the decennial census questionnaire for the sake of facilitating data verification for the enumeration of the population.

(c) With the exception of questions about biological sex, date of birth, and household relationships, no person shall be obligated to furnish a response to any demographic question as part of the decennial census.

(d) Questions that seek information related to the application of the residence criteria are not considered demographic questions subject to the restrictions of this part.

§ 70.3 Demographic data and disclosure avoidance.

(a) In conducting and furnishing the results of the decennial census, the Census Bureau shall at all times prioritize the accuracy of the population count for purposes of apportionment and (re)districting, subject to the confidentiality restrictions of 13 U.S.C. 9.

(b) The Census Bureau shall not disclose or publish any individual demographic data if such disclosure or publication necessitates introducing uncertainty into the population count data, at either the national or the state level.

§ 70.4 Other sources of demographic data.

Nothing in this part shall be construed to restrict the Census Bureau's ability to ask demographic questions on the American Community Survey or any other surveys that are not used for the enumeration of the population, or to receive demographic data from other sources.

§ 70.5 Severability.

If any provision of this part is stayed or determined to be invalid or unenforceable as applied to any person or circumstance in any jurisdiction, such stay or determination shall not affect the remainder of this part or the application of the provision at issue to other persons or circumstances and/or in other jurisdictions. In the event of such a stay or determination, the remaining provisions of this part shall continue in effect to the maximum extent possible.

[FR Doc. 2026–18481 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2025–F–6173]

Green Innovation GmbH; Withdrawal of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; withdrawal of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 2323) proposing that the food additive regulations be amended to provide for the safe use of hydrolyzed lignin as a source of neutral detergent soluble fiber in food for broiler chickens, laying hens, turkeys, growing swine, sows, lactating dairy cows, beef cattle, sheep, goats, salmonids, and adult dogs at no more than 1% of the food on a weight basis or 10 kilograms per metric ton of food.

DATES: The food additive petition was withdrawn on July 29, 2026.

ADDRESSES: For access to the docket to read background documents or 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.

FOR FURTHER INFORMATION CONTACT: Ms. Megan Hall, Center for Veterinary Medicine, U.S. Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 301–796–4092, *Megan.Hall@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 26, 2025 (90 FR 54245), we announced that we had filed a food additive petition (FAP 2323), submitted by Green Innovation GmbH, Grabenweg 68–A6020, Innsbruck, Austria. The petition proposed to amend the food additive regulations in 21 CFR part 573—Food Additives Permitted in Feed and Drinking Water of Animals to provide for the safe use of hydrolyzed lignin as a source of neutral detergent soluble fiber in food for broiler chickens, laying hens, turkeys, growing swine, sows, lactating dairy cows, beef cattle, sheep, goats, salmonids, and adult dogs at no more than 1% of the food on a weight basis or 10 kilograms per metric ton of food. Green Innovation GmbH has now withdrawn the petition without prejudice to a future filing (21 CFR 571.7).

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18469 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R2–ES–2022–0001; FXES11130900000–267–FF09E22000]

RIN 1018–BG36

Endangered and Threatened Wildlife and Plants; Removal of Gila Chub From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the public comment period on our June 17, 2025, proposed rule to remove the Gila chub (*Gila intermedia*) from the Federal List of Endangered and Threatened Wildlife. We are taking this action to allow all interested parties an additional opportunity to comment on the proposed rule. Comments previously submitted on the proposed rule need not be resubmitted and will be fully considered in our development of the final rule.

DATES: The public comment period on the proposed rule that published June 17, 2025, at 90 FR 25552, is reopened. We will accept comments received on or before September 25, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date, and comments submitted by U.S. mail must be received by that date to ensure consideration.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Comment submission: All submissions must include the docket number, FWS–R2–ES–2022–0001, for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–R2–ES–2022–0001, which is the docket number for this rulemaking. Then, click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R2–ES–2022–0001, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments on *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Comments for more information.

Document availability: The June 17, 2025, proposed rule and its supporting documents, including the species status assessment report, are available at *https://www.regulations.gov* at Docket No. FWS–R2–ES–2022–0001.

FOR FURTHER INFORMATION CONTACT: Heather Whitlaw, Field Supervisor, U.S.

Fish and Wildlife Service, Arizona Ecological Services Field Office; 602–242–0210; *incomingazcorr@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–R2–ES–2022–0001 on *https://www.regulations.gov* for a document that summarizes the June 17, 2025, proposed rule.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 2025, we published a proposed rule (90 FR 25552) to delist the Gila chub. The proposed rule opened a 60-day public comment period, ending on August 18, 2025. We find there is good cause to reopen the comment period in order to fulfill our statutory obligations to give notice of any proposed delisting rule, as well as allowing the public an additional opportunity to provide comments on the proposed rule for the Gila chub.

For a description of previous Federal actions concerning the Gila chub and more information on the types of comment that would be helpful to us in promulgating this rulemaking action, please refer to the June 17, 2025, proposed rule (90 FR 25552 at 25553–25554).

Public Comments

If you already submitted comments or information on the June 17, 2025, proposed rule (90 FR 25552), please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in preparation for our final determination.

Comments should be as specific as possible. Please include supplemental information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available.

You must submit your comments and materials by one of the methods listed in **ADDRESSES**.

If you submit information via *https://www.regulations.gov,* your entire submission—including your personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *https://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing the June 17, 2025, proposed rule (90 FR 25552), will be available for public inspection on *https://www.regulations.gov.*

Our final determination may differ from the June 17, 2025, proposed rule because we will consider all comments we receive during the comment period as well as any information that may become available after the proposal. Based on the new information we receive, we may conclude that the species should remain listed as endangered, or we may conclude that the species should be reclassified from endangered to threatened. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made changes, if any, that differ from the June 17, 2025, proposed rule.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Brian Nesvik,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2026–18470 Filed 9–9–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260902–0009]

RIN 0648–BO57

Reef Fish Fishery of the Gulf of America; 2027 Red Grouper Commercial Quota Retention

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP), as prepared by the Gulf Council (Council). If implemented, this proposed rule would withhold a portion of the commercial allocation of Gulf of America (Gulf) red grouper for the 2027 fishing year in anticipation of the upcoming rulemaking to implement Amendment 63 to the FMP (Amendment 63). If implemented by NMFS, Amendment 63 would establish a pilot program for setting aside a portion of the red grouper commercial quota for a quota pool. This proposed rule would withhold a portion of the red grouper commercial quota for the 2027 fishing year in the amount necessary to establish that quota pool. This withheld quota would otherwise be allocated to shareholders in the Individual Fishing Quota program for Gulf grouper and tilefishes (GT–IFQ) program on January 1, 2027.

DATES: Written comments must be received on or before October 13, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docketNOAA-NMFS-2026-1882.* You may submit comments on this document, identified by NOAA–NMFS–2026–1882, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2026–1882, in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the framework action, which includes a Regulatory Flexibility Act (RFA) analysis and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/red-grouper-quota-holdback-anticipation-amendment-63-implementation/.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, telephone: 727–824–5305, or email: *frank.helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red grouper, is managed under the FMP. The FMP was prepared by the Council and NMFS, approved by the U.S. Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Unless otherwise noted, all weights in this proposed rule are in pounds (lb) gutted weight.

Background

The Magnuson-Stevens Act requires NMFS and the regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to food production and providing recreational opportunities, and to protect marine ecosystems.

This action is taken under the statutory authority of Magnuson-Stevens Act section 303(b)(14) to prescribe measures determined to be necessary and appropriate for the conservation and management of the fishery.

The most recent stock assessment for Gulf red grouper (Southeast Data, Assessment, and Review (SEDAR) 88) was completed in 2025. The stock assessment results indicated an increase in the red grouper stock size relative to the previous assessment (SEDAR 61, 2019). Based on its review of that assessment, the Council's Standing Scientific and Statistical Committee determined that the stock was not overfished or undergoing overfishing and recommended increases to the overfishing limit and acceptable biological catch relative to the current harvest limits. In January 2026, the Council approved for NMFS review and implementation substantial increases to the red grouper catch limits in Amendment 62 to the FMP (Amendment 62). The notice of availability for Amendment 62 published in the **Federal Register** on April 2, 2026 (91 FR 16623) and the proposed rule for Amendment 62 published in the **Federal Register** on July 7, 2026 (91 FR 41611). An electronic copy of Amendment 62 is available from the Southeast Regional Office website at: *https://www.fisheries.noaa.gov/action/amendment-62-gulf-red-grouper-management-measures.* If implemented, NMFS intends that Amendment 62 will be effective later in 2026. Among other measures, for the 2027 fishing year, Amendment 62 would set the commercial quota at 4.83 million lb (2.19 million kilograms (kg)).

In anticipation of the substantial red grouper commercial quota increase authorized in Amendment 62 and the desire to improve opportunity for participants to enter the GT–IFQ program and reduce bycatch, Amendment 63 would establish a pilot program for setting aside a portion of the increase in red grouper commercial quota for a quota pool. Amendment 63 considers the amount of quota in the quota pool, the eligibility criteria for participation in the quota pool, and the percentages of quota to be distributed to shareholders and non-shareholders, along with the method through which distribution would occur. Amendment 63 is intended to establish a 3-year pilot program for the 2027, 2028, and 2029 fishing years, using the substantial increase in red grouper quota as an opportunity to test a new mechanism to distribute allocation with the intention to improve opportunities for participation in the GT–IFQ program and reduce bycatch and discards of IFQ species. The quota pool would not change the total commercial quota established in Amendment 62 but would distribute a portion of the quota based on the criteria selected in Amendment 63.

The Council approved Amendment 63 at its June 2026 meeting for submission and subsequent implementation by NMFS. Among other measures, Amendment 63 defines the red grouper commercial quota thresholds that must be met for there to be a red grouper quota pool. In Amendment 63, for there to be a quota pool, the commercial quota must be greater than 4.28 million lb (1.94 million kg) and, if so, then the quota pool allocation is equal to 50 percent of the commercial quota that is greater than 4.28 million lb (1.94 million kg). For fishing year 2027, since Amendment 62 would set the commercial quota at 4.83 million lb (2.19 million kg), the available commercial quota for the quota pool that would be established in Amendment 63 would be 50 percent of the difference between 4.83 million lb (2.19 million kg) and 4.28 million lb (1.94 million kg). This difference is 550,000 lb (249,476 kg), 50 percent of which is 275,000 lb (124,738 kg). Therefore, for fishing year 2027, 275,000 lb (124,738 kg) would be the available commercial quota for the quota pool. An electronic copy of Amendment 63 is available from the Southeast Regional Office website at: *https://www.fisheries.noaa.gov/action/gulf-amendment-63-red-grouper-commercial-quota-pool-under-grouper-tilefish-individual.*

If approved, this framework action would take effect after Amendment 62 becomes effective but would still take effect before the end of 2026. The anticipated timeline for approval and implementation of Amendment 63 would not allow NMFS to implement the proposed quota pool until after the annual distribution of allocation to the red grouper IFQ shareholders on January 1, 2027. In the GT–IFQ program, NMFS is not able to reduce commercial quota (allocation) once it has already been distributed for a fishing year. This proposed rule would provide the Southeast Regional Administrator the authority to withhold a portion of the red grouper 2027 commercial quota in anticipation of the implementation of Amendment 63 in 2027.

Management Measure Contained in This Proposed Rule

If implemented, this proposed rule would withhold 275,000 lb (124,738 kg) of the 2027 IFQ distribution of the red grouper commercial quota on January 1, 2027. If a final rule to implement Amendment 63 is not effective by May 1, 2027, NMFS would distribute withheld 2027 IFQ allocation of red grouper to the current shareholders based on their current shares held as of the date of distribution.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In

addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. All monetary estimates in the following analysis are in 2024 dollars.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

This proposed rule would provide the Southeast Regional Administrator the authority to withhold a portion of the red grouper 2027 commercial quota in anticipation of the implementation of Amendment 63 to the FMP.

The proposed changes to the distribution of the red grouper commercial quota would apply to red grouper IFQ shareholders, as well as commercial fishing businesses that fish for red grouper in Federal waters of the Gulf. None of the proposed changes would directly apply to federally permitted dealers. Any change in the supply of Gulf red grouper available for purchase by dealers as a result of this proposed rule, and associated economic effects, would be an indirect effect of the proposed rule and would therefore fall outside the scope of the RFA.

The RFA requires NMFS to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)–(6)).

As of July 8, 2021, there were 825 limited access valid or renewable Federal commercial Gulf reef fish permits. In order to commercially harvest Gulf red grouper, a vessel permit must also be linked to an IFQ account and possess sufficient allocation for this species. IFQ accounts can be opened, and valid permits can be linked to IFQ accounts, at any time during the year. Eligible vessels can receive red grouper allocation from other IFQ participants. On average from 2020 through 2024, there were 671 IFQ accounts that held red grouper allocation and 68 percent of those held red grouper shares. During the same period, there were 324 federally permitted commercial reef fish vessels with reported landings of red grouper in the Gulf on average each year. Their average annual vessel-level gross revenue from all species for 2020 through 2024 was approximately $137,779 and Gulf red grouper landings accounted for approximately 34 percent of this revenue. From 2020 through 2024, the maximum annual revenue from all species reported by a single one of the commercial vessels that landed Gulf red grouper was approximately $1.24 million in 2022. Economic profits for these commercial vessels are estimated to be 28.1 percent of their annual gross revenue ($38,716 per vessel) during this period. Although many fishing businesses own only one permitted vessel, some hold or own multiple permits and vessels. Since comprehensive ownership data are currently unavailable for vessels harvesting Gulf red grouper, this analysis assumes that each of the 324 vessels is independently owned by a single business. This assumption is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Additionally, 150 IFQ shareholder accounts, on average from 2020 through 2024, possessed red grouper shares but did not report any landings of red grouper. The account holders either transferred red grouper allocation only or were inactive. It is assumed that each of these accounts is independently owned by a single business as well. Revenue and cost data are not collected directly from IFQ shareholders; therefore, estimates of economic profits for the Gulf red grouper IFQ commercial fishing businesses that did not report landings are unavailable.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard.

The proposed rule would specifically authorize the Southeast Regional Administrator to withhold 275,000 lb (124,738 kg) of the 2027 IFQ distribution of the red grouper commercial quota on January 1, 2027. If a final rule to implement Amendment 63 is not effective by May 1, 2027, NMFS would distribute this withheld 2027 IFQ allocation of red grouper to the current shareholders based on their current shares held as of the date of distribution. From 2020 through 2024, the average annual red grouper quota utilization rate was approximately 89 percent, indicating that 11 percent of the red grouper quota remains unharvested at the end of each year, and a much larger percentage remains available at the 4-month mark during the fishing year. Furthermore, if implemented, Amendment 62 to the FMP will increase the commercial red grouper quota by 2.04 million lb (0.93 million kg) in 2027 when compared to the current quota of 2.79 million lb (1.27 million kg). In 2016, a 2.06 million lb (0.93 million kg) increase in the commercial red grouper quota resulted in a 17 percent decline in the quota utilization rate in 2017. As such, implementation of Amendment 62 is expected to cause a comparable decline in the current quota utilization rate. Thus, it is likely that withholding a portion of the quota for 4 months in 2027 would not result in adverse economic effects from delayed red grouper harvest for the vast majority of participants. For the limited number of shareholders who plan to harvest or sell their allocation immediately upon receipt on January 1, 2027, the temporary withholding of IFQ allocation would result in minor adverse economic effects due to the expected short delay at the beginning of the 2027 fishing year until Amendment 63 is expected to be implemented. Although neither the economic benefits of implementing the red grouper commercial quota pool in 2027 rather than 2028, nor the economic costs of delaying the distribution of a portion of the commercial red grouper quota by 4 months can be quantified at this time, economic losses due to delays in quota distribution are expected to be minor. Further, all withheld quota pounds would either be distributed through the quota pool upon the implementation of Amendment 63 or returned directly to shareholders by May 1, 2027.

Based on the above analysis, this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf of America, Red grouper.

Dated: September 8, 2026.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, revise paragraph (a)(1)(iii)(C)(*2*) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(C) * * *

(*2*) For fishing year 2027—4.83 million lb (2.19 million kg).

(*i*) To allow for a red grouper commercial quota pool to be implemented in 2027, NMFS will withhold distribution of 275,000 lb (124,738 kg), gutted weight, of the 2027 IFQ allocation of the red grouper commercial quota on January 1, 2027.

(*ii*) If a final rule to implement a red grouper commercial quota pool is not effective by May 1, 2027, NMFS will distribute the withheld 275,000 lb (124,738 kg), gutted weight, of 2027 IFQ allocation of the red grouper commercial quota to the current shareholders based on their current shares held as of the date of distribution.

* * * * *

[FR Doc. 2026–18484 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 91, No. 174

Thursday, September 10, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AMS–SC–26–1552]

Specialty Crop Diversion Programs; Notice of Request for Approval of a New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval for a new information collection from the Office of Management and Budget (OMB) under OMB Control No. 0581–NEW. This action would create new application and notification forms for growers interested in participating in Specialty Crop Diversion Programs for applicable tree, vine, and/or bush commodities.

DATES: Comments on this notice must be received by November 9, 2026.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments can be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237. Comments can also be submitted to the Docket Clerk electronically by email: *MarketingOrderComment@usda.gov* or via the internet at: *https://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments submitted in response to this notice will be included in the record, will be made available to the public, and may be viewed at: *https://www.regulations.gov.* Please be advised that comments are posted to *regulations.gov* without change.

FOR FURTHER INFORMATION CONTACT: Taylor Johnson, Marketing Specialist, or Matthew Pavone, Chief, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; telephone: (202) 720–8085, or Email: *Taylor.Johnson3@usda.gov* or *Matthew.Pavone@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Specialty Crop Diversion Programs.

OMB Number: 0581–NEW.

Expiration Date of Approval: This is a NEW Information Collection.

Type of Request: Approval of New Information Collection.

Abstract: The information collection requirements in this request are applied only to those growers who voluntarily participate in a Specialty Crop Diversion Program for applicable tree, vine, and/or bush commodities.

Specialty Crop Diversion Programs are expected to bring domestic supplies of applicable specialty crop tree, vine, and/or bush commodities in line with market demands, and to provide relief to specialty crop growers faced with excess acreage and low commodity prices. The Specialty Crop Diversion Programs also ensure that the trees, vines, and/or bushes that are removed are not part of a normal replacement process.

The forms covered under this information collection require the minimum information necessary to effectively carry out the requirements of the Diversion Programs and their use is necessary to fulfill the intent of clause (3) of section 32 of the Agricultural Adjustment Act Amendment of 1935, as amended, and the rules and regulations issued thereunder. These Specialty Crop Diversion Program will not be maintained by any other agency; therefore, the requested information will not be available from any other existing records. These forms have been designated OMB No. 0581–NEW. The forms include: Application for Tree Diversion Program (SC–302A), Application for Vine Diversion Program (SC–302B), Application for Bush Diversion Program (SC–302C), Notification of Tree Removal (SC–303A), Notification of Vine Removal (SC–303B), and Notification of Bush Removal (SC–303C).

The information collected will be used only by authorized commodity/industry staff and authorized representatives of the USDA, including the AMS Specialty Crops Programs regional and headquarters staff. Authorized employees of the commodity/industry are the primary users of the information, and AMS is the secondary user. All information collected will be kept confidential (as indicated on the forms) and will be in conformance with the Privacy Act and the Freedom of Information Act.

The request for new information collection under the Specialty Crop Diversion Programs is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.3 hours per response.

Respondents: Applicants and participants of Specialty Crop Diversion Programs.

Estimated Number of Respondents: 300.

Estimated Total Annual of Responses: 600.

Estimated Number of Responses per Respondent: 2.

Estimated Number of Recordkeeping hours: 6 hours.

Estimated Total Annual Burden on Respondents: 165 hours.

Comments are invited on: (1) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–18487 Filed 9–9–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Business Cooperative Service

[Docket No. RBS–26–BUSINESS–0463]

Notice of Funding Opportunity for the Agriculture Innovation Center Demonstration (AIC) Program 2026

AGENCY: Rural Business Cooperative Service, U.S. Department of Agriculture (USDA).

ACTION: Notice of funding opportunity.

SUMMARY: The Rural Business Cooperative Service (RBCS or the Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA) is announcing the acceptance of Applications for the Agriculture Innovation Center Demonstration (AIC) Program for fiscal year (FY) 2026. In future years this funding opportunity will only be announced on the Agency website and *grants.gov*, without a **Federal Register** notice. Therefore, in future years, neither the funding opportunity nor reference to the funding opportunity in *grants.gov* will appear in the **Federal Register**. Please make note of this change in location of the funding announcement in your records.

DATES: September 10, 2026.

ADDRESSES: Full funding notice is available on *grants.gov.* Program guidance is available at *https://www.rd.usda.gov/programs-services/business-programs.*

FOR FURTHER INFORMATION CONTACT: Shamika Johnson, Administrative Management Specialist, Intermediary Programs, RBCS, RD, USDA, 1400 Independence Avenue SW, Washington, DC 20250–1560; Telephone: 202–720–1495; Email: *SM.RBCS.AIC@usda.gov.*

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) is available on the Agency website and on *grants.gov* using Funding Opportunity Number RBCS–2026–AIC or Assistance Listing Number 10.377.

(Authority: 7 U.S.C. 1632b)

Victoria Collin,

Acting Administrator, Rural Business Cooperative Service.

[FR Doc. 2026–18511 Filed 9–9–26; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Census Bureau

[Docket Number: 260820–0003; RTID 0607–XC086]

Annual Survey of State Government Tax Collections

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: The Bureau of the Census (Census Bureau) has ceased collection and production of the Annual Survey of State Government Tax Collections (STC). The Census Bureau has redirected its resources to prioritize the Annual Survey of State Government Finances (ASFIN) and the Quarterly Summary of State & Local Tax Revenue (QTAX). State government tax data previously produced through STC will continue to be made available through ASFIN and QTAX. The survey 2025 data release on April 15, 2026, was the final release.

FOR FURTHER INFORMATION CONTACT: Michael Reich, Assistant Division Chief, Public Sector, Economy-Wide Statistics Division, Telephone: 301–763–5163; Email: *Michael.R.Reich@census.gov.*

SUPPLEMENTARY INFORMATION: The Census Bureau produces state government tax estimates via three programs: the Annual Survey of State Tax Collections, the Annual Survey of State Government Finances, and the Quarterly Summary of State & Local Tax Revenue. The data from these surveys serves a wide variety of data users and meets a wide variety of needs from federal agencies to researchers and academia. The Census Bureau is focused on removing redundancies with the sunsetting of the Annual Survey of State Tax Collections and focusing on data quality of the remaining two programs.

The Annual Survey of State Tax Collections was collected under the authority of Title 13 U.S.C. 182. Section 182 authorizes surveys when ''deemed necessary to furnish annual or other interim current data on the subjects covered by the censuses provided for in this title.'' Therefore, surveys collected under Section 182 are discretionary, and no current regulations require this survey. Because the Census Bureau can produce estimates of the same quality and content without imposing an additional survey burden, the Annual Survey of State Tax Collections is no longer ''necessary to furnish annual or other interim current data'' on state taxes.

Determining to eliminate a survey is always a difficult task since there are users of all the data. The Census Bureau has made every effort to determine how data would be impacted and will be mitigating impacts through the programs still produced.

All state tax estimates (5 broad tax categories and up to 25 tax subcategories) currently produced as a part of the Annual Survey of State Tax Collections will still be published as a part of the larger Annual Survey of State Government Finances with no change to current structure. However, this data will be published approximately 9 months later than the traditional STC release, due to the longer processing time for the Annual Survey of State Government Finances. Due to this timing, the Census Bureau will also start producing annualized state government tax estimates as a part of the Quarterly Summary of State & Local Tax Revenue in 2027. These estimates will be produced approximately 1–4 months earlier than currently produced from the Annual Survey of State Tax Collections and will be created to follow the same fiscal year reporting covered by the sunset program and used as input into state government finance data processing. With this change, all annual tax estimates will be retained and released to the public sooner with a reduction in respondent burden exemplifying the commitment of the Census Bureau to identifying efficiencies while continuing to produce quality data that highlights the public sector.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 45, OMB approved the STC under the OMB control number 0607–0585.

Dated: September 3, 2026.

George Cook,

Deputy Under Secretary for Economic Affairs, performing the non-exclusive functions and duties of the Director of the Census Bureau.

[FR Doc. 2026–18449 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–109–2026]

Foreign-Trade Zone (FTZ) 50, Notification of Proposed Production Activity; Catalina Cylinders, Inc.; (Aluminum Gas Cylinders); Garden Grove, California

The Board of Habor Commissioners of the Port of Long Beach, grantee of FTZ 50, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Catalina Cylinders, Inc. (Catalina Cylinders) for Catalina Cylinders's facilities in Garden Grove, California within Subzone 50AJ. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 5, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material/component and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished product is aluminum gas cylinders (duty rate is 5.0%).

The proposed foreign-status material/component is aluminum alloys, unwrought (duty free).

The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) depending on the country of origin. The applicable section 232 decision requires subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 20, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact John Frye at John. *Frye@trade.gov.*

Dated: September 3, 2026.

Juanita Chen,

Acting Executive Secretary.

[FR Doc. 2026–18497 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–110–2026]

Foreign-Trade Zone (FTZ) 183, Notification of Proposed Production Activity; Dongjin Semichem Texas, Inc.; (Semiconductor-Grade Photoresist Thinner); Killeen, Texas

Dongjin Semichem Texas, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Killeen, Texas within FTZ 183. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 3, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished product is semiconductor-grade photoresist thinner (duty rate is duty-free).

The proposed foreign-status materials/components include: propylene glycol monomethyl ether acetate; ethyl 3-ethoxypropionate; gamma-butyrolactone; methyl 2-hydroxyisobutyrate; ethyl lactate; 2-propoxyethanol; BYK specialty adhesive; and AS–031 specialty adhesive (duty rates range from duty-free to 5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 20, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact John Frye at *John.Frye@trade.gov.*

Dated: September 4, 2026.

Juanita Chen,

Acting Executive Secretary.

[FR Doc. 2026–18490 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–817]

Prestressed Concrete Steel Wire Strand From Ukraine: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that PJSC Stalkanat (Stalkanat) did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, and in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty *Order* on prestressed concrete steel wire strand (PC strand) from Ukraine.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On April 14, 2026,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 35268–35276 (July 25, 2025); *see also Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Antidumping Duty Orders,* 86 FR 29998 (June 4, 2021) (*Order*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

we extended the preliminary results of this review to no later than August 14, 2026.[4] On July 22, 2026, Commerce further extended the preliminary results of this review, to August 31, 2026.[5] On August 28, 2026, Commerce extended the preliminary results of this review to September 4, 2026.[6]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is PC strand from Ukraine. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period June 1, 2024, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
PJSC Stalkanat	0.00

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. We intend to seek further information from PJSC Stalkanat subsequent to the issuance of these preliminary results; therefore, a timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[9] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[10] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[12]

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any case briefs, not later than 120 days after the date of publication of this notice.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Stalkanat's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[13] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad*

[4] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated April 14, 2026.

[5] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated July 22, 2026.

[6] *See* Memorandum, ''Third Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated August 28, 2026.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from Ukraine; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[11] *See APO and Service Procedures.*

[12] *See* 19 CFR 351.310(d).

[13] *See* 19 CFR 351.212(b)(1).

valorem ratio based on estimated entered values. If Stalkanat's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Stalkanat for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[15]

Commerce intends to issue assessment instructions to CBP regarding Stalkanat no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.30 percent, the all-others rate established in the LTFV investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(2) and 19 CFR 351.221(b)(4).

Dated: September 4, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–18507 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–917]

Brass Rod From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of brass rod from the Republic of Korea (Korea). The period of review (POR) is September 29, 2023, through December 31, 2024. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Toni Page or Roee Tenne, AD/CVD Operations, Office OVII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398 or (202) 482–3996, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the countervailing duty order on brass rod from Korea.[1] On August 18, 2025, Commerce selected Booyoung Industry (BYI) and Daechang Co. Ltd. (Daechang) as the mandatory respondents in the review.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] On March 24 and August, 31, 2026, Commerce extended the deadline for the preliminary results of this administrative review, in accordance with 19 CFR 351.213(h)(2).[5] Accordingly, the deadline for these

[14] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[15] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[16] *See Order.*

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 35268 (July 25, 2025).

[2] *See* Memorandum, ''Respondent Identification,'' dated August 18, 2025.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memoranda, ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated March 24, 2026; and ''Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated August 31, 2026.

preliminary results is September 4, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of topics discussed in the Preliminary Decision Memorandum is provided as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices*.

Scope of the Order [7]

The product covered by this investigation is brass rod from Korea. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our conclusions, including our reliance, in part, on facts otherwise available with adverse inferences pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily determine the following net countervailable subsidy rates exist for the POR, September 29, 2023, through December 31, 2024:

Company	2023 Subsidy rate (percent *ad valorem*)	2024 Subsidy rate (percent *ad valorem*)
Booyoung Industry	0.29 (*de minimis*)	0.52.
Daechang Co. Ltd.[9]	0.47 (*de minimis*)	0.20 (*de minimis*).

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Interested parties will be notified of the timeline for the submission of case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[10] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[11] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[12] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[14]

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review.

Commerce intends to issue assessment instructions to CBP regarding BYI and Daechang no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.107(e), Commerce intends to instruct CBP to collect cash deposits of estimated countervailing

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Brass Rod from the Republic of Korea; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See Brass Rod from the Republic of Korea: Amended Final Antidumping Duty Determination; Brass Rod from Brazil, India, Mexico, the Republic of Korea, and South Africa: Antidumping Duty Orders; Brass Rod from the Republic of Korea: Countervailing Duty Order*, 89 FR 50263 (June 13, 2024) (*Order*).

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Daechang Co. Ltd.; Essentech Co., Ltd.; Seowon Co., Ltd.; Taewoo Co., Ltd.; and IMI Co., Ltd.

[10] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[13] *See APO and Service Procedures.*

[14] *See* 19 CFR 351.310(d).

duties with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, as follows: (1) the cash deposit rate for the companies listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will continue to be 2.87 percent, the all-others subsidy rate established in the investigation.[15] These cash deposit instructions, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is extended, Commerce intends to issue the final results of this administrative review, which will include the results of Commerce's analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: September 4, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Diversification of Korea's Economy
V. Use of Facts Otherwise Available and Adverse Inferences
VI. Subsidies Valuation Information
VII. Benchmarks and Interest Rates
VIII. Analysis of Programs
IX. Recommendation

[FR Doc. 2026–18491 Filed 9–9–26; 8:45 am]

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[15] *See Order*, 89 FR at 50265.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–819]

Prestressed Concrete Steel Wire Strand From Malaysia: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. In addition, we are rescinding the review with respect to Southern Steel Sdn. Bhd. (Southern Steel). Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Colin Thrasher, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3004.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on prestressed concrete wire strand (PC strand) from Malaysia.[1] On August 26, 2025, Commerce selected Kiswire Sdn. Bhd. (Kiswire) and Southern PC Steel Sdn. Bhd. (Southern) as the mandatory respondents in this review.[2] This review covers four producers/exporters of subject merchandise.[3] Commerce is rescinding the review in part with respect to Southern Steel because it had no entries in the CBP data during the POR.[4]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] On March 31, 2026, pursuant to section 751(a)(3)(A) of the Act, Commerce extended the preliminary results of this review by 111 days.[7] On August 28, 2026, we extended the preliminary results of this review by an additional nine days.[8] Accordingly, the deadline for these preliminary results is now September 8, 2026.

For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.[9] A list of the topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices*.

Scope of the Order

The merchandise subject to the *Order* is PC strand from Malaysia. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FF 35268 (July 25, 2025) (*Initiation Notice*); *see also Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Antidumping Duty Orders*, 86 FR 29998 (June 4, 2021) (*Order*).

[2] *See* Memorandum, ''Respondent Selection,'' dated August 26, 2025.

[3] *See Initiation Notice*.

[4] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated August 26, 2025.

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[6] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 31, 2026.

[8] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated August 28, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from Malaysia and Partial Rescission; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.[10] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.[11] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the antidumping duty assessment rate calculated for the POR.[12]

Commerce notified all interested parties of its intent to rescind the instant review for Southern Steel because there were no reviewable, suspended entries of subject merchandise from it during the POR and invited interested parties to comment.[13] No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from this company during the POR, we are rescinding this administrative review for Southern Steel, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusion, *see* the Preliminary Decision Memorandum.

Rate for Non-Individually Examined Company

The Act does not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. However, Commerce's regulation at 19 CFR 351.109(g) states that Commerce will determine the rate for non-selected companies by following the process set forth in 19 CFR 351.109(f)(1)–(2), which generally parallels the process for determining the all-others rate in an investigation under section 735(c)(5) of the Act.

Under section 735(c)(5)(A) of the Act and 19 CFR 351.109(f), the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any rates that are zero, *de minimis* (*i.e.*, less than 0.5 percent), or determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act and 19 CFR 351.109(f)(2)(iii) provide that Commerce may use ''any reasonable method'' to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated.

In this administrative review, we preliminarily calculated weighted-average dumping margins for the mandatory respondents, Kiswire and Southern, that are not zero, *de minimis,* or based entirely on facts available. Accordingly, we are preliminarily assigning to Wei Dat Steel Wire Sdn. Bhd. (Wei Dat), the company under review that was not selected for individual examination, a weighted-average dumping margin equal to the simple average of the estimated weighted-average dumping margins calculated for Kiswire and Southern, consistent with 19 CFR 351.109(g).[14]

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins exist for the period June 1, 2024, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Kiswire Sdn. Bhd	1.29
Southern PC Steel Sdn. Bhd	1.42
Wei Dat Steel Wire Sdn. Bhd	1.36

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[15] Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[16] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[17] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[18] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we

[10] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021*, 88 FR 4154 (January 24, 2023).

[11] *See* 19 CFR 351.212(b)(1).

[12] *See, e.g., Shanghai Sunbeauty Trading Co.* v. *United States*, 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Tariff Act of 1930, as amended (the Act), the U.S. Court of International Trade held that ''{w}hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended''; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[13] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated August 26, 2025.

[14] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the dumping margins calculated for the examined respondents; (B) a simple average of the dumping margins calculated for the examined respondents; and (C) a weighted-average of the dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See* 19 CFR 351.109(f)(2)(ii); *see also* Memorandum, ''Calculation of the Weighted-Average Dumping Margin for the Companies Not Selected for Individual Examination,'' dated concurrently with this notice.

[15] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[16] *See* 19 CFR 351.309.

[17] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[18] *See* 19 CFR 351.309(c)(2) and (d)(2).

request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[19] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[20]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[21]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Kiswire and Southern's weighted-average dumping margin are not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[22] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Kiswire and Southern's weighted-average dumping margin are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[23]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Kiswire and Southern for which they did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[24]

For Wei Dat, we will assign an assessment rate based on the review-specific rate, calculated as noted in the ''Rate for Non-Individually Examined Companies'' section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[25] Commerce intends to issue assessment instructions to CBP regarding Kiswire, Southern, and Wei Dat no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**.

For Southern Steel, the company for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.13 percent, the all-others rate established in the LTFV investigation.[26] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in

[19] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[20] *See APO and Service Procedures.*

[21] *See* 19 CFR 351.310(d).

[22] *See* 19 CFR 351.212(b)(1).

[23] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[24] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[25] *See* section 751(a)(2)(C) of the Act.

[26] *See Order.*

accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: September 8, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Administrative Review
V. Rate For The Non-Selected Company
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR), December 1, 2024, through November 30, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Eric Chen, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2860.

SUPPLEMENTARY INFORMATION:

Background

On February 20, 2026, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on certain cased pencils (cased pencils) from the People's Republic of China (China).[1] On September 2, 2026, Commerce extended the deadline for the preliminary results by two days.[2] The deadline for these preliminary results is September 4, 2026.

Scope of the Order [3]

The merchandise covered by the scope of this *Order* is cased pencils from China. *See* Appendix I for the full description of the scope.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we applied our NME methodology in accordance with section 773(c) of the Act.

Separate Rate Determinations

In a proceeding involving an NME country, Commerce maintains a rebuttable presumption that all companies within the country are subject to government control and, therefore, should be assessed a single weighted-average dumping margin.[4] Commerce notified parties in the *Initiation Notice* that ''{t}he deadline and requirement for submitting a Separate Rate Application {(SRA)} applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.'' [5] Also in the *Initiation Notice,* Commerce notified parties of the application process by which exporters may obtain separate rate status in this administrative review.[6] This process requires exporters to submit an SRA and to demonstrate the absence of both *de jure* and *de facto* government control over their export activities.[7] In the *Initiation Notice,* Commerce required that all firms listed in the notice ''that wish to qualify for separate rates status in the administrative reviews involving NME countries must complete, as appropriate, either a {SRA} or {separate rate certification (SRC)}. . .'' [8]

Commerce's policy is to assign all exporters of merchandise under consideration that are in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.[9] Commerce analyzes whether each entity exporting the merchandise under consideration is sufficiently independent under a test established in *Sparklers from China,*[10] further developed in *Silicon Carbide from China,*[11] and now codified in 19 CFR 351.108(b). In accordance with this separate rate test, Commerce will assign a separate rate in an NME proceeding if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. If, however, Commerce determines that a company is wholly foreign owned, then a separate rate analysis is not necessary to determine whether that company is independent from government control and eligible for a separate rate.

In order to demonstrate eligibility for separate rate status, Commerce normally requires an exporter for which a review was requested, and which was assigned a separate rate in a previous completed segment of the proceeding and which remains active for that exporter, to submit an SRC stating that it continues to meet the criteria for obtaining a separate rate.[12] For an exporter that was not assigned a separate rate in a previously completed segment of the proceeding and which remains active for that exporter, to demonstrate eligibility, Commerce requires an SRA.[13] A company that submits an SRA or SRC and which is subsequently selected for examination must respond to all parts of Commerce's questionnaire

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 91 FR 8186 (February 20, 2026).

[2] *See*Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated September 2, 2026.

[3] *See Certain Cased Pencils from the People's Republic of China: Continuation of Antidumping Duty Order,* 88 FR 15673 (March 14, 2023); *see also Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China,* 59 FR 66909 (December 28, 1994) (collectively, *Order*).

[4] *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039, 55040 (September 24, 2008).

[5] *See Initiation Notice,* 91 FR at 8188.

[6] *Id.*

[7] For a description of our practice, *see* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries,'' (April 5, 2005), available on Commerce's website at *https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0.*

[8] *See Initiation Notice,* 91 FR at 8187.

[9] *See Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588, 20589 (May 2, 1994) (*Sparklers from China*).

[10] *Id.*

[11] *See Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide from China*).

[12] *See Initiation Notice,* 91 FR at 8187.

[13] *Id.*

in order to be eligible for a separate rate.[14]

In the *Initiation Notice,* Commerce stated that submission of SRAs and SRCs were due 14 days after publication of the notice, *i.e.,* March 6, 2026.[15] Moreover, Commerce specifically noted that ''{t}he deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.'' [16] The four companies listed in Appendix II to this notice failed to submit an SRA. As such, consistent with Commerce's practice for when a party fails to submit an SRA or SRC, we preliminarily find that the four companies listed in Appendix II are not eligible for a separate rate, and, therefore, are part of the China-wide entity.[17] Commerce's practice with respect to an exporter that fails to submit an SRA or SRC has been upheld by the U.S. Court of Appeals for the Federal Circuit.[18] Commerce further notes that, because no company submitted a SRA or SRC, there are no remaining companies subject to review, including the China-wide entity.[19] As a result, Commerce did not need to limit examination or select respondents. Furthermore, because no company or the China-wide entity were eligible for examination in this review, Commerce did not issue a questionnaire. Because there are no respondents selected for individual examination, there is no decision memorandum accompanying this notice.

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[20] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity and the entity is not under review, the entity's rate (*i.e.,* 114.90 percent) [21] is not subject to change.

Preliminary Results of Review

Because the four companies listed in Appendix II failed to timely file either an SRA or SRC in this review, we preliminarily find that these companies are ineligible for a separate rate and, as such, are part of the China-wide entity.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we preliminarily find the companies listed in Appendix II to this notice are a part of the China-wide entity, and subject to the China-wide entity rate, there are no calculations to disclose.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[22] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[23] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[24]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[25] Further, we request that interested parties limit their public, executive summary of each issue to no more than 450 words, not including citations. We intend to use the public, executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public, executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[26]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[27]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For the final results, if we continue to treat the companies identified in Appendix II as part of the China-wide

[14] *Id.* at 8188

[15] *Id.*

[16] *Id.*

[17] *See e.g., Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013,* 80 FR 40998 (July 14, 2015) (treating a company as part of the China-wide entity for failure to submit and SRA, and explaining that ''{t}he failure to provide a separate rate certification is not a ministerial error, but rather, a failure to comply with {Commerce}'s well established separate rate methodology.''); *see also, e.g., Hyrdofluorocarbon Blends from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2019–2020,* 86 FR 49516, 49517 (September 3, 2021) (finding that PureMann, Inc. (PureMann), the sole company subject to the review, did not file and SRA and did not demonstrate its eligibility for separate rate status and that, therefore, PureMann was part of the China-wide entity).

[18] *See Repwire LLC* v. *United States,* 628 F.Supp.3d 1288 (CIT 2023), *aff'd* 2025 WL 2399398 (Fed. Cir. August 19, 2025) (finding that ''Commerce's actions were reasonable and supported by substantial evidence'' in a case in which Commerce retracted its issuance of the initial questionnaire and found that Jin Tiong Electrical Materials Manufacturer PTE Ltd. was part of the China-wide entity due to its failure to submit a timely SRA).

[19] *See Initiation Notice,* 91 FR at 8190.

[20] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[21] *See Order; see also Certain Cased Pencils From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2022,* 88 FR 78721 (November 16, 2023), unchanged from *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 26897 (May 11, 2015).

[22] *See* 19 CFR 351.309.

[23] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[24] *See* 19 CFR 351.309(c)(2) and (d)(2).

[25] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[26] *See APO and Service Procedures.*

[27] *See* 19 CFR 351.310(d).

entity, we will instruct CBP to apply an *ad valorem* assessment rate of 114.90 percent to all entries of subject merchandise during the POR which were produced and/or exported by those companies.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

If a timely summons is filed at the CIT, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for previously investigated or reviewed China and non-China exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the China-wide entity of 114.90 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in case and rebuttal briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: September 4, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The products covered by the *Order* are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (*e.g.,* with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this *Order* are currently classified under subheading 9609.10.00 of the Harmonized Tariff Schedules of the United States (HTSUS). Specifically excluded from the scope of this *Order* are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the *Order* are pencils with all of the following physical characteristics: (1) length: 13.5 or more inches; (2) sheath diameter: not less than one- and-one-quarter inches at any point (before sharpening); and (3) core length: not more than 15 percent of the length of the pencil.

In addition, pencils with all of the following physical characteristics are excluded from the scope of the *Order:* novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Appendix II

Companies Preliminarily Determined To Be Part of the China-Wide Entity

1. Shanghai Yover Stationery Co., Ltd.
2. Yiwu Huijie Make Pens Co., Ltd.
3. Zhejiang Pengsheng Stationery Co., Ltd.
4. Zhejiang Sinopencil Co., Ltd.

[FR Doc. 2026–18496 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF889]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research's Arctic Research Activities in the Beaufort and Chukchi Seas (Year 9)

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea.

DATES: This authorization is effective from September 14, 2026, through September 13, 2027.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage

in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS shall issue an IHA if it finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least [practicable] adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation''). NMFS must also prescribe requirements pertaining to the monitoring and reporting of such takings. The definitions of key terms, such as ''take,'' ''harassment,'' and ''negligible impact,'' can be found in the MMPA and NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On July 22, 2026, a notice of NMFS' proposal to issue an IHA to ONR for take of marine mammals incidental to ARA in the Beaufort and Chukchi Seas was published in the **Federal Register** (91 FR 46055). In that notice, NMFS provided estimates of the numbers, types, and methods of incidental take proposed for each species or stock, as well as the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS' preliminary conclusions and determinations that the IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review, as well as other supporting documents.

During the 30-day public comment period, NMFS received three comment letters from private citizens. NMFS' consideration of public comments, which we respond to below, did not result in changes to the analysis or findings in the **Federal Register** notice of proposed IHA or the required mitigation, monitoring, or reporting measures set forth in the proposed IHA. There are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

Comment 1: A commenter asserted NMFS' preliminary negligible impact determination relied on flawed assumptions regarding cumulative multi-year acoustic exposure and recommended a programmatic Environmental Impact Statement (EIS) be prepared.

Response: NMFS disagrees with the commenter that its preliminary negligible impact determination relied on flawed assumptions, and the commenter does not provide persuasive evidence to the contrary. Neither the MMPA nor NMFS' implementing regulations call for consideration of the take resulting from other activities in the negligible impact analysis. The preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989) states, in response to comments, that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors). The 1989 final rule for NMFS' implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There, NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, the IHA issued to ONR is appropriately considered an unrelated activity relative to other ITAs currently in effect or proposed within the geographic region. The ITAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(A) or (D) issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a ''specified activity'' will have a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. NMFS' implementing regulations 50 CFR 216.104(a)(1) require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, ONR was the applicant for the IHA, and we are responding to the specified activity as described in that application and making the necessary findings on that basis.

Regarding preparation of an EIS, an EIS is to be prepared when there may be potentially significant impacts to the human environment. There is no such evidence here and the commenter provides none.

Comment 2: A commenter asserted NMFS' negligible impact determination relied on what they describe as an arbitrary and unsupportable finding of zero takes by Level A harassment based on what it deemed flawed acoustic modeling and ineffective monitoring requirements. Specifically, the commenter asserted that the proposed visual mitigation requirements are unrealistic and ineffective, asserting that a watchstander cannot reliably detect a ringed seal at a distance of 180 meters (m) under low-visibility conditions. The commenter recommended that NMFS require passive acoustic monitoring (PAM) on all vessels and deployment platforms and expand the mitigation zones for all active acoustic source deployments and icebreaking activities to a minimum of 500 m.

Response: Take by Level A harassment is neither anticipated nor authorized based on the nature of ONR's planned activities, even absent mitigation, and NMFS has appropriately considered this in its negligible impact analysis and determination.

As stated in the notice of the proposed IHA, for beluga whale, modeling did not predict take by Level A harassment given that the acoustic sources are continuous with a low duty cycle and relatively short ping duration (4–30 seconds). For ringed seals, as stated in the notice of the proposed IHA, and NMFS does not anticipate, take by Level A harassment, nor does NMFS anticipate TTS from active acoustic sources. Since potentially impactful source levels from acoustic sources would not exceed 185 dB by system design limits, sound exposure levels would remain relatively low. Accounting for source level, spherical spreading, and a 30-second pulse length (table 1), a ringed seal would need to be in very close range of a single ping of an acoustic source to risk exposure at or

above the TTS threshold, an unlikely scenario given the low density of ringed seals in the Study Area. Given the exceedingly low potential for TTS, AUD INJ is not anticipated either.

In concluding that the Level A harassment estimates are flawed, the commenter incorrectly asserted that Navy's Acoustic Effects Model (NAEMO) assumes animals will exhibit active avoidance behavior before reaching injury thresholds. As stated in the Marine Mammal Occurrence and Take Estimation section of the notice of proposed IHA (91 FR 46055, July 22, 2026), NAEMO estimates acoustic effects on marine mammals without consideration of behavioral avoidance or mitigation. Further, the virtual animals (animat dosimeters) within NAEMO do not move horizontally or react in any way to avoid sound, which may overestimate impacts. Of note, NAEMO was only used to model take of beluga whales, and ONR has only reported sightings of beluga whales during transit, not during research activities or icebreaking when acoustic impacts are likely to occur; therefore, NMFS did not propose to authorize take of beluga whale by Level A harassment from active acoustic sources.

For icebreaking, a continuous noise source, modeling for all previous years of ARA icebreaking activities did not result in any estimated take by Level A harassment of marine mammals. Further, the estimated range to TTS is <15 m (see table 5 of the notice of proposed IHA (91 FR 46055, July 22, 2026)), and the range to AUD INJ would be even smaller. Given the proposed icebreaking activities have not changed, neither ONR nor NMFS expect these activities would result in Level A harassment of beluga whales or ringed seals and, therefore, NMFS did not authorize take by Level A harassment from icebreaking.

As described above, NMFS' analysis does not rely on implementation of mitigation measures or animal avoidance to support its conclusion that Level A harassment is not anticipated. Regarding the recommendation that NMFS require PAM on vessels and deployment platforms to supplement visual observers, the commenter does not explain why they expect PAM would be effective in detecting marine mammals nor does NMFS agree that this measure is warranted. The use of PAM on vessels (Research Vessel (R/V) Sikuliaq, U.S. Coast Guard Cutter HEALY, or another vessel) would require significant investment by ONR and the vessel operators for a research cruise that is planned for only 22 days in September–October 2026, and mitigation and monitoring data from past ARA include a limited number of animal detections during transit, acoustic source deployment and recovery, and icebreaking. Further, integrating PAM into all active source operations (*e.g.,* autonomous underwater vehicles, ice gateway buoys, moorings) would not mitigate the potential acoustic impacts for those sources but would only be a source of monitoring data and would only be available upon recovery of the sources (approximately 1 year after deployment). While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances, its utility in reducing impacts to marine mammals during ARA is limited. PAM is only capable of detecting animals that are actively vocalizing, yet many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially experience reduced impacts via shutdown of acoustic sources). Further, localization and range detection can be challenging under certain scenarios. For example, odontocetes (*e.g.,* beluga whales) are fast moving and often travel in large or dispersed groups which makes localization difficult. Given the effects to marine mammals from the sound sources analyzed are expected to be limited to Level B harassment; the limited timeframe of the planned research cruise (22 days); the limited number of animals that have been detected during transit, acoustic source deployment and recovery, and icebreaking during past ARA; the limited additional benefit anticipated by adding PAM as a detection method; and the cost and impracticability of implementing a full-time PAM program, we have determined the current requirements for visual monitoring are sufficient to ensure the least practicable adverse impact on the affected species or stocks and their habitat. Finally, we note the Navy supports research efforts on acoustic monitoring and will continue to investigate the feasibility of passive acoustics as a potential monitoring tool for ARA, as described in ONR's IHA application.

The IHA requires that during moored and drifting acoustic source deployment and recovery, ONR must implement a mitigation zone of 55 m around the deployed source. Deployment and recovery must cease if a marine mammal is visually detected within the mitigation zone. The IHA also includes a condition that vessels must avoid approaching marine mammals head-on and must maneuver to maintain a mitigation zone of 457 m around all observed cetaceans and 183 m around all other observed marine mammals, provided it is safe to do so. These zones appropriately mitigate the potential for acoustic impacts and vessel strike, and the commenter provides no supporting information as to why 500 m would be more appropriate.

Comment 3: Commenters disagreed with the renewal process, and one commenter stated the renewal process violates the statutory notice-and-comment requirements of MMPA section 101(a)(5)(D), which mandates a full 30-day public review period for IHAs.

Response: NMFS' IHA renewal process meets all statutory requirements. In prior responses to comments about IHA renewals (*e.g.,* 84 FR 52464, October 2, 2019; 85 FR 53342, August 28, 2020), NMFS explained the IHA renewal process is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue to implement the existing renewal process.

All IHAs issued, whether an initial IHA or a renewal, are valid for a period of not more than 1 year. The public has 30 days to comment on proposed IHAs, with a cumulative total of 45 days for IHA renewals. The notice of proposed IHA published in the **Federal Register** on July 22, 2026 (91 FR 46055) provided a 30-day public comment period and made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of a renewal for the planned activities. As detailed in the **Federal Register** notice of proposed IHA and on the agency's website, eligibility for renewal is determined on a case-by-case basis and renewals are subject to an additional 15-day public comment period. The renewal is limited to (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activities section of the notice of proposed IHA or (2) the activities described in the Description of Proposed Activities section of the notice of proposed IHA would not be completed by the time the IHA expires, and a renewal would allow for completion of the activities beyond that described in the Dates and Duration section of the notice of proposed IHA (91 FR 46055, July 22, 2026). NMFS' analysis of the anticipated impacts on marine mammals caused by ONR's activities covers both the initial IHA

period and the possibility of a 1-year renewal. Therefore, a member of the public considering commenting on a proposed initial IHA also knows exactly what activities (or subset of activities) would be included in a proposed renewal IHA, the potential impacts of those activities, the maximum amount and type of take that could be caused by those activities, the mitigation and monitoring measures that would be required, and the basis for the agency's negligible impact determinations, least practicable adverse impact findings, and if applicable, small numbers and no unmitigable adverse impact on subsistence use findings (neither of which are applicable to this action)—all the information needed to provide complete and meaningful comments on a possible renewal at the time of considering the proposed initial IHA. Reviewers have the information needed to meaningfully comment on both the immediate proposed IHA and a possible 1-year renewal, should the IHA holder choose to request one.

While there would be additional documents submitted with a renewal request, for a qualifying renewal these would be limited to documentation that NMFS would make available and use to verify that the activities are identical to those in the initial IHA, are nearly identical such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS would also need to confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The renewal request would also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-day public comment period, which includes NMFS' direct notice to anyone who commented on the proposed initial IHA, provides the public an opportunity to review these few documents, provide any additional pertinent information, and comment on whether they think the criteria for a renewal have been met. Combined together, the 30-day public comment period on the initial IHA and the additional 15-day public comment period on the renewal of the same or nearly identical activities, provides the public with a total of 45 days to comment on the potential for renewal of the IHA.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D) of the MMPA, it is also consistent with Congress' intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each notice of proposed IHA, the description of the process on NMFS' website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency's website, and provision of 30 or 45 days for public review and comment on all proposed IHAs and renewals respectively, NMFS has ensured that the public is ''invited and encouraged to participate fully in the agency's decision-making process,'' as Congress intended.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take of endangered or threatened species, in this case with the NMFS Alaska Regional Office (AKR).

There is one marine mammal species (Arctic subspecies of ringed seal) with confirmed occurrence in the Study Area that is listed as threatened under the ESA. NMFS AKR issued a Biological Opinion on September 13, 2022, under section 7 of the ESA, on the issuance of an IHA to ONR under section 101(a)(5)(D) of the MMPA by the NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of Arctic ringed seals and is not likely to destroy or adversely modify Arctic ringed seal critical habitat. This conclusion remains applicable to this IHA.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to ONR for authorization to take marine mammals incidental to ARA in the Beaufort and Chukchi Seas.

Dated: September 4, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18459 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF848]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the PetroMarine Services Juneau Rock Dump Terminal Reconstruction Project, Juneau, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from PetroMarine Services (PM) for authorization to take marine mammals incidental to the Juneau International Airport (JNU) Rock Dump Fuel Terminal Reconstruction Project in Juneau, Alaska (AK). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to take marine mammals incidental to the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be

issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization.

DATES: Comments and information must be received no later than October 13, 2026.

ADDRESSES: Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.esch@noaa.gov.* Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Carter Esch, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). If such findings are made, NMFS must prescribe the permissible methods of taking; other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below (see also 16 U.S.C. 1362; 50 CFR 216.3, 216.103).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On February 18, 2026, NMFS received a request from PM for an IHA to take marine mammals incidental to vibratory pile driving and removal and impact pile driving associated with the JNU Rock Dump Fuel Terminal reconstruction project in Juneau, AK. Following NMFS' review of the application, PM submitted a revised version on April 20, June 1, and July 27, 2026. The application was deemed adequate and complete on August 28, 2026. PM's request is for take of five species of marine mammals by Level B harassment, and for a subset (harbor porpoises, harbor seals, and Steller sea lions (SSLs)), Level A harassment. Neither PM nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

PM proposes to replace an existing pile-supported T-dock and fuel float and construct improvements to the existing fuel line at the JNU Rock Dump Fuel Terminal Dock on the eastern side of Gastineau Channel near downtown Juneau, AK. The existing pile-supported T-dock and fuel float structures were constructed in 1971 and have exceeded the intended design life for timber structures in a marine environment. Replacing the existing structures and rerouting fuel lines will allow Petro Marine to safely and efficiently operate their fuel supply business.

Activities that have the potential to take marine mammals by Level A harassment and Level B harassment include vibratory pile removal and vibratory and impact pile driving. The specified activities would occur on approximately 81 days over 12 months.

Dates and Duration

The IHA would be effective upon written notification from PM to NMFS but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance. The specified activities are currently scheduled to begin January 1, 2027, and would occur on approximately 81 days (potentially non-consecutive). Pile removal and installation would occur during daylight hours only, which ranges from 8 to 18 hours per day in Juneau, AK, depending upon the season.

Specific Geographic Region

The project is located adjacent to downtown Juneau, AK, on the eastern shore of Gastineau Channel. Part of Southeast Alaska's Inside Passage, Gastineau Channel is a U-shaped, glacier-carved, fjord and narrow channel that, at its approximate midpoint, runs between Juneau (on mainland Alaska) and Douglas Island. The channel is approximately 16 miles (25.7 kilometers (km)) long and its width varies between 4,000 to 6,000 feet (ft) (1,219 to 1,829 meters (m)). The southern end of Gastineau Channel meets Stephens Passage, and the northern, shallower end opens into Auke Bay and Lynn Canal. Gastineau Channel experiences tidal ranges of 16.3 ft (4.9 m) (NOAA, 2025). There are 12 documented anadromous fish streams in the vicinity of the project (Alaska Department of Fish and Game [ADF&G] 2025a); each

supporting at least one species of Pacific salmon.

The Juneau waterfront is heavily influenced by industrialization, characterized by a blend of heavy marine industrial activities and significant tourism infrastructure. The waterfront supports commercial seafood processing, fishing, and, historically, major mining operations. The area is frequented by commercial and recreational vessel traffic, most notably large cruise ships.

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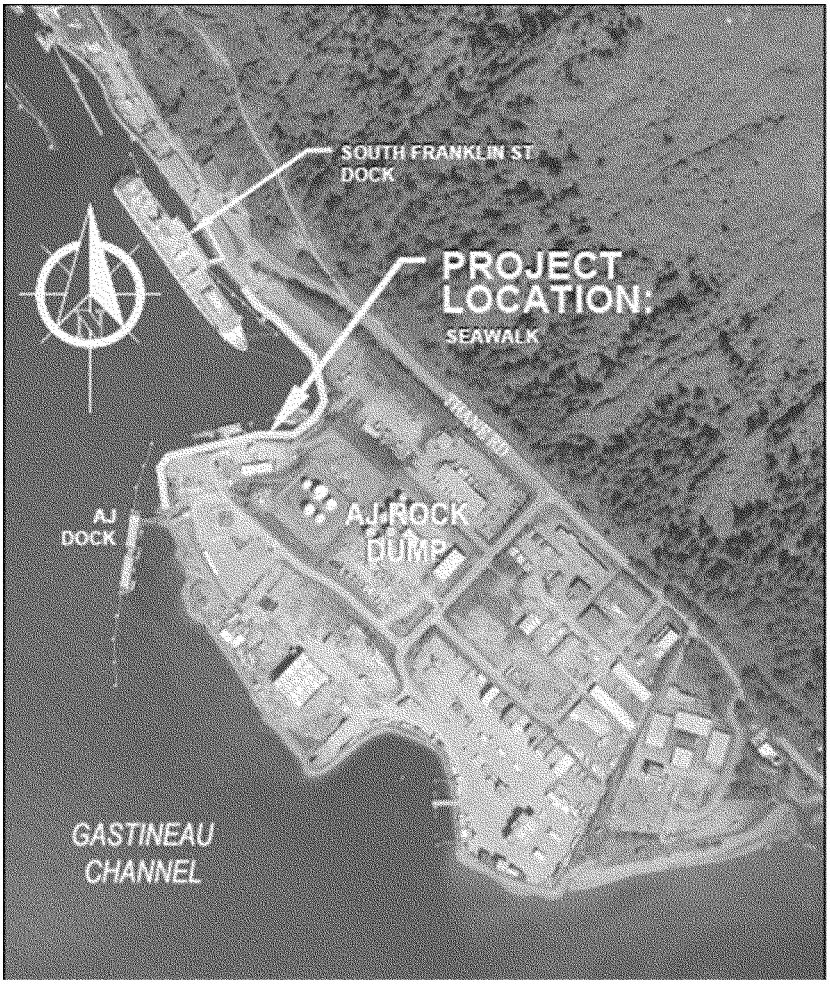

Figure 1 -- Map of Project Location

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Detailed Description of the Specified Activity

The JNU Rock Dump Fuel Terminal Reconstruction Project would include reconstruction of a pile-supported T-dock and fuel float and improvements to existing fuel lines. In addition to the T-dock, PM would construct four new dolphins, install a new armor rock revetment to replace a timber-pile retaining wall, and complete upland improvements. Demolition of existing infrastructure (*i.e.,* original T-dock and fuel float structures, tie-back timber retaining wall) would precede installation of any new projects components.

To complete the project, PM would conduct vibratory pile removal and impact and vibratory pile driving, performed primarily from a crane barge and supported as necessary from shore to install and remove a variety of pile sizes (*i.e.,* 10–16-inch (in), 24-in, 30-in) and types (*i.e.,* timber or steel). Additional proposed activities include fill placement using a land-based excavator, and vessel operations (*i.e.,* tug and barge), although these activities are not expected to result in incidental harassment of marine mammals. Both the descriptions below and table 1 summarize the piling methods, pile size and quantity, installation timing, and effort of the specified activities.

Removal of Existing Dock and Piles

PM would remove the existing pile-supported fuel dock, fuel float, mooring and breasting dolphins and timber retaining wall near shore in their entirety using vibratory methods. PM would remove decking and float components first, followed by pile extraction; a barge laden with the demolition waste would be towed to the Seattle area for materials recycle and disposal within an authorized landfill. NMFS does not anticipate take from the barge towing waste, and it is not discussed further.

Dock Replacement

The new main dock will primarily consist of large diameter steel pipe piles, steel pile caps, timber decking,

and an energy absorbing fender system. Prefabricated steel catwalks will be placed between the main fuel dock and two adjacent breasting dolphins and two mooring dolphins to provide pedestrian access for tending vessel mooring lines. A pile-supported approach dock of similar design will extend from shore to the main dock. The approach dock will be connected to shore by a pile-supported concrete abutment. It is anticipated that fuel lines will be rerouted from shore and run alongside the approach dock to a header cabinet on the main dock. A 4-ton hydraulic crane with an approximate 35-ft (10.7 m) reach will be located near the dock face, and fendering will be provided around the perimeter of the main dock.

PM would install temporary steel piles and template piles using a vibratory hammer to ensure proper positioning of the permanent piles. Permanent piles will be initially installed with vibratory pile driving equipment and then proofed for proper penetration and load capacity with an impact pile driver. Steel pile caps will be field welded to the tops of piles to support timber superstructure and decking. Prefabricated steel catwalks will be placed between the main fuel dock and adjacent breasting and mooring dolphins to provide pedestrian access for tending vessel mooring lines.

Pile quantities and installation methods are summarized in table 1.

Other Activities

Using an excavator along the top of the existing waterfront embankment slope, PM would remove existing embankment fill, which is undersized and prone to coastal erosion, and install approximately 2,200 cubic yards (CY) (1,682 cubic meters (m^3)) of armor rock in a layer 4-ft (1.2 m) in depth to mitigate slope erosion and surficial instability caused by wave and wake activity. The armor rock will stabilize the existing embankment slope between the new fuel dock and shore. Excavation and fill are not expected to result in take of marine mammals, and these activities are not discussed further.

TABLE 1—PM'S PROPOSED CONSTRUCTION ACTIVITIES

Structure and pile parameters	Installation method [1]	Project total number of piles	Max piles per day	Average piles per day	Days of effort [2]
Pile Removal					
Retaining Wall and Approach Dock (10″–16″ Timber Piles)	V	50	12	10	6
Main Dock and Fuel Float (10″–16″ Timber Piles)	V	124	12	8	16
Breasting Dolphin (10″–16″ Timber Piles)	V	28	10	8	4
Mooring Dolphin (24″ Steel Pipe Piles)	V	4	6	5	1
Mooring Dolphin (30″ Steel Pipe Piles)	V	2	6	5	1
Temporary Piles					
Template (24″ Steel Pipe Piles)	V	48	12	8	6
New Pile Installation					
Mooring and Breasting Dolphins (30″ Steel Pipe Piles)	V I	14	2	1	14
Approach and Main Dock (24″ Steel Pipe Piles)	V I	23	2	1	23
Abutment (24″ Steel Pipe Piles)	V I	4	4	3	2
Fender Piles (16″ Steel Pipe Piles)	V I	12	6	5	3
Fender Piles (24″ Steel Pipe Piles)	V I	4	5	4	2
Fuel Line Support Piles (16″Steel Pipe Piles)	V I	12	6	4	3

[1] Installation methods include vibratory pile driving (V) and impact pile driving (I).
[2] The number of construction days was calculated assuming average piles/day rate.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is likely and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, which may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual mortality and serious injury (M/SI) from anthropogenic sources are

included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' Alaska Marine Mammal Stock Assessments (*e.g.,* Young *et al.,* 2025). All values presented in table 2 are the most recently available at the time of publication and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*.

TABLE 2—SPECIES,[1] STOCKS, AND THE STATUS OF MARINE MAMMALS WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (yes/no) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	Potential biological removal	Total annual mortality/ serious injury [4]
Order Artiodactyla—Infraorder Cetacea—Mysticeti (Baleen Whales)						
Family Balaenopteridae:						
Humpback Whale	*Megaptera novaeangliae.*	Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020)	127	27.09
		Mexico–North Pacific	T, D, Y	NA (NA, NA, 2006) [4]	UND	0.57
Odontoceti (Toothed Whales, Dolphins, and Porpoises)						
Family Delphinidae (Dolphins):						
Killer Whale	*Orcinus orca*	Eastern North Pacific Alaska Resident.	-, -, N	1,920 (NA, 1,920, 2019)	19	1.3
		Eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	-, -, N	587 (NA, 587, 2012)	5.9	0.8
		Eastern Northern Pacific Northern Resident.	-, -, N	302 (NA, 302, 2018)	2.2	0.2
		West Coast Transient	-, -, N	349 (NA, 349, 2018)	3.5	0.4
Family Phocoenidae (Porpoises):						
Harbor Porpoise	*Phocoena phocoena*	Northern Southeast Alaska Inland Waters.	-, -, N	1,619 (0.26, 1,250, 2019)	13	5.6
Order Carnivora—Pinnipedia (Seals and Sea Lions)						
Family Otariidae (Eared Seals and Sea Lions):						
Steller Sea Lion	*Eumetopias jubatus*	Western	E, D, Y	49,837 (NA, 49,837, 2022)	299	267
		Eastern	-, -, N	36,308 (NA, 36,308, 2022)	2,178	93.2
Family Phocidae (Earless Seals):						
Harbor Seal	*Phoca vitulina*	Lynn Canal/Stephens Passage	-, -, N	13,388 (NA, 11,867, 2016)	214	50

[1] Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/*).

[2] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3] NMFS marine mammal SARs online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*. CV is the coefficient of variation; N_{min} is the minimum estimate of stock abundance. NA is not available or applicable. UND is undetermined.

[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, vessel strike, Native subsistence mortality). Annual Mortality/Serious Injury often cannot be determined precisely and is in some cases presented as a minimum value or range.

As indicated above, table 2 lists the five species (10 total stocks) that temporally and spatially co-occur with the specified activities to the degree that incidental take is likely to occur. All species that could potentially occur in the proposed survey areas are included in table 3 of the IHA application.

While gray whales (*Eschrichtius robustus*), minke whales (*Balaena acutorostrata*), sperm whales (*Physeter macrocephalus*), Dall's porpoise (*Phocoenoides dalli*), and Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) have been documented in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further. Take of these species has not been requested nor proposed to be authorized, and these species are not considered further in this document. In addition, the northern sea otter (*Enhydra lutris kenyoni*) can be found in Southeast Alaska; however, this species is managed by the U.S. Fish and Wildlife Service and is not considered further in this document.

Humpback Whales

Humpback whales migrate to Southeast Alaska in spring to feed after months of fasting in equatorial breeding grounds in Hawaii and Mexico, although they have been observed in Southeast Alaska year-round (Baker *et al.,* 1986). Individuals found in the project area are predominantly members of the Hawaii distinct population segment (DPS) (98 percent probability in Southeast Alaska); however, based on a comprehensive photoidentification study, members of the Mexico DPS have a small potential to occur in the project location (2 percent probability in Southeast Alaska) (Wade, 2021).

Peak abundance of humpback whales in Southeast Alaska typically occurs during late summer to early fall. Most humpback whales begin returning to southern breeding grounds in fall or winter. However, due to temporal overlap between whales departing and returning, humpbacks can be found in

Alaskan feeding grounds in every month of the year (Baker *et al.,* 1985; Straley, 1990; Wynne and Witteveen, 2009). Over-wintering (non-breeding) individuals may be skipping migration altogether in response to the availability of winter schools of fish, such as herring (Straley, 1990; Straley *et al.,* 2018)). Large portions of Southeast Alaska have been identified as humpback whale biologically important areas (BIAs) for seasonal feeding due to the species' dependence on foraging resources in the region. The BIAs are active from April through October to overlap with the highest densities of humpback whales and their prey (Wild *et al.,* 2023). Although not included in the BIA, the narrow Gastineau Channel is positioned between two known humpback whale foraging areas, Lynn Canal to the north and Stephens Passage to the south. In Stephens Passage, humpback whales are most often observed during seasons of high prey concentration, May through September (Witteveen *et al.,* 2011); however, feeding humpback whales' presence in the Gulf of Alaska has also been correlated closely with peak abundance of Pacific herring (*Clupea pallasii*) during late fall and early winter. Therefore, humpbacks may be present year-round in southeast Alaska but are less common during the late winter and early spring. The project area is not located in or near designated critical habitat.

Killer Whales

Killer whales occur along the entire Alaska coast, in British Columbia and Washington inland waterways, and along the outer coasts of Washington, Oregon, and California. In Southeast Alaska, two resident ecotypes (Alaska Resident and Northern Resident) range from the Aleutian Islands to Washington State and two transient populations (West Coast Transient and Gulf of Alaska, Aleutian Islands and Bering Sea Transient) are found from California to Southeast Alaska (Young *et al.,* 2026; Myers *et al.,* 2021). Limited information is available regarding the occurrence of different stocks within the project area. Based on photograph identification from 2012 through 2016, Luck (2017) estimated that 55 percent of the population in the Juneau area is from resident stocks and 43 percent is from transient stocks; however, citizen science sources, including Happy Whale and local experts, have primarily observed the transient ecotype in the vicinity of the project.

Harbor Porpoises

In southeast Alaska, harbor porpoises from the Northern Southeast Alaska Inland Waters stock utilize coastal waters from Cape Suckling to the Canada border (Dalheim *et al.,* 2009; Muto *et al.,* 2022). While harbor porpoises occur most frequently in water depths less than 100 m (Hobbs and Waite, 2010), they have been documented foraging in waters up to 200 m deep feeding on small pelagic schooling fish such as herring and cod (Bjørge and Tolley 2009; Wynne *et al.,* 2011). Calving generally occurs from May to August but can vary by region. Little else is known about harbor porpoises in southeast Alaska, including the project area, prompting the ADF&G in 2024 to begin collecting data through multi-year aerial and vessel-based surveys to elucidate harbor porpoise numbers, habitat use, and patterns in genetic relatedness. Although harbor porpoises are common in coastal areas of Southeast Alaska's Inside Passage, sightings in Gastineau Channel are relatively rare.

Steller Sea Lions

The majority of Steller sea lions (SSLs) that inhabit Southeast Alaska are part of the Eastern DPS; however, branded individuals from the Western DPS make regular movements across the 144° longitude boundary to the northern ''mixing zone'' haulouts and rookeries within Southeast Alaska (Jemison *et al.,* 2013). While haulouts and rookeries in the northern portion of Southeast Alaska may be important areas for Western DPS animals, there continues to be little evidence that their regular range extends to the southern haulouts and rookeries in Southeast Alaska (Jemison *et al.,* 2018). However, genetic data analyzed in Hastings *et al.* (2020) indicated that up to 1.4 percent of Steller sea lions near the project area may be members of the Western DPS, which NMFS recommends using in their 2020 guidance (Hastings *et al.,* 2020; NMFS, 2020). There are several haulouts in Southeast Alaska but none in Gastineau Channel; the nearest haulout, Benjamin Island, is approximately 45 km (28 mi) from the JNU Rock Dump Fuel Terminal.

Harbor Seals

Harbor seals occur year-round in the inside passages of Southeast Alaska and are regularly sighted in Gastineau Channel. Harbor seals forage on fish and invertebrates (Orr *et al.,* 2004), including capelin, eulachon, cod, pollock, flatfish, shrimp, octopus, and squid (Wynne, 2012). They are opportunistic feeders that forage in marine, estuarine, and occasionally freshwater habitat, adjusting their foraging behavior to take advantage of prey that are locally and seasonally abundant (Payne and Selzer, 1989). Research has demonstrated that harbor seals conduct both shallow and deep dives while foraging (Tollit *et al.,* 1997), depending on prey availability.

Harbor seals use a variety of terrestrial sites to haul out for resting (year-round), pupping (May–July), and molting (August–September) including tidal and intertidal reefs, beaches, sand bars, and glacial/sea ice. Some sites have traditional/historic value for pupping and molting while others are used as temporary resting sites during seasonal foraging trips. Harbor seals usually give birth to a single pup between May and mid-July; birthing locations are dispersed over several haulout sites and not confined to major rookeries (Klinkhart *et al.,* 2008). They are nonmigratory; their local movements are associated with tides, weather, season, food availability, and reproduction, as well as sex and age class (Swain *et al.,* 1996; Lowry *et al.,* 2001; Boveng *et al.,* 2012). Up to 44 percent of their time is spent hauled out, with hauling out occurring more often during the summer (Pitcher and Calkins 1979; Kinkhart *et al.* 2008). Harbor seals typically haul out in groups of 30 or less but have been known to rarely haul out in numbers of several hundred. There are no key haulout locations defined for harbor seals in the project area, but harbor seals are known to haul out on the shoals near the DIPAC hatchery northwest of the project (Alaska Fisheries Science Center [AFSC] 2025); thus, moderate numbers of seals can be expected to move up Gastineau Channel through the project area toward this haulout, particularly during hatchery releases.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007; 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from composite audiograms, previous

analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

*Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on approximately 65 dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Additionally, animals are able to detect very loud sounds above and below that ''generalized'' hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section discusses how components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Acoustic effects on marine mammals during the specified activities are likely to result from impact pile installation and vibratory pile installation and removal. The effects of underwater noise generated by PM's proposed activities have the potential to result in Level B harassment of marine mammals in the action area and, for some species/stocks as a result of certain proposed activities, Level A harassment.

There are a variety of types and degrees of effects to marine mammals, prey species, and habitat that could occur as a result of the proposed activities. Below we provide a brief description of the types of sound sources that would be generated by the project, the general impacts from these types of activities, and an analysis of the anticipated impacts on marine mammals from the project, with consideration of the proposed mitigation measures.

Description of Sound Sources

Activities associated with the PM project that have the potential to incidentally take marine mammals through sound exposure include vibratory removal of timber piles, vibratory installation of steel piles, and impact installation of steel piles. Impact hammers typically operate by repeatedly dropping and/or pushing a heavy piston onto a pile to drive the pile into substrate. Sound generated by impact hammers is impulsive, characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into substrate. Vibratory hammers typically produce less sound (*i.e.,* lower levels) than impact hammers. Peak sound pressure levels (SPL_{pk}) may be 180 dB or greater but are generally 10–20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009; California Department of Transportation, 2020). Sounds produced by vibratory hammers are non-impulsive; compared to sounds produced by impact hammers, the rise time is slower, reducing the probability and severity of injury, and the sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

The likely or possible impacts of PM's proposed activities on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel. However, given that there are no consistent or dedicated pinniped haulouts within the immediate vicinity of any of the six project sites, we have determined that visual and other nonacoustic stressors would be limited, and any impacts on marine mammals are primarily expected to be acoustic in nature.

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from vibratory and impact pile driving are the means by which marine mammals may be harassed from PM's specified activities. Anthropogenic sounds span a broad range of frequencies and sound levels and can have highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and other factors. Broadly, underwater sound from active acoustic sources, such as those in these projects, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995, Nowacek *et al.,* 2007, Southall *et al.,* 2007, Götz *et al.,* 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly, as we do not expect that the use of impact/vibratory hammers is reasonably likely to result in such effects. Potential physiological effects from sound sources, particularly impulsive sound, can range from behavioral disturbance or tactile perception to physical discomfort, slight injury to the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973). Non-auditory physiological effects or injuries

that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006, Southall *et al.,* 2007, Zimmer and Tyack, 2007, Tal *et al.,* 2015). However, the project activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

Regarding non-acoustic effects, while harbor seals and Steller sea lions are known to haul out in southeast Alaska, there are no rookeries or known dedicated haulouts for either of these species in the immediate vicinity of the project areas (see Description of Marine Mammals in the Area of Specified Activities section). Ultimately, we expect that any visual and/or other non-acoustic stressors would be limited and that any impact on marine mammals would be acoustic in nature.

In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007, 2019). Exposure to anthropogenic noise can result in auditory threshold shifts and behavioral responses (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). It can also lead to non-observable physiological responses, such as increased stress hormone levels. Additional noise in a marine mammal's habitat can mask acoustic cues used in daily functions, such as communication and predator-prey detection.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), signal characteristics, the species, age, and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004, Southall *et al.,* 2007). In general, sudden, high-intensity sounds can cause hearing loss, as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, would occur almost exclusively for noise within an animal's hearing range. Below, we describe the specific acoustic effects that may result incidental to PM's proposed activities.

Richardson *et al.* (1995) described zones of increasing effect intensity that might be expected to occur with distance from a source, assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds to the area where the signal is audible to the animal and sufficiently intense to elicit behavioral or physiological responsiveness. The third is a zone within which, for high-intensity signals, the received level is sufficient to cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to some extent is the area within which masking (*i.e.,* when a sound interferes with or masks an animal's ability to detect a signal of interest above the absolute hearing threshold) may occur; the masking zone may vary widely in size.

Below, we provide additional details regarding potential impacts on marine mammals and their habitats from noise in general, starting with hearing impairment, as well as from the specific activities PM plans to conduct, to the extent it is available.

Hearing Threshold Shifts

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the audibility threshold at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018, 2024). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), the likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, the time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how the animal uses sound within the frequency band of the signal; *e.g.,* (Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Auditory Injury (AUD INJ)

NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser, 2021; Finneran, 2024). AUD INJ may or may not result in a permanent threshold shift (PTS). PTS is subsequently defined as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has some level of hearing loss at the relevant frequencies; typically, animals with PTS or other AUD INJ are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB threshold shift approximates AUD INJ onset (see Ward *et al.,* 1958, 1959; Ward, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.,* 2008), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS)

TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024), and is not considered an AUD INJ. Based on data from marine mammal TTS measurements (see Southall *et al.,* 2007, 2019), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.,* 2000, 2002; Schlundt *et al.,* 2000). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with the 24-hour cumulative sound exposure level (SEL_{24}) in an accelerating fashion: at low exposures with lower SEL_{24}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{24}, the growth curves become steeper and approach linear relationships with the sound exposure level (SEL).

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to more impactful (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more severe impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound. While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*) (Southall *et al.,* 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals *(Mirounga angustirostris*), bearded seals (*Erignathus barbatus*), and California sea lions (Kastak *et al.,* 2007; Kastelein *et al.,* 2019b, 2019c, 2022a, 2022b; Reichmuth *et al.,* 2019; Sills *et al.,* 2020). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds below the region of best sensitivity for a species or hearing group are less hazardous than those near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2019a, 2019c). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.,* 2009; Finneran *et al.,* 2010; Kastelein *et al.,* 2014, 2015). This means that TTS predictions based on the total SEL_{24} will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.,* 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2024). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.,* a 40-dB threshold shift approximates AUD INJ onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.,* 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and AUD INJ cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Behavioral Effects

Exposure to noise also has the potential to behaviorally disturb marine mammals response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); and avoidance of areas where sound sources are located. In addition, pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006).

Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007, 2019; Weilgart, 2007; Archer *et al.,* 2010).

Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016) for reviews of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure.

As noted above, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; Wartzok *et al.,* 2003; National Research Council (NRC), 2005). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997). Observed responses of wild marine mammals to loud-pulsed sound sources (*e.g.,* seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.,* 1995; Morton and Symonds, 2002; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal (*e.g.,* Erbe *et al.,* 2019). If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. If a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Avoidance and Displacement

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a, 2013b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. Acoustic and movement biologging tools also have been used in some cases to infer responses to anthropogenic noise. For example, Blair *et al.* (2016) reported significant effects on humpback whale foraging behavior in Stellwagen Bank in response to ship noise including slower descent rates, and fewer side-rolling events per dive with increasing ship nose. In addition, Wisniewska *et al.* (2018) reported that tagged harbor porpoises demonstrated fewer prey capture attempts when encountering occasional high-noise levels resulting from vessel noise as well as more vigorous fluking, interrupted foraging, and cessation of echolocation signals observed in response to some high-noise vessel passes. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Respiration rates vary naturally with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001; Gailey *et al.,* 2007). For example, harbor porpoise respiration rates increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB referenced to 1 microPascal (µPa) (dB re 1 µPa); SEL of a single strike (SEL_{ss}): 127 dB re 1 μPa^2-s) (Kastelein *et al.,* 2013).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). Harbor porpoises, Atlantic white-sided dolphins (*Lagenorhynchus actusus*), and minke whales have demonstrated avoidance in response to vessels during line transect surveys (Palka and Hammond, 2001). In addition, beluga whales in the St. Lawrence Estuary in Canada have been reported to increase levels of avoidance with increased boat presence by way of increased dive durations and swim speeds, decreased surfacing intervals, and by bunching together into groups (Blane and Jaakson, 1994). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,*

Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996; Bowers *et al.,* 2018). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal stranding. However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fishes and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive (*i.e.,* meaningful) behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Physiological Stress Responses

An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Selye, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Ayres *et al.,* 2012; Yang *et al.,* 2021). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales (*Eubalaena glacialis*). In addition, Lemos *et al.* (2022) observed a correlation between higher levels of fecal glucocorticoid metabolite concentrations (indicative of a stress response) and vessel traffic in gray whales. Yang *et al.* (2021) studied behavioral and physiological responses in captive bottlenose dolphins exposed to playbacks of ''pile-driving-like'' impulsive sounds, finding significant changes in cortisol and other physiological indicators but only minor behavioral changes. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar construction projects.

Vocalizations and Auditory Masking

Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.,* 2007; Clark *et al.,* 2009; Hatch *et al.,* 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.,* 2009). Acoustic masking is when other noises such as from human sources interfere with an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance,

navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environments are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions (Hotchkin and Parks, 2013).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation, click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003) or vocalizations (Foote *et al.,* 2004), respectively, while North Atlantic right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). Fin whales (*Balaenoptera physalus*) have also been documented lowering the bandwidth, peak frequency, and center frequency of their vocalizations under increased levels of background noise from large vessels (Castellote *et al.,* 2012). Other alterations to communication signals have also been observed. For example, gray whales, in response to playback experiments exposing them to vessel noise, have been observed increasing their vocalization rate and producing louder signals at times of increased outboard engine noise (Dahlheim and Castellote, 2016). Alternatively, in some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994, Wisniewska *et al.,* 2018).

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is anthropogenic, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect (though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2010; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors, including modifications of the acoustic properties of the signal or the signaling behavior (Hotchkin and Parks, 2013). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking occurs in the frequency band that the animals utilize and is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. The energy distribution of sound from vibratory pile driving covers a broad frequency spectrum and is anticipated to be within the audible range of marine mammals present in the proposed action area. Since noises generated from the proposed construction activities are mostly concentrated at low frequencies (<2 kilohertz (kHz)), these activities likely have less effect on mid-frequency echolocation sounds produced by odontocetes (toothed whales). However, lower frequency noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. Low-frequency noise may also affect communication signals when they occur near the frequency band for noise and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Holt *et al.,* 2009). Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, in addition to individual levels. Masking affects both senders and receivers of the signals, and at higher levels for longer durations, could have long-term chronic effects on marine mammal species and populations. However, the noise generated by PM's proposed activities will only occur intermittently, across an estimated total of 81 (not necessarily consecutive) days during the 1-year authorization period covered by each IHA, if finalized, in a relatively small area focused around the proposed construction site. Thus, PM's proposed activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

Airborne Acoustic Effects

Pinnipeds that occur near the project site could be exposed to airborne sounds associated with construction activities that have the potential to cause behavioral harassment, depending on their distance from these activities. Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above airborne acoustic harassment criteria. Although pinnipeds are known to haul out regularly on man-made objects, we believe that incidents of take resulting solely from airborne sound are unlikely due to the proximity between the proposed project area and the known haulouts (*e.g.,* 3.7 km and 8.6 km away for harbor seals; 61 km for Steller sea lions). Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound.

For instance, anthropogenic sound could cause hauled out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to flush from haulouts, temporarily abandon the area, and or move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further.

Potential Effects on Marine Mammal Habitat

PM's proposed activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs. Increased noise levels may affect the acoustic habitat (refer to masking discussion) and adversely affect marine mammal prey in the vicinity of near the project areas (see discussion below). During impact and vibratory pile driving or removal, elevated underwater noise levels would ensonify the project areas where both fish and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during the proposed construction activities; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects on the individuals or populations.

In-Water Construction Effects on Potential Foraging Habitat

As previously mentioned, the project area does not contain habitat of known importance, although it is located near an identified feeding BIA for humpback whales in Southeast Alaska, active from May through September (Wild *et al.,* 2023). However, the area only represents a tiny segment of foraging habitat for humpback whales. No critical habitat is located within the project area, and the project area is highly influenced by pre-existing and ongoing anthropogenic development and activities.

The total seafloor area likely to be impacted by PM's activities is relatively small compared to the vast foraging area available habitat in Southeast Alaska. At best, the impact area provides marginal foraging habitat for marine mammals and fish. Furthermore, proposed pile driving at the project site would not be expected to obstruct the movement or migration of marine mammals.

A temporary and localized increase in turbidity near the seafloor would occur in the immediate area due to the area where piles are installed or removed. In general, turbidity associated with pile installation is localized to about a 7.6-m radius around the pile. The sediments of the project site would settle out rapidly when disturbed. Cetaceans are not expected to be close enough to the pile-driving areas to experience the effects of turbidity, and any pinnipeds could avoid localized turbid areas. Depending on the tidal stage, local strong currents are anticipated to disburse any additional suspended sediments produced by project activities at moderate to rapid rates. Therefore, we expect the impact from increased noise is turbidity levels to be discountable to marine mammals and do not discuss it further.

The potential for prey (*i.e.,* fish) to temporarily avoid the immediate area also exists. The duration of fish and marine mammal avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. Any behavioral avoidance of the disturbed area by fish or marine mammals would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

The proposed project will occur within the same footprint as existing marine infrastructure. The near-shore and intertidal habitat where the proposed project will occur is an area of relatively high marine vessel traffic. Most marine mammals do not generally use the area within the footprint of the project area. Temporary, intermittent, and short-term habitat alteration may result from increased noise levels during the proposed construction activities. Effects on marine mammals will be limited to temporary displacement from pile installation and removal noise, and effects on prey species will be similarly limited in time and space.

Temporary and localized reduction in water quality will occur as a result of in-water construction activities. Most of this effect would occur during the installation and removal of piles when seafloor sediments are disturbed. The installation and removal of piles would disturb seafloor sediments and may cause a temporary increase in suspended sediment in the project area. During pile extraction, sediment attached to the pile moves vertically through the water column until gravitational forces cause it to slough off under its own weight. The small resulting sediment plume is expected to settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects to turbidity and sedimentation are expected to be short-term, minor, and localized. Since there may be strong currents in the area, following the completion of sediment-disturbing activities, suspended sediments in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, turbidity plumes associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area likely impacted by the proposed construction activities is relatively small compared to the available marine mammal habitat in Southeast Alaska.

Potential Effects on Prey

Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fishes, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well documented. Studies regarding the effects of noise on known marine mammal prey are described here.

Fishes utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.,* Zelick *et al.,* 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.,* 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage,

barotrauma (pressure-related injuries), and mortality.

Fish react to sounds that are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fishes (*e.g.,* Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Fewtrell and McCauley, 2012; Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Paxton *et al.,* 2017). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Peña *et al.,* 2013; Wardle *et al.,* 2001; Jorgenson and Gyselman, 2009; Cott *et al.,* 2012). More commonly, though, the impacts of noise on fishes are temporary.

SPLs of sufficient strength have been known to cause injury to fishes and fish mortality (summarized in Popper *et al.,* 2014). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function is likely restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4 to 6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.,* 2012a; Casper *et al.,* 2013, 2017).

Fish populations in the proposed project area that serve as marine mammal prey could be temporarily affected by noise from pile installation and removal. The frequency range in which fishes generally perceive underwater sounds is 50 to 2,000 Hz, with peak sensitivities below 800 Hz (Popper and Hastings, 2009). Fish behavior or distribution may change, especially with strong and/or intermittent sounds that could harm fishes. High underwater SPLs have been documented to alter behavior, cause hearing loss, and injure or kill individual fish by causing serious internal injury (Hastings and Popper, 2005).

Zooplankton is a food source for several marine mammal species, as well as a food source for fish that are then preyed upon by marine mammals. Population effects on zooplankton could have indirect effects on marine mammals. Data are limited on the effects of underwater sound on zooplankton species, particularly sound from construction (Erbe *et al.,* 2019). Popper and Hastings (2009) reviewed information on the effects of human-generated sound and concluded that no substantive data are available on whether the sound levels from pile driving, seismic activity, or any human-made sound would have physiological effects on invertebrates. Any such effects would be limited to the area extremely near (1 to 5 m) the sound source and would result in no population effects because of the relatively small area affected at any one time and the reproductive strategy of most zooplankton species (short generation, high fecundity, and extremely high natural mortality). No adverse impact on zooplankton populations is expected to occur from the specified activity due in part to large reproductive capacities and naturally high levels of predation and mortality of these populations. Any mortalities or impacts that might occur would be negligible.

The greatest potential impact to marine mammal prey during construction would occur during impact pile driving. Impact and vibratory pile driving and removal could possibly elicit behavioral reactions from fishes such as temporary avoidance of the area but is unlikely to cause injuries to fishes or have persistent effects on local fish populations. However, generally, the duration of impact pile driving would be limited to the final stage of installation (''proofing'') after the pile has been driven as close as practicable to the design depth with a vibratory driver (where necessary). In-water construction activities would only occur during daylight hours, allowing fish to forage and transit the project area in the evening.

Construction likely would have minimal permanent and temporary impacts on benthic invertebrate species, a marine mammal prey source. In addition, it should be noted that the area in question is considered low-quality habitat since it is already highly developed and experiences a high level of anthropogenic noise from normal operations and other vessel traffic.

There are several fish species near Juneau for which NMFS has identified Essential Fish Habitat (EFH), including: chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*O. keta*), coho salmon (*O. kisutch*), pink salmon (*O. gorbuscha*), and sockeye salmon (*O. nerka*) in fresh and estuarine waters; and staghorn sculpin (*Leptocottus armatus*), sablefish (*Anoplopoma fimbria*), Pacific Ocean perch (*Sebastes alutus*), yelloweye rockfish (*S. ruberrimus*), shortraker rockfish (*S. borea*), rougheye rockfish (*S. aleutianus*), dusky rockfish (*S. ciliatus*), Pacific cod, starry flounder (*Platichthys stellatus*), yellowfin sole (*Pleuronectes asper*), and rock sole (*P. bilineatus*) (Federal Aviation Administration, 2005). Additionally, there are various other ''forage fish'' in marine waters located near the project area. These species may reside in many creeks and water bodies in the area (*i.e.,* Duck Creek, Jordan Creek, Mendenhall River, Tidal Sloughs, Low Marsh, and High Marsh) (Federal Aviation Administration, 2005). Given the temporary nature of activities and the number of additional waterbodies in the area that present viable habitat, adverse effects on EFH in this area are not expected.

Potential Effects on Foraging Habitat

The proposed project is not expected to result in any habitat related effects that could cause significant or long-term negative consequences for individual marine mammals or their populations, since installation and removal of in-water piles would be temporary and intermittent. The total seafloor area affected by pile installation and removal is an exceedingly small area compared to the vast foraging area available to marine mammals outside this project area. Although most of Southeast Alaska is identified as a BIA for humpback whales (Wild *et al.,* 2023), the proposed project area is outside of that BIA. It does not contain particularly high-value habitat and is not known to be of particular importance to humpback whales or any other species potentially impacted by PM's activities. The area impacted by the project is relatively small compared to the available habitat just outside the project area, and there are no areas of particular importance that would be impacted by this project. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. As described in the preceding, the potential for PM's

construction to affect the availability of prey to marine mammals or to meaningfully impact the quality of physical or acoustic habitat is considered to be insignificant. Therefore, impacts of the project are not likely to have adverse effects on marine mammal foraging habitat in the proposed project area.

There are times of known seasonal marine mammal foraging in Southeast Alaska around fish processing/hatchery infrastructure or when fish are congregating, but the affected areas of Southeast Alaska are a small portion of the total foraging habitat available in the region. In general, effects on marine mammal prey species are expected to be minor and temporary due to the short timeframe of the project and the small project footprint.

Increased turbidity from construction activities can adversely affect forage fish and juvenile salmonid out-migratory routes in the project area. Both herring and salmon form a significant prey base for Steller sea lions, whereas herring is the primary prey species of humpback whales; both herring and salmon are components of the diet of many other marine mammal species that occur in the project area. Increased turbidity is expected to occur near construction activities. However, suspended sediments and particulates are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates, any effects on forage fish and salmon are expected to be minor or negligible. In addition, best management practices would be in effect, limiting the extent of turbidity to the immediate project area. Finally, exposure to turbid waters from construction activities is not expected to differ from the current exposure; fish of the disturbed area and marine mammals in the Southeast Alaska region are routinely exposed to substantial levels of suspended sediment from glacial sources.

In summary, given the temporary nature of the construction project and relatively small areas being affected, the pile driving installation and removal activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat or populations of fish species. The most likely impact to fishes at the project site would be temporary avoidance of the area. The most likely impact on fish from pile driving and removal activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance in this area after pile driving stops is unknown, but a rapid return to regular recruitment, distribution, and behavior is anticipated. Any behavioral avoidance by fish in disturbed areas would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we preliminarily conclude that the impacts of the specified activities are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to the adverse effects on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Takes proposed for authorization would primarily be by Level B harassment, as use of the acoustic sources (*i.e.,* vibratory and impact pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (AUD INJ) (Level A harassment) to result for harbor porpoises, Steller sea lions, and harbor seals. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable. As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment).

Level B Harassment

Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared sound pressure levels (RMS SPL) of 120 dB re 1 μPa) for continuous (*e.g.,* vibratory pile driving) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is

likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

PM's proposed activities include the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable.

Level A Harassment

NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (NOAA, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). PM's proposed activities include the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

	AUD INJ onset acoustic thresholds * (received level)	
	Hearing group	Impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	*Cell 4:* $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 223 dB;$L_{E,PW,24h}$: 183 dB	*Cell 8:* $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	*Cell 10:* $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level (L_p,0-pk) has a reference value of 1 μPa (underwater) and 20 μPa (in air), and weighted cumulative sound exposure level ($L_{E,24h}$) has a reference value of 1 μPa^2s (underwater) and $(20\ \mu Pa)^2s$ (in air). In this Table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017; ISO 2020). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 Hz to 165 kHz) or in air (*i.e.,* 42 Hz to 52 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW, OW, PA, and OA pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* vibratory pile removal and installation, and impact pile driving). The source levels assumed for both removal and installation activities are based on reviews of measurements of the same or similar types and dimensions available in the scientific literature and from similar coastal construction projects. Source levels for each pile size and activity are presented in table 5. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 5—PROXY SOUND SOURCE LEVELS

Pile size and type	Source level (at 10 m)			Reference
	Peak (dB re 1 μPa)	RMS (dB re 1 μPa)	SEL (dB re 1 μPa2 sec)	
Vibratory				
10- to 16-in timber pile	NA	162	NA	(Caltrans, 2020).
16-in steel pipe pile	NA	163	NA	(Caltrans, 2020).
24-in steel pipe pile	NA	163	NA	(U.S. Navy, 2012, U.S. Navy, 2013, Miner, 2020).*
30-in steel pipe pile	NA	166	NA	(U.S. Navy, 2012, U.S. Navy, 2013, Sexton, 2007, Laughlin, 2011, Laughlin, 2017, Miner, 2020).*
Impact				
16-in steel pipe pile	200	185	175	(Caltrans, 2020).
24-in steel pipe piles	203	190	177	(Caltrans, 2015).

TABLE 5—PROXY SOUND SOURCE LEVELS—Continued

Pile size and type	Source level (at 10 m)			Reference
	Peak (dB re 1 μPa)	RMS (dB re 1 μPa)	SEL (dB re 1 μPa2 sec)	
30-in steel pipe piles	210	190	177	(Caltrans, 2020)—Russian River Geyersville, CA; Terminal Replacement, Antioch, CA, (Illingworth & Rodkin, 2017)—Philadelphia, PA; (Austin *et al.,* 2016).*

* Methodology followed the U.S. Navy (2015) and included available data from Puget Sound, Washington, and Southern Alaska.

Transmission Loss (*TL*) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and seafloor composition and topography. The general formula for underwater *TL* is:

$TL = B \times Log10(R_1/R_2)$,

where:

TL = transmission loss in dB,
B = transmission loss coefficient,
R_1 = the distance of the modeled SPL from the driven pile, and
R_2 = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source depends on various factors, most notably the water bathymetry and the presence or absence of reflective or absorptive conditions, including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each doubling of distance from the source (20*log[range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log[range]). A practical spreading value of 15 is often used in coastal waters, such as those found in the PM JNU Rock Dump Fuel Terminal Reconstruction Project area. In these environments, sound waves repeatedly reflect off the surface and bottom, reflecting an expected propagation environment between spherical and cylindrical spreading-loss conditions. Therefore, the default coefficient of 15 is used to calculate distances to the Level A harassment and Level B harassment threshold isopleths.

Assuming practicable spreading and other assumptions regarding the source characteristics and operational logistics (*e.g.,* source level, number of strikes per pile, number of piles per day), PM calculated distances to the Level A harassment and Level B harassment thresholds and the associated ensonified areas. Because an ensonified area associated with Level A harassment is more technically challenging to predict given the accounting for a cumulative energy component that changes over time, to assist applicants in assessing the potential for Level A harassment without the need for complex modeling, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance (see *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools*). This relatively simple tool can be used to calculate a Level A harassment isopleth distance for use in conjunction with marine mammal density or occurrence to help predict the amount of take that may occur incidental to an activity. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources (*i.e.,* vibratory pile driving and removal, impact pile driving), the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User Spreadsheet tool include the source levels in table 5 and values in table 6 below.

TABLE 6—USER SPREADSHEET INPUT PARAMETERS [1] FOR CALCULATING LEVEL A HARASSMENT THRESHOLD ISOPLETHS FOR PILE DRIVING AND REMOVAL

Structure and pile parameters	Installation method [2]	Max piles per day [3]	Average piles per day	Minutes (vibratory) or strikes per pile (impact)
Pile Removal				
Retaining Wall and Approach Dock (10″–16″ Timber piles)	V	12	10	20
Main Dock and Fuel Float (10″–16″ Timber piles)	V	12	8	20
Breasting Dolphin (10″–16″ Timber piles)	V	10	8	30
Mooring Dolphin (24″ steel pipe piles)	V	6	5	30
Mooring Dolphin (30″ steel pipe piles)	V	6	5	30
Temporary Piles				
Template Construction Piles (24″ steel pipe piles)	V	12	8	60

TABLE 6—USER SPREADSHEET INPUT PARAMETERS [1] FOR CALCULATING LEVEL A HARASSMENT THRESHOLD ISOPLETHS FOR PILE DRIVING AND REMOVAL—Continued

Structure and pile parameters	Installation method [2]	Max piles per day [3]	Average piles per day	Minutes (vibratory) or strikes per pile (impact)
New Pile Installation				
Mooring and Breasting Dolphins (30″ steel pipe piles)	V	2	1	180
	I			2,000
Approach and Main Dock (24″ steel pipe piles)	V	2	1	120
	I			1,200
Abutment (24″ steel pipe piles)	V	4	3	90
	I			600
Fender Piles (16″ steel pipe piles)	V	6	5	90
	I			400
Fender Piles (24″ steel pipe piles)	V	5	4	90
	I			400
Fuel Line Support Piles (16″ steel pipe piles)	V	6	4	90
	I			600

[1] User Spreadsheet inputs—Vibratory pile driving tab A.1 (stationary source: non-impulsive, continuous), WFA 2; Impact pile driving tab E.1 (stationary source: impulsive, intermittent), WFA 2.5.
[2] Installation methods include vibratory pile driving (V) and impact pile driving (I).
[3] Estimates of the cumulative 24-hr sound energy exposure metric relevant for assessing the potential for Level A harassment assumed the maximum piles/day rate.

Using the practical spreading model, NMFS determined that the underwater noise would yield the following calculated distances to the Level A harassment and Level B harassment thresholds for marine mammals (table 7).

TABLE 7—CALCULATED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS FOR PILE DRIVING AND REMOVAL

Structure and pile parameters	Method [a]	Distance to Level A harassment isopleth (m)					Level B harassment zones (m) [b]
		Humpback whales	Killer whales	Harbor porpoise	Harbor seals	Steller sea lions	
Pile Removal							
10″–16″ Timber piles (All relevant structures)	V	27.1	10.4	22.1	34.9	11.7	6,309.6
Mooring Dolphin (24″ steel pipe piles)	V	26.1	10.0	21.3	33.6	11.3	7,356.4
Mooring Dolphin (30″ steel pipe piles)	V	41.3	15.9	33.8	53.2	17.9	11,659.1
Temporary Piles							
Template Construction Piles (24″ steel pipe piles)	V	65.7	25.2	53.7	84.6	28.5	7,356.4
New Pile Installation							
Mooring and Breasting Dolphins (30″ steel pipe piles)	V	65.6	25.2	53.6	84.4	28.4	11,659.1
	I	998.2	127.4	1,544.7	886.8	330.5	1,000
Approach and Main Docks (24″ steel pipe piles)	V	31.6	12.1	25.8	40.7	13.7	7,356.4
	I	710.1	90.6	1,098.9	630.9	235.1	1,000
Abutment (24″ steel pipe piles)	V	41.4	15.9	33.8	53.3	17.9	7,356.4
	I	710.1	90.6	1,098.9	630.9	235.1	1,000
Fender Piles (16″ steel pipe piles)	V	54.2	20.8	44.3	69.8	23.5	7,356.4
	I	522.4	66.6	808.3	464	173	464.2
Fender Piles (24″ steel pipe piles)	V	48	18.5	39.2	61.8	20.8	7,356.4
	I	628.8	80.2	973.2	558.7	208.2	1,000
Fuel Line Support Piles (16″ steel pipe piles)	V	54.2	20.8	44.3	69.8	23.5	7,356.4
	I	684.5	87.3	1,059.2	608.1	226.7	464.2

[a] Installation methods include vibratory pile driving (V) and impact pile driving (I).
[b] These isopleths are truncated by land at approximately 3,550 m during high tide and approximately 2,230 m at low tide.

Marine Mammal Occurrence

In this section, we provide information about the occurrence of marine mammals, including density or other relevant information, which will inform the take calculations. Available information regarding marine mammal occurrence in the project area includes monitoring data, previous monitoring reports, and consultation with local researchers and marine professionals. Occurrence estimates for each species

factor in historic occurrence data, seasonality, and estimated group size in Gastineau Channel, as described below. Section 6 of PM's application provides additional information regarding literature and sources cited.

Humpback whales are common in southeast Alaska, especially during the summer, but they rarely transit through Gastineau Channel, with only occasional sightings (PND Engineers, 2026). During monitoring conducted by previous IHA holders, sightings either did not occur or were rare (City of Borough of Juneau (CBJ), Docks & Harbors, 2018; CBJ, Docks & Harbors, 2020; CBJ, Docks & Harbors, 2024; Sailfin Marine Observing & Consulting, LLC, 2021; Uchytil, Michrowski, and Easterly, 2020). However, anecdotal reports indicate humpback whales do intermittently pass through the project area near downtown Juneau (PND Engineers, 2026). NMFS estimates three individual humpback whales would occur per month in the Level B harassment zone.

Killer whales occasionally occur in Gastineau Channel. Killer whale sightings in the project area reported in Happy Whale include 2019 and 2020 sightings of four and seven individuals, respectively, followed by sightings of a single individual near the Juneau-Douglas Bridge in March 2021 and another sighting of seven individuals in May 2021 (PND Engineers, 2026). NMFS reviewed eight Protected Species Observer (PSO) monitoring reports from the Juneau area (including Auke Bay, north of the Gastineau Channel) from 2019–2024. Three out of the eight reports included sightings of killer whales. Over a collective 254 days of monitoring, PSOs observed six groups of killer whales (group sizes ranged from two to six) for a total of 25 killer whales, or approximately 0.1 whales per day (25 whales/254 days or 3 whales per month). The maximum group size among anecdotal and monitoring reports was 7 individuals. Recognizing the frequency of occurrence is variable and killer whales can be present more frequently in summer for which data is lacking, NMFS estimates one group of seven individuals would occur per month (or more than one group of a smaller number of individuals) in the Level B harassment zone.

Sightings of harbor porpoises near downtown Juneau are relatively rare, although there are occasional reports of groups of two to four animals in Gastineau Channel. In September of 1992, the National Marine Mammal Laboratory Harbor Porpoise Vessel observed two harbor porpoises in Gastineau Channel southeast of downtown Juneau near the community of Thane (Global Biodiversity Information Center (GBIF) 2025). PSOs monitoring during construction of the Downtown Juneau Waterfront Improvements Project in February 2020 detected a group of four harbor porpoises (Uchytil, Michrowski, and Easterly, 2020). No harbor porpoises were sighted during marine mammal monitoring for the Aurora Harbor Rebuild—Phase II project between November 2017 and March 2018 (CBJ, Docks & Harbors, 2018). Alaska Fish and Wildlife News describes observations of a pair of harbor porpoises near the Juneau-Douglas Bridge in February 2024 (ADF&G, 2024). NMFS estimates one group of four individuals per month would occur in the Level B harassment zone.

Although rare near downtown Juneau, SSL sightings do occur regularly in Gastineau Channel. The Douglas Island Pink and Chum, Inc. (DIPAC) salmon hatchery is located along the Gastineau Channel, approximately 5.5 km (3.4 mi) northwest of downtown Juneau. DIPAC staff noted that in the summer (July through September) they see one to two SSLs per day in the water near the hatchery. Outside of those months, staff estimate they only see one to two SSLs for the remainder of the year (PND Engineers, 2026). During marine mammal monitoring over 58 days for the Downtown Juneau Waterfront Improvements Project in 2020, PSOs sighted a group of eight SSLs in February; no other SSLs were reported from December through the project completion in April (Uchytil, Michrowski, and Easterly, 2020). SSLs were observed on three occasions during monitoring for the Aurora Harbor Rebuild—Phase II project: a single adult in November; a group of three in December; and a single adult in February. The group of three SSLs was observed milling near the mouth of Kowee Creek just north of the Juneau-Douglas Bridge (CBJ, Docks & Harbors 2018). PSOs monitoring during a dredging project in December 2024, noted a single adult female traveling northwest in the Gastineau Channel near DIPAC; no other SSLs were observed in the area during the project (City & Borough of Juneau, Docks and Harbors, 2025). Given the proximity of the PM project area to DIPAC, NMFS estimates that two individuals per day would occur in the Level B harassment zone.

Harbor seals are one of the most frequently sighted marine mammals in the project area. During marine mammal monitoring for the Downtown Juneau Waterfront Improvements Project in 2020, harbor seals were present in the project area on most days, and the monitoring report suggests that a resident group of around 10–12 harbor seals uses Gastineau Channel in the winter (Uchytil, Michrowski, and Easterly 2020). During marine mammal monitoring for the Aurora Harbor Rebuild—Phase II Project between November 2017 and March 2018, 466 harbor seals were sighted over approximately 273 observation hours (CBJ, Docks & Harbors 2018). PSOs sighted a total of 17 harbor seals over approximately 32 of monitoring during the Aurora Harbor Rebuild—Phase III project in December 2023 through February 2024 (CBJ, Docks & Harbors, 2024). All sightings were of single individuals, except for one sighting of a pair (CBJ, Docks & Harbors, 2024). A total of 26 harbor seals were observed over 12.5 hours of monitored construction for the Harris Harbor Pile Driving project in February 2021. PSOs for the project note that these sightings were likely of the same few individuals and estimated that there were approximately three to five individual resident harbor seals in the project area in Harris Harbor (Sailfin Marine Observing & Consulting, LLC. 2021). Harbor seals haul out on the shoals near DIPAC (Alaska Fisheries Science Center [AFSC] 2025). This area is not known to be a key haulout for harbor seals; however, moderate numbers of seals move up Gastineau Channel toward this haulout during hatchery releases. Using marine mammal monitoring data collected during construction of previous projects near downtown Juneau, PM calculated the average number of harbor seals sighted per day across the observation periods (n=18). Based on PM's calculation, NMFS estimates 18 harbor seals per day would occur in the Level B harassment zone.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

Estimated take was calculated based on either daily or monthly occurrence estimates for each species, using the following formulas:

Estimated take (daily) = group size × groups per day × days of pile driving; and

Estimated take (monthly) = group size × groups per month × months of pile driving activity, where one month is a 30-day period.

The equation for daily estimated take was used for species whose occurrence

was ''common'' and therefore had a daily occurrence estimate (harbor seals, Steller sea lions). The equation for monthly estimated take was used for all other species. The estimated take value was rounded to the nearest whole number at the end of the calculation.

While NMFS expects take to be primarily by Level B harassment, PM requested, and NMFS is proposing to authorize take by Level A harassment (AUD INJ) for three species: harbor porpoise, harbor seal, and Steller sea lion.

NMFS does not anticipate that harbor porpoises would incur AUD INJ incidental to PM's construction activities. Harbor porpoises are behaviorally sensitive species, and it is well documented they exhibit strong avoidance reactions to noise such as pile driving. It is unlikely that a harbor porpoise would occur and remain within the Level A harassment zone for a long enough duration to incur AUD INJ. However, PM requested take of harbor porpoise by Level A harassment, citing the following reasons. For impact pile driving activities, PM is proposing a 300-m shutdown zone that is smaller than the largest Level A harassment zones which, depending on the pile type, range from 808 m to 1,545 m. Additionally, harbor porpoises are small, cryptic, and surface briefly, which can limit the probability of detection by PSOs at distances greater than a few hundred meters, particularly when sighting conditions are suboptimal (*e.g.,* glare, wave chop, reduced light). Although AUD INJ is not anticipated, PM requested, and therefore, NMFS proposes to authorize take by Level A harassment of 1 harbor porpoise per month over the 3 months that project may occur, for a total of 3 takes by Level A harassment).

For harbor seals, the proposed 25-m shutdown zone for impact pile driving is small compared to the Level A harassment zones, which range from 525 m to 1,000 m. PM anticipates, and NMFS concurs, that harbor seals could enter the Level A harassment zone and remain in the zone for a long enough duration to incur PTS. As indicated in table 6, impact pile driving would be conducted on 47 of the 81 (*i.e.,* 58 percent) in-water construction days. Thus, PM assumed that 58 percent of the total estimated take (n=1,458) could be by Level A harassment (n=846) and the remainder of the estimated takes would be by Level B harassment (n=612). Given impact pile driving will be intermittent throughout the day, harbor seals would likely have auditory recovery time following any exposure. However, to avoid underestimating the potential for AUD INJ, NMFS is proposing to authorize 846 takes by Level A harassment.

PM requested authorization of several instances of take by Level A harassment for SSLs due to the species' crypticity, potentially high abundance during the construction period, and the project's proximity to foraging habitat. SSLs can be difficult to detect in water because they surface briefly and provide only a small surface expression. Given PM's construction schedule, project activities could overlap peaks in SSL abundance (*i.e.,* during the salmon run). PM's proposed shutdown zones are equal to or larger than the Level A harassment zones, thus NMFS anticipates that take by Level A harassment of SSLs is unlikely. However, PM requested, and NMFS is proposing to authorize, take of one SSL by Level A harassment per month (three takes by Level A harassment total) in the event that an SSL enters, and remains unobserved within, the Level A harassment zone for a long enough duration to incur AUD INJ before a shutdown occurs.

No Level A harassment is anticipated for killer whales or humpback whales. Both species are large bodied with pronounced external blows and are, thus, more easily detected by PSOs. Additionally, the proposed shutdown zones for each species are equal to or exceed the Level A harassment zones for the relevant hearing group.

Table 8 summarizes take by both Level A harassment (AUD INJ) and Level B harassment proposed to be authorized, as well as estimated takes as a percentage of stock abundance.

TABLE 8—SUMMARY OF THE PROPOSED TAKE FOR JNU ROCK DUMP FUEL TERMINAL RECONSTRUCTION PROJECT

Species	Stock	Abundance	Level A harassment	Level B harassment	Total	Percentage of total stock proposed for authorization [1]
Humpback whale [2]	Hawaii	11,278	0	8	8	<1
Killer whale [3]	Eastern North Pacific Alaska resident	1,920	0	21	21	1.1
	Gulf of Alaska/Aleutian Islands/Bering Sea Transient	587				3.6
	Eastern North Pacific Northern Resident	302				7
	West Coast Transient	349				6
Harbor porpoise	Northern Southeast Alaska Inland Waters	1,619	3	8	11	0.7
Steller sea lion [4]	Western	49,837	0	2	2	0
	Eastern	36,308	3	159	162	0.4
Harbor seal	Lynn Canal/Stephens Passage	13,388	846	612	1,458	10.9

[1] Percent of stock refers to combined take by both Level B harassment and Level A harassment (where requested).

[2] 98 percent of humpback whales in the project area are expected to be from the Hawai'i stock and 2 percent from the Mexico-North Pacific stock. Thus, of the low number of total estimated takes for humpback whales (n=8), this equates to 7.84 and 0.16 estimated takes of humpback whales from the Hawai'i and Mexico-North Pacific stocks, respectively. After applying standard rounding, NMFS is not proposing to authorize take of the Mexico-North Pacific stock of humpback whales.

[3] Scientific data is not available to determine the likelihood of each killer whale stock in PM's proposed project area, and the stocks cannot be differentiated in the field. When calculating the percentage of stock, NMFS assumes all takes may occur to each killer whale stock.

[4] SSL DPS attribution: 98.6 percent Eastern DPS and 1.4 percent Western DPS.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or

stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The mitigation requirements described in the following were proposed by PM in its adequate and complete application or are the result of subsequent coordination between NMFS and PM. PM has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements and has included them in the proposed IHA.

In addition to the measures described later in this section, PM would follow these general mitigation measures:

- Ensure that construction supervisors and crews, the marine mammal monitoring team, and relevant staff are trained prior to the start of all construction activities, so that responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work;
- Employ PSOs and establish monitoring locations as described in the Protected Species Monitoring and Mitigation Plan (PSMMP). PM must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions; and
- PM also would abide by the reasonable and prudent measures and terms and conditions of a Biological Opinion and Incidental Take Statement, if issued by NMFS, pursuant to Section 7 of the ESA.

Additionally, the following mitigation measures apply to PM's in-water construction activities.

Establishment of Clearance and Shutdown Zones

PM proposed and NMFS would require the establishment of the clearance and shutdown zones identified in table 9 for all pile driving activities. The purpose of a clearance zone is to prevent potential instances of auditory injury and more severe behavioral disturbance to the maximum extent practicable by delaying the commencement of pile driving if marine mammals are detected within certain pre-defined distances from the pile being installed. The purpose of a shutdown is to prevent a specific, acute impact, such as auditory injury or more severe behavioral disturbance, by halting the activity. Additionally, to avoid unauthorized takes, PM would delay an activity or shut down in the event that a species for which take is not authorized or for which take has been reached is observed within or entering any designated harassment zone. If pile driving activities are delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the clearance and shutdown zones indicated in table 9 or 15 minutes have passed without re-detection of the animal.

If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

In general, the clearance and shutdown zones represent the calculated Level A harassment distance rounded up for ease of implementation (table 9). However, the proposed IHA includes shutdown zones that are smaller than the Level A harassment zones (table 7) for harbor porpoises (300-m shutdown zone) and harbor seals (25-m shutdown zone) due to detectability concerns (*i.e.,* both species are cryptic). In addition, harbor seals are frequently observed in close proximity to project sites, sometimes approaching active pile-driving sites (*e.g.,* CBJ, 2019). Therefore, PM asserts, and NMFS concurs, that a larger mitigation zone for harbor seals would not be practicable due to the potential for frequent delays or shutdowns. For both species, NMFS is proposing to authorize take by Level A harassment to account for the fact that the species-specific proposed shutdown zone is smaller than the maximum Level A harassment zone.

TABLE 9—PROPOSED SHUTDOWN ZONES (m) AND LEVEL B HARASSMENT ZONES DURING ACTIVITIES FOR THE JNU ROCK DUMP FUEL TERMINAL RECONSTRUCTION PROJECT

Structure and pile parameters	Installation method [1]	Shutdown zones (m)							Level B harassment zones (m) [3]
		Humpback whales	Killer whales	Steller sea lions	Harbor porpoise [2]		Harbor seals [2]		
					Reduced	Full	Reduced	Full	
Pile Removal									
10″–16″ Timber Piles (All Relevant Structures)	V	30	15	15	25	25	25	35	6,310
Mooring Dolphin (24″ Steel Pipe Piles)	V	30	10	15	25	25	25	35	7,360
Mooring Dolphin (30″ Steel Pipe Piles)	V	45	20	20	35	35	25	55	11,660
Temporary Piles									
Template Construction Piles (24″ Steel Pipe Piles)	V	70	30	30	55	55	25	85	7,360
New Pile Installation									
Mooring and Breasting Dolphins (30″ Steel Pipe Piles)	V	70	30	30	55	55	25	85	11,660

TABLE 9—PROPOSED SHUTDOWN ZONES (m) AND LEVEL B HARASSMENT ZONES DURING ACTIVITIES FOR THE JNU ROCK DUMP FUEL TERMINAL RECONSTRUCTION PROJECT—Continued

Structure and pile parameters	Installation method [1]	Shutdown zones (m)							Level B harassment zones (m) [3]
		Humpback whales	Killer whales	Steller sea lions	Harbor porpoise [2]		Harbor seals [2]		
					Reduced	Full	Reduced	Full	
	I	1,000	130	335	300	1,545	25	890	1,000
Approach and Main Docks (24″ Steel Pipe Piles) ...	V	35	15	15	30	30	25	45	7,360
	I	715	95	240	300	1,100	25	635	1,000
Abutment (24″ Steel Pipe Piles)	V	45	20	20	35	35	25	55	7,360
	I	715	95	240	300	1,100	25	635	1,000
Fender Piles (16″ Steel Pipe Piles)	V	55	25	25	45	45	25	70	7,360
	I	525	70	175	300	810	25	465	470
Fender Piles (24″ Steel Pipe Piles)	V	50	20	25	40	40	25	65	7,360
	I	630	85	210	300	975	25	560	1,000
Fuel Line Support Piles (16″ Steel Pipe Piles)	V	55	25	25	45	45	25	70	7,360
	I	685	90	230	300	1,060	25	610	470

[1] Installation methods include vibratory pile driving (V) and impact pile driving (I).
[2] PM would implement reduced shutdown zones for harbor porpoises and harbor seals until the species-specific number of takes by Level A harassment NMFS is proposing to authorize has been met, after which PM would implement a full shutdown zone that is equal to or greater than the maximum Level A harassment zone.
[3] These isopleths are truncated by land at approximately 3,550 m during high tide and approximately 2,230 m at low tide.

Pre- and Post-Activity Monitoring

Monitoring would take place from 30 minutes prior to initiation of pile driving (pre-start clearance monitoring) through 30 minutes post-completion of pile driving. In addition, monitoring for 30 minutes would take place whenever a break in the specified activity (*i.e.,* impact or vibratory pile driving) of 30 minutes or longer occurs. Pre-start clearance monitoring would be conducted during periods of visibility sufficient for PSOs to determine that the clearance zones indicated in table 9 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the clearance zones are clear of marine mammals.

Soft Start

PM would use soft start procedures for impact pile driving to provide additional protection to marine mammals by issuing a warning and/or giving them a chance to leave the area before the hammer operates at full capacity. Soft start required contractors to provide an initial set of three strikes as reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. This soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of this activity for a period of 30 minutes or longer within a day.

Bubble Curtains

PM has not proposed to use a bubble curtain during impact pile driving due to limited effectiveness of the bubble curtains due to the strong tides in the area and economic impracticability. In general, bubble curtains reduce noise levels near the source, minimizing exposure level. However, for this project, most of the piles are located within the intertidal zone, and thus a substantial number of piles will be installed above water or with the limits of the bubble curtain above the water surface preventing the bubble curtains from being effective. In addition, bubble curtains would be cost prohibitive and would prevent the project from going forward. For these reasons, PM has determined that the use of a bubble curtain is not practicable, and NMFS agrees.

NMFS conducted an independent evaluation of the proposed measures and has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, areas of similar significance, and on the availability of such species or stock for subsistence uses.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by PM in its adequate and complete application and/or are the result of subsequent coordination between NMFS and PM. PM has agreed to the requirements. NMFS describes

these below as requirements and has included them in the proposed IHA.

Proposed Monitoring

A minimum of two PSOs would be on duty during all pile-driving activities. All PSOs must be NMFS-approved. PSOs would be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during an activity pursuant to a NMFS issued Incidental Take Authorization (ITA) or Letter of Concurrence (LOC). Other PSOs may substitute other relevant experience (including relevant Alaska Native traditional knowledge), education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. Where a team of three or more PSOs is required a lead observer or monitoring coordinator would be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA or LOC.

PSOs will be positioned at the best practicable vantage points, taking into consideration security, safety, access, and space limitations. Observer locations must be identified that (1) have an unobstructed view of the work being conducted and (2) unobstructed view of all the water within the Level A harassment zone and as much of the Level B harassment zone as possible. Potential observation locations are depicted in Figure 1 of PM's PSMMP. Optimal observation locations will be selected based on visibility and the type of work occurring.

Reporting

PM would submit a draft report on all construction activities and marine mammal monitoring results to NMFS within 90 calendar days of the completion of monitoring, or 60 days prior to the requested issuance of any subsequent IHAs or similar activity at the same location, whichever comes first. PM will provide a final report to NMFS within 30 days following receipt of any NMFS' comments on the draft report. The information required to be collected and reported to NMFS is included in the draft IHA available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In summary, the report would include, but not be limited to, information regarding activities that occurred, marine mammal sighting data, and whether mitigative actions were taken or could not be taken. PM would also be required to submit reports on any observed injured or dead marine mammals. If the death or injury was clearly caused by a specified activity, the PM would immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. PM would not resume its activities until notified by NMFS.

Specific proposed monitoring and reporting requirements can be found in the draft IHA found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all species listed in table 2 given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Impact and vibratory pile driving and removal have the potential to disturb or displace marine mammals and may result in take in the form of Level B harassment for all species and stocks in table 2 and Level A harassment for harbor porpoises, harbor seals, and SSLs. Potential takes could occur if individuals of these species are present in Level B harassment identified above when these activities are underway. PM would implement mitigation measures designed to reduce the potential for and severity of harassment on the affected marine mammal species and stocks during the specified activities.

Given the nature of PM's proposed activities, NMFS does not anticipate serious injury or mortality, even in the absence of required mitigation. Take by Level A harassment is proposed for harbor porpoises, harbor seals, and SSLs to account for the potential that an animal could enter and remain in the Level A harassment zone unnoticed for a duration long enough to be taken by Level A harassment. Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ because animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ. Further, PTS would only occur within the frequency range of the source (*i.e.,* impact pile driving) which does not cover any species complete hearing range. For most species, the frequency range of the noise produced by the specified activities is outside their primary hearing range. Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, any AUD INJ or TTS potentially incurred here is not expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

For all species and stocks, take is expected to occur within a limited, confined area (adjacent to the project site) of the species' range, including Southeast Alaska. The intensity and duration of take by Level A harassment and/or Level B harassment would be minimized through the proposed mitigation measures described herein. Further, the number of take proposed

for each species is small when compared to stock abundance.

Behavioral responses of marine mammals to pile removal and installation at the JNU Rock Dump Fuel Terminal are expected to be mild, short-term, and temporary. Marine mammals within the Level B harassment zones may not show any visual cues that they are disturbed by activities, or they may become alert, avoid the area, leave the area, or display other mild responses that are not observable, such as changes in vocalization patterns. Given that pile removal and installation activities would only occur on a limited number of days each year, often on non-consecutive days, any harassment would be temporary. Additionally, many of the species present in the Gastineau Channel would be present only for part of the year, based on seasonal patterns or during active transit between other habitats. These species would be exposed to even shorter periods of noise-generating activity, further decreasing the impacts.

Most likely, during the specified activities, individuals are expected to move away from the sound source until the source ceases. An avoidance response is most likely to occur if an animal is in close proximity to a source, most notably impact pile driving. At distance, the severity of any behavioral response is likely to be diminished from all of the specified activities. It is possible that avoidance or other behavioral responses do not occur, especially for non-impulsive sources such as vibratory pile removal and driving, given marine mammals in the Juneau area are consistently exposed to anthropogenic noise sources like vessel traffic. Regardless, NMFS assumes animals disturbed by project sounds would be expected to avoid the area and use nearby higher-quality habitats.

The potential for harassment is minimized through the implementation of the proposed mitigation measures. The use of shutdown and clearance zones reduce the likelihood of incurring AUD INJ. During impact driving, implementation of soft start procedures shall be required, reducing possibility for injury. Through the use of soft start during impact pile driving, marine mammals are expected to move away from a disturbing sound source prior to it becoming potentially injurious.

Any impacts on prey that would occur during in-water construction would have at most short-term effects on foraging of individual marine mammals, and likely no effect on the populations of marine mammals as a whole. Therefore, effects on marine mammal prey during the construction are expected to be minimal and, therefore, are unlikely to cause substantial effects on marine mammals at the individual or population level.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the reproduction or survival of any individual, much less the stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrated that the potential effects of the specified activities would have only short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would, therefore, not result in population-level impacts.

For humpback whales, the inland waters of Southeast Alaska are a seasonal feeding BIA from May through September (Wild *et al.,* 2023). However, the portion of Gastineau Channel near the project area is not included in the feeding BIA, thus, the ensonified area from PM's proposed activities would not overlap with important foraging habitat. We do not expect PM's proposed construction to have any effect on humpback whales' ability to forage.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Any Level A harassment is anticipated to be slight AUD INJ, including slight PTS of a few decibels within the lower frequencies associated with pile driving and not encompassing a species' full hearing range;
- The anticipated incidents of Level B harassment would result in, at worst, temporary modifications in behavior or a small degree of TTS that would resume to baseline at the cessation of activities or as animals move away from the source;
- The project area is located in a highly industrialized and commercial area; therefore, species taken are likely acclimated to anthropogenic activities and behavioral reactions are expected to be minor;
- Take could occur within an exceedingly small area affected by the specified activity relative to the overall habitat ranges of all species, and it does not include any rookeries nor does it overlap any known BIAs or ESA-designated critical habitat;
- Effects on species that serve as prey for marine mammals from the activities are primarily expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue adverse impacts on their populations;
- The proposed mitigation measures, such as soft starts for impact pile driving and shutdown zones, are expected to reduce the effects of the specified activity on marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities. As previously stated, no mortality or serious injury has been requested, nor is it anticipated to occur from the activities described herein.

The number of instances of take for each species or stock proposed for authorization are included in table 8. Our analysis shows that for all species with available population abundance estimates, less than one-third of the best available population abundance estimate of each stock could be taken by harassment incidental to the proposed construction.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be

taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an ''unmitigable adverse impact'' on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) causing the marine mammals to abandon or avoid hunting areas; (ii) directly displacing subsistence users; or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Alaska Natives have traditionally harvested subsistence resources, including sea lions and harbor seals, in Southeast Alaska. Since surveys of harbor seal and sea lion subsistence harvest in Alaska began in 1992, there have been declines in the number of households hunting and harvesting pinnipeds in Southeast Alaska while the number of household hunting and harvesting sea lions has remained relatively constant at low levels (Wolfe *et al.* 2013). Subsistence harvest data for the Lynn Canal/Stephens Passage stock indicates an average annual harvest in the years 2004–2008 of 69 harbor seals; in 2011, 42 seals were harvested, and 24 seals were harvested in 2012 (summarized in Muto *et al.* 2016 from Wolfe *et al.* 2013). In 2012, the community of Juneau had an estimated subsistence take of zero SSL (Wolfe *et al.* 2013).

The ADF&G has designated the area around Juneau, including ensonified waters from the project, a non-subsistence area, defined as an area where dependence upon subsistence (customary and traditional uses of fish and wildlife) is not a principal characteristic of the economy, culture, and way of life (AS 16.05.258(c)). Regardless, the impact of the project on marine mammals is expected to be primarily limited to mild behavioral reactions (*e.g.,* avoidance during pile activities, increased swim speeds, or cessation of vocalizations) such that it would not affect their availability for subsistence use.

Given all of this information, NMFS has preliminarily determined that authorizing the take requested by PM is not likely to adversely affect the availability of any marine mammal species/stocks that would traditionally be used for subsistence purposes or would affect any subsistence harvest.

- The proposed construction activities are spatially localized within an existing waterfront development wherein marine mammals have become acclimated to human activity;
- The proposed activities are temporary in nature;

PM would implement mitigation measures that minimize any harassment to marine mammals in the action area, including traditionally harvested species;

- NMFS expects that most of the effects on marine mammals would not rise above behavioral impacts (*i.e.,* Level B harassment) and would be temporary in nature and any AUD INJ (*i.e.,* Level A harassment) that may occur would be a slight threshold shift and would be limited to a few instances of take; and
- No serious injury or mortality is expected or proposed to be authorized.

For these reasons, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from authorizing the requested take that may occur incidental to PM's specified activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species, in this case with the NMFS Alaska Regional Office (AKRO).

NMFS Office of Protected Resources (OPR) is proposing to authorize take of the western stock of Steller sea lions, which are listed under the ESA. OPR has requested initiation of section 7 consultation with AKRO for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to PM for conducting construction in Juneau, AK, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed construction. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate,

and the findings in the initial IHA remain valid.

Dated: September 4, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18458 Filed 9–9–26; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* September 27, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On July 30, 2026 the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List.(91 FR 48089) The Committee determined that the service listed below is suitable for procurement by the Federal Government and has added this service to the Procurement List as a mandatory purchase for the contracting activity listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activity at the location listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized the listed nonprofit agency as the authorized source of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) added to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Food and Logistics Support Services.

Mandatory For: US Army, Pennsylvania Army National Guard, Fort Indiantown Gap, PA, 48 FISHER AVE DMVA, Fort Indiantown Gap, PA.

Authorized Source of Supply: Opportunity Center, Incorporated, Wilmington, DE.

Contracting Activity: DEPT OF DEFENSE, W7NX USPFO ACTIVITY PA ARNG.

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the Department of the Army, Supply Distribution Food, USPFO–PA, Fort Indiantown Gap, PA contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the Department of the Army will refer its business elsewhere, this addition must be effective on September 27, 2026, ensuring timely execution for a October 1, 2027 start date. The Committee published an initial notice of proposed Procurement List addition in the **Federal Register** on July 30, 2026 (91 FR 48089) but did not receive any comments. This addition will not create a public hardship and has limited effect on the public at large. Rather, this addition will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition enables the Federal customer to continue operations without interruption.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–18471 Filed 9–9–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: October 10, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 700005401N—Monitor, Desktop, 23.8″.

Authorized Source of Supply: Goodwill Vision Enterprises, Rochester, NY.

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT.

NSN(s)—Product Name(s): 7340–00–NIB–0014—Cutlery, Plastic, Medium Weight, Knife.

Authorized Source of Supply: LC Industries, Inc., Durham, NC.

Contracting Activity: DEPT OF DEFENSE, U

S FLEET FORCES COMMAND.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–18472 Filed 9–9–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Record of Decision for the Environmental Impact Statement T–7A Recapitalization at Sheppard AFB, TX

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of record of decision.

SUMMARY: On August 4, 2026, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the T–7A Recapitalization at Sheppard AFB, TX, Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Ms. Chinling Chen, NEPA Project Manager, by email at *chinling.chen@us.af.mil* or Headquarters AETC Public Affairs by phone at (380) 457–2633.

SUPPLEMENTARY INFORMATION: The DAF will implement its Alternative 3 to recapitalize all T–38C aircraft at Sheppard AFB with up to 131 T–7A aircraft, limiting initial delivery to 108 per the Secretary of the Air Force Strategic Basing Decision approving Sheppard AFB as the fifth T–7A Main Operating Base. DAF will execute all portions of T–7A recapitalization at Sheppard AFB including the operations and changes to the number of personnel and dependents as defined for Alternative 3. Alternative 3 is selected to provide DAF with flexibility for future capacity needs after considering the potential environmental consequences provided in the EIS for T–7A recapitalization at Sheppard AFB, the comments and concerns of the public and other key stakeholders, as well as other factors related to national defense, including current military operational needs and costs. The Final EIS was made available to the public through the project website (*https://vance.t-7anepadocuments.com*), and a Notice of Availability was published in the **Federal Register** (Volume 91, Number 108, Page 34233) on June 5, 2026.

The DAF decision documented in the ROD was based on matters discussed in the Final EIS, inputs from the public and regulatory agencies, and other relevant factors. Authority for this notice is 42 U.S.C. 4321, *et seq.* and Department of Defense National Environmental Policy Act Implementing Procedures.

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–18421 Filed 9–9–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Exchange of Air Force Real Property for Non-Air Force Real Property

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of Intent.

SUMMARY: The Department of the Air Force is publishing this Notice to identify Federal real property that it intends to exchange land with the Massachusetts Institute of Technology (MIT) property in furtherance of a federally funded research and development center operated by MIT at Hanscom AFB, MA.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit objections to Daniel J. Wetz, Air Force Civil Engineer Center (AFCEC/CITE), 2261 Hughes Avenue, Suite 155, Joint Base San Antonio (JBSA) Lackland, TX 78236–9853; telephone (380) 459–8501.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wetz, Air Force Civil Engineer Center (AFCEC/CITW), 2261 Hughes Avenue, Suite 155, Joint Base San Antonio (JBSA) Lackland, TX 78236–9853; telephone (380) 459–8501.; Email: *daniel.wetz.2@us.af.mil.*

SUPPLEMENTARY INFORMATION: The Air Force will agree to convey 1.04 acres in fee with a nominal value ($0) to The Massachusetts Institute of Technology, a not for profit corporation created under the laws of the Commonwealth of Massachusetts, the Recipient, in exchange for 1.04 acres in fee, also with a nominal value ($0). The Government is entering into this Agreement pursuant to the authority contained in Title 10, United States Code, Section 2869(d)(2), Exchange of Property at Military Installations.

On 8 September 2026, the Department of the Air Force notified the appropriate Congressional committees of the terms and conditions of the proposed exchange pursuant to Title 10, United States Code, Section 2869(d)(2). (Authority: Title 10, United States Code, Section 2869.)

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–18466 Filed 9–9–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1982]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 9, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any

personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of War Education Activity (Executive Services Division), ATTN: Brianna Paul, 4800 Mark Center Drive, Alexandria, VA 22350 or call at (571) 545–3996.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Post Card Application (FPCA); SF76; OMB Control Number 0704–0503.

Needs and Uses: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 United States Code 203, requires the Presidential designee (Secretary of Defense) to prescribe an official form containing an absentee voter registration and ballot request application for use by the States to permit absent uniformed services voters and overseas voters to participate in general, special, primary and runoff elections for Federal office. The authority for the States to collect personal information comes from UOCAVA. The burden for collecting this information resides in the States. The federal government neither collects nor retains any personal information associated with this form.

The collected information will be used by State and local election officials to process uniformed service members, spouses and overseas citizens who submit their information to register to vote or receive an absentee ballot. The collected information will be retained by election officials to provide election materials, including absentee ballots, to the uniformed services, their eligible family members and overseas voters during the form's eligibility period provided by State law. No information from the Federal Post Card Application (FPCA) is collected or retained by the Federal government. The FPCA is completed in hardcopy or via the Federal Voting Assistance Program's (FVAP) online assistant (*fvap.gov*) and submitted by the voter to an Election Official through mail, email, or fax (depending on State instructions). Per the law, FVAP regularly reaches out to UOCAVA citizens in order to raise awareness of its voting assistance services, primarily via its website, *FVAP.gov.*

Affected Public: Individuals; State and Local Governments.

Annual Burden Hours: 300,000.

Number of Respondents: 1,200,000.

Responses per Respondent: 1.

Annual Responses: 1,200,000.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: September 3, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–18479 Filed 9–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1981]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD (P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 9, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of War Education Activity (Executive Services Division), ATTN: Brianna Paul, 4800 Mark Center Drive, Alexandria, VA 22350 or call at (571) 545–3996.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Write-In Absentee Ballot; Standard Form 186; OMB Control Number 0704–0502.

Needs and Uses: The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 United States Code 203, requires the Presidential designee (Secretary of Defense) to prescribe an official backup ballot for use by the States to permit absent uniformed services voters and overseas voters to participate in general, special, primary and runoff elections for federal office. The authority for the States to collect personal information comes from UOCAVA. The burden of collecting this information resides in the States. The federal government neither collects nor retains any personal information associated with these forms.

The collected information will be used by State and local election officials to process uniformed service members, spouses and overseas citizens who submit their information to register to vote or receive an absentee ballot. The collected information will be retained by election officials to provide election materials, including absentee ballots, to the uniformed services, their eligible family members and overseas voters during the form's eligibility period provided by State law. No information from the Federal Write-In Absentee Ballot (FWAB) is collected or retained by the federal government. The FWAB is completed in hardcopy or via the Federal Voting Assistance Program's (FVAP) online assistant (*fvap.gov*) and submitted by the voter to an Election Official through mail, email, or fax (depending on State instructions). Per the law, FVAP regularly reaches out to UOCAVA citizens to raise awareness of its voting assistance services, primarily via its website, *FVAP.gov.*

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit Institutions; Farms,

Federal Governments; State, Local or Tribal Government.

Annual Burden Hours: 300,000.

Number of Respondents: 1,200,000.

Responses per Respondent: 1.

Annual Responses: 1,200,000.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: September 3, 2026.

Stephanie J. Bost,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–18473 Filed 9–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of the Virtual Meetings of the Federal Advisory Committee Known as the Western Water Cooperative Committee

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Western Water Cooperative Committee, a Federal Advisory Committee, provides a forum for discussions between the U.S. Army Corps of Engineers (''Corps'') and Western States regarding the operation of Corps projects and water rights and water laws of Western States. The Western Water Cooperative Committee will host two online virtual meetings, one on October 1, 2026, that will give the Corps presentations on water management and water supply authorities given at the December 2025 meeting, and one on October 6, 2026, that will be a discussion on the Committee by-laws. These meetings are open to the public.

DATES: The Western Water Cooperative Committee will conduct two online virtual meetings: (1) from 1:00 p.m. EDT to 5:00 p.m. EDT on Thursday, October 1, 2026, and (2) from 2:00 p.m. EDT to 4:00 p.m. EDT on Tuesday, October 6, 2026.

ADDRESSES: The Western Water Cooperative Committee meetings will both be online virtual meetings. Information for the online virtual meetings can be accessed at the committee's website: *https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/*. Comments or requests to speak at the meetings should be submitted in writing to the Designated Federal Officer (DFO) for the committee: Mr. Sean L. Smith, ATTN: CEEC, 441 G. St. NW, Washington, DC 20314–1000; or by email at *WWCC@usace.army.mil.* Alternatively, contact the Alternate Designated Federal Officer (ADFO): Ms. Virginia K. Rynk, ATTN: CEEC, 441 G. St. NW, Washington, DC 20314–1000; or by email at *WWCC@usace.army.mil.* Electronic mail is the preferred mode of submission.

FOR FURTHER INFORMATION CONTACT: The DFO for the committee: Mr. Sean L. Smith, by telephone at 202–761–0301; and by email at *WWCC@usace.army.mil;* or the ADFO, Ms. Virginia K. Rynk by telephone at 202–761–4741; and by email at *WWCC@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meetings are being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Chapter 10, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The committee is chartered pursuant to Section 8158 of the James M. Inhofe National Defense Authorization Act (33 U.S.C. 701b–17) to ensure that the Corps flood control projects in Western States, as described in section 8158(b), are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of the Corps projects and water rights and water laws in such States.

The meeting on Thursday, October 1, 2026, will present the slides from the Corps presentations given at the December 3, 2025, in-person meeting on the Corps water management and water supply authorities.

The meeting on Tuesday, October 6, 2026, will resume discussion on the Committee by-laws from the February 5, 2026, meeting and finalize the proposed by-laws for the Committee.

Agenda: At the meeting on October 1, 2026, the agenda will include the presentation of materials presented by the Corps at the December 3, 2025, meeting; at the meeting on October 6, 2026, the agenda will include discussion of the proposed by-laws.

Availability of Materials for the Meeting: A copy of the agendas or any updates to the agendas for both the October 1, 2026, and October 6, 2026, virtual meetings will be available on the website: *https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/*. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, these virtual meetings are open to the public. Any interested person may participate in the meetings, file written comments or statements with the committee, or make verbal comments during the virtual public meetings, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the virtual public meeting or seeking additional information about the procedures, should contact Mr. Smith, the committee DFO, or Ms. Rynk, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee about its mission and/or topics to be addressed in these virtual public meetings. Written comments or statements should be submitted to Mr. Smith, the Committee DFO, or Ms. Rynk, the Committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, daytime phone number, and reference to which meeting date the comment or statement is directed. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the committee for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Please note that because the committee operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the virtual public meetings only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open virtual meetings, that individual must submit a request, with a brief statement of the

subject matter to be addressed by the comment, at least five business (5) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of each meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Director, Engineering and Construction Directorate, Corps of Engineers.

[FR Doc. 2026–18488 Filed 9–9–26; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loan), Assistance Listing Number 84.268, with first disbursement dates before July 1, 2006, and for Federal Direct Consolidation Loans (Direct Consolidation Loans) for which the application was received before February 1, 1999. The rates announced in this notice are in effect for the period July 1, 2026, through June 30, 2027.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174 or by email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates. For these loans, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan.

This notice announces the interest rates for variable-rate Direct Loans that will apply during the period from July 1, 2026, through June 30, 2027. Interest rate information for fixed-rate Direct Loans is announced in a separate notice published in the **Federal Register**.

Interest rates for variable-rate Direct Loans are determined in accordance with formulas specified in section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)). The formulas vary depending on loan type and when the loan was first disbursed or, for certain Direct Consolidation Loans, when the application for the loan was received. The HEA specifies a maximum interest rate for these loan types. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate.

Variable-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates before July 1, 2006, and for Direct PLUS Loans with first disbursement dates on or after July 1, 1998, and before July 1, 2006, the interest rate is equal to the lesser of—

(1) The bond equivalent rate of 91-day Treasury bills auctioned at the final auction held before the June 1 immediately preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 8.25 percent (for Direct Subsidized Loans and Direct Unsubsidized Loans) or 9.00 percent (for Direct PLUS Loans).

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates on or after July 1, 1995, and before July 1, 2006, the statutory add-on percentage varies depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. For all other loans, the statutory add-on percentage is the same during any status.

The bond equivalent rate of 91-day Treasury bills auctioned on May 26, 2026, is 3.678 percent, rounded to 3.68 percent.

For Direct PLUS Loans with first disbursement dates before July 1, 1998, the interest rate is equal to the lesser of—

(1) The weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before the June 26 preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 9.00 percent.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26, 2026, is 3.99 percent.

Variable-Rate Direct Consolidation Loans

A Direct Consolidation Loan may have up to three components, depending on the types of loans that were repaid by the consolidation loan and when the application for the consolidation loan was received. The three components are called Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and (only for Direct Consolidation Loans made based on applications received before July 1, 2006) Direct PLUS Consolidation Loans. In most cases the interest rates for variable-rate Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and Direct PLUS Consolidation Loans are determined in accordance with the same formulas that apply to Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans, respectively.

Interest Rate Charts

Charts 1 and 2 show the interest rate formulas used to determine the interest rates for all variable-rate Direct Loans and the rates that are in effect during the 12-month period from July 1, 2026, through June 30, 2027.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill rate. Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, DIRECT SUBSIDIZED CONSOLIDATION LOANS, DIRECT UNSUBSIDIZED CONSOLIDATION LOANS, DIRECT PLUS LOANS, AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on 91-day treasury bill]

Loan type	Cohort	91-Day T-bill rate 05/26/26 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)	
Subsidized, Unsubsidized.	First disbursed on/after 07/01/98 and before 07/01/06.	3.68	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	5.38 (in-school, grace, deferment).	5.98 (any other status).
Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed on/after 07/01/98 and before 10/01/98; or Application received before 10/01/98 and first disbursed on/after 10/01/98.						
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	3.68	3.10		9.00	6.78	
PLUS Consolidation	First disbursed on/after 07/01/1998 and before 10/01/1998; or Application received before 10/01/98 and first disbursed on/after 10/01/98.						
Subsidized, Unsubsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed on/after 07/01/95 and before 07/01/98.	3.68	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	6.18 (in-school, grace, deferment).	6.78 (any other status).
Subsidized, Unsubsidized, Subsidized Consolidation, Unsubsidized Consolidation.	First disbursed before 07/01/95.	3.68	3.10		8.25	6.78.	
Subsidized Consolidation, Unsubsidized Consolidation, PLUS Consolidation.	Application received on/after 10/01/98 and before 02/01/99.	3.68	2.30		8.25	5.98.	

CHART 2—DIRECT PLUS LOANS AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity treasury yield for last calendar week ending on or before 06/26/26 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)
PLUS, PLUS Consolidation	First disbursed before 07/01/98	3.99	3.10	9.00	7.09

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087a *et seq.*

Wayne Sullivan,

Acting Principal Deputy Chief Operating Officer, Federal Student Aid.

[FR Doc. 2026–18494 Filed 9–9–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Fixed-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loans) made under the William D. Ford Federal Direct Loan (Direct Loan) Program, Assistance Listing Number 84.268, with first disbursement dates on or after July 1, 2026, and before July 1, 2027.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174 or by email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates that are determined annually and are in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans with first disbursement dates on or after July 1, 2026, and before July 1, 2027, and provides interest rate information for other fixed-rate Direct Loans. Interest rate information for variable-rate Direct Loans is announced in a separate **Federal Register** notice.

Fixed-rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013.

Section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)), includes formulas for determining the interest rates for all Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013. The interest rate for these loans is a fixed rate that is determined annually for all loans first disbursed during any 12-month period beginning on July 1 and ending on June 30. The rate is equal to the high yield of the 10-year Treasury notes auctioned at the final auction held before June 1 of that 12-month period, plus a statutory add-on percentage that varies depending on the loan type and, for Direct Unsubsidized Loans, whether the loan was made to an undergraduate or graduate student. The calculated interest rate may not exceed a maximum rate specified in the HEA. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate. Loans first disbursed during different 12-month periods that begin on July 1 and end on June 30 may have different interest rates, but the rate determined for any loan is a fixed interest rate for the life of the loan.

On May 12, 2026, the United States Treasury Department held a 10-year Treasury note auction that resulted in a high yield of 4.468 percent, rounded to 4.47 percent.

Chart 1 shows the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2026, and before July 1, 2027.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2026 AND BEFORE 07/01/2027

Loan type	Borrower type	10-year Treasury note high yield 05/12/2026 (%)	Add-on (%)	Maximum rate (%)	Fixed interest rate (%)
Direct Subsidized Loans, Direct Unsubsidized Loans.	Undergraduate students	4.47	2.05	8.25	6.52
Direct Unsubsidized Loans [1]	Graduate and professional students	4.47	3.60	9.50	8.07
Direct PLUS Loans	Parents of dependent undergraduate students.	4.47	4.60	10.50	9.07
	Graduate and professional students				

[1] Graduate and professional students are not eligible to receive Direct Subsidized Loans.

For reference, Chart 2 compares the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed during the period July 1, 2026, through June 30, 2027, with the fixed interest rates for loans first disbursed during each previous 12-month period from July 1, 2013, through June 30, 2027.

CHART 2—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2013 AND BEFORE 07/01/2027

First disbursed		Fixed interest rates (%)			**Federal Register** Notice
On/after	Before	Direct Subsidized Loans; Direct Unsubsidized Loans; (undergraduate students)	Direct Unsubsidized Loans (graduate or professional students)	Direct PLUS Loans	
07/01/2026 ..	07/01/2027	6.52	8.07	9.07	N/A
07/01/2025 ..	07/01/2026	6.39	7.94	8.94	91 FR 10084(March 02, 2026).
07/01/2024 ..	07/01/2025	6.53	8.08	9.08	89 FR 68878 (August 28, 2024).
07/01/2023 ..	07/01/2024	5.50	7.05	8.05	88 FR 82863 (November 27, 2023).
07/01/2022 ..	07/01/2023	4.99	6.54	7.54	87 FR 50326 (August 16, 2022).
07/01/2021 ..	07/01/2022	3.73	5.28	6.28	86 FR 44003 (August 11, 2021).
07/01/2020 ..	07/01/2021	2.75	4.30	5.30	85 FR 48229 (August 10, 2020).
07/01/2019 ..	07/01/2020	4.53	6.08	7.08	85 FR 2417 (January 15, 2020).
07/01/2018 ..	07/01/2019	5.05	6.60	7.60	83 FR 53864 (October 25, 2018).
07/01/2017 ..	07/01/2018	4.45	6.00	7.00	82 FR 29062 (June 27, 2017).
07/01/2016 ..	07/01/2017	3.76	5.31	6.31	81 FR 38159 (June 13, 2016).
07/01/2015 ..	07/01/2016	4.29	5.84	6.84	80 FR 42488 (July 17, 2015).
07/01/2014 ..	07/01/2015	4.66	6.21	7.21	79 FR 37301 (July 1, 2014).
07/01/2013 ..	07/01/2014	3.86	5.41	6.41	78 FR 59011 (September 25, 2013).

Fixed-rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2006, and Before July 1, 2013

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and before July 1, 2013, have fixed interest rates that are specified in section 455(b) of the HEA (20 U.S.C. 1087e(b)). Chart 3 shows the interest rates for these loans.

CHART 3—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2006 AND BEFORE 07/01/2013

Loan type	Borrower type	First disbursed on/after	First disbursed before	Interest rate (%)
Subsidized	Undergraduate students	07/01/2011	07/01/2013	3.40
Subsidized	Undergraduate students	07/01/2010	07/01/2011	4.50
Subsidized	Undergraduate students	07/01/2009	07/01/2010	5.60
Subsidized	Undergraduate students	07/01/2008	07/01/2009	6.00
Subsidized	Undergraduate students	07/01/2006	07/01/2008	6.80
Subsidized	Graduate or professional students	07/01/2006	[2] 07/01/2012	6.80
Unsubsidized	Undergraduate and graduate or professional students	07/01/2006	07/01/2013	6.80
PLUS	Graduate or professional students and parents of dependent undergraduate students.	07/01/2006	07/01/2013	7.90

[2] Effective for loan periods beginning on or after July 1, 2012, graduate and professional students are no longer eligible to receive Direct Subsidized Loans.

Fixed-Rate Direct Consolidation Loans

Section 455(b) of the HEA specifies that all Direct Consolidation Loans for which the application was received on or after February 1, 1999, have a fixed interest rate that is equal to the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent. For Direct Consolidation Loans for which the application was received on or after February 1, 1999, and before July 1, 2013, the interest rate may not exceed 8.25 percent. However, under section 455(b) of the HEA, the 8.25 percent interest rate cap does not apply to Direct Consolidation Loans made based on applications received on or after July 1, 2013. Chart 4 shows the interest rates for fixed-rate Direct Consolidation Loans.

CHART 4—DIRECT CONSOLIDATION LOANS MADE BASED ON APPLICATIONS RECEIVED ON OR AFTER 02/01/1999

Application received	Interest rate (%)	Maximum interest rate (%)
On/after 07/01/2013	Weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent..	None
On/after 02/01/1999 and before 07/01/2013	(same as above)	8.25

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file, braille, large print, audiotape, or compact disc, or other accessible format.

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Program Authority: 20 U.S.C. 1087a, *et seq.*

Wayne Sullivan,

Acting Principal Deputy Chief Operating Officer, Federal Student Aid.

[FR Doc. 2026–18493 Filed 9–9–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the Federal Family Education Loan Program Prior to July 1, 2010

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: Federal Student Aid announces the interest rates for loans made under the Federal Family Education Loan (FFEL) Program, Assistance Listing Number 84.032, that have variable interest rates. The rates announced in this notice are in effect for the period July 1, 2026, through June 30, 2027.

FOR FURTHER INFORMATION CONTACT: Travis Sturlaugson, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–377–4174. Email: *travis.sturlaugson@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Section 427A of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1077a), provides formulas for determining the interest rates charged to borrowers on loans made under the FFEL Program, including Federal Subsidized and Unsubsidized Stafford Loans (Stafford Loans), Federal PLUS Loans (PLUS Loans), Federal Consolidation Loans (Consolidation Loans), and Federal Supplemental Loans for Students (SLS Loans). No new loans have been made under the FFEL Program since June 30, 2010.

The FFEL Program includes loans with variable interest rates that change each year and loans with fixed interest rates that remain the same for the life of the loan. For loans with a variable interest rate, the specific interest rate formula that applies to a particular loan depends on the date of the first disbursement of the loan or, in the case of a Consolidation Loan, the date the application for the loan was received. If a loan has a variable interest rate, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the interest rates for variable-rate FFEL Program loans that will be in effect during the period from July 1, 2026, through June 30, 2027. Interest rates for fixed-rate FFEL Program loans may be found in a **Federal Register** notice published on September 15, 2015 (80 FR 55342).

For the majority of variable-rate FFEL Program loans, the annual interest rate is equal to the lesser of—

(1) The bond equivalent rate of the 91-day Treasury bills auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The bond equivalent rate of the 91-day Treasury bills auctioned on May 26, 2026, is 3.678 percent, rounded to 3.68 percent.

For PLUS Loans first disbursed before July 1, 1998, and for all SLS Loans, the annual interest rate is equal to the lesser of—

(1) The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26, 2026, is 3.99 percent.

For Consolidation Loans that have a variable interest rate, the annual interest rate for the portion of a Consolidation Loan that repaid loans other than loans made under the Health Education Assistance Loans (HEAL) Program is equal to—

(1) The bond equivalent rate of the 91-day Treasury bill auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

If a Consolidation Loan (whether a variable-rate loan or a fixed-rate loan) repaid loans made under the HEAL Program, the interest rate on the portion of the Consolidation Loan that repaid HEAL loans is a variable rate that is equal to the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending June 30, plus a statutory add-on percentage. For the portion of a Consolidation Loan that repaid HEAL loans, there is no maximum interest rate.

The average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending on June 30, 2026, is 3.72 percent.

The statutory add-on percentages and maximum interest rates vary depending on loan type and when the loan was first disbursed. In addition, the add-on percentage for certain Stafford Loans is different depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. If the interest rate calculated in accordance with the applicable formula exceeds the statutory maximum interest rate, the statutory maximum rate applies.

Charts 1 through 4 show the interest rate formulas that are used to determine the interest rates for all variable-rate FFEL Program loans and the interest rates that are in effect during the 12-month period from July 1, 2026, through June 30, 2027. Unless otherwise indicated, the cohorts shown in each chart include all borrowers, regardless of prior borrowing.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill, with the exception of ''converted'' variable-rate Federal Stafford Loans and certain Federal Consolidation Loans.

Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

Chart 3 shows the interest rates for ''converted'' variable-rate Federal Stafford Loans. These are loans that originally had varying fixed interest rates.

Finally, Chart 4 shows the interest rates for variable-rate Federal Consolidation Loans, and for the portion

of any Federal Consolidation Loan that repaid loans made under the HEAL Program.

CHART 1—SUBSIDIZED FEDERAL STAFFORD LOANS, UNSUBSIDIZED FEDERAL STAFFORD LOANS, AND FEDERAL PLUS LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	91-Day T-bill rate 05/26/26 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/98 and before 07/01/06.	3.68	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	5.38 (in-school, grace, deferment).	5.98 (any other status).
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	3.68	3.10		9.00	6.78	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/95 and before 07/01/98.	3.68	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	6.18 (in-school, grace, deferment).	6.78 (any other status).
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 07/01/94 and before 07/01/95, for a period of enrollment that included or began on or after 07/01/94.	3.68	3.10		8.25	6.78	
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on/after 10/01/92 and before 07/01/94; and First disbursed on/after 07/01/94, for a period of enrollment ending before 07/01/94 (new borrowers).	3.68	3.10		9.00	6.78	

CHART 2—FEDERAL PLUS LOANS AND SLS LOANS

[Interest rate based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity Treasury yield for last calendar week ending on or before 06/26/26 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)
PLUS	First disbursed on/after 07/01/94 and before 07/01/98.	3.99	3.10	9.00	7.09
PLUS	First disbursed on/after 10/01/92 and before 07/01/94.	3.99	3.10	10.00	7.09
SLS	First disbursed on/after 10/01/92, for a period of enrollment beginning before 07/01/94.	3.99	3.10	11.00	7.09
PLUS SLS	First disbursed before 10/01/92	3.99	3.25	12.00	7.24

CHART 3—"CONVERTED" VARIABLE-RATE SUBSIDIZED AND UNSUBSIDIZED FEDERAL STAFFORD LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	Original fixed interest rate (later converted to variable rate) (%)	91-day T-bill rate 05/26/26 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00, increasing to 10.00.	3.68	3.10	10.00	6.78
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	9.00	3.68	3.10	9.00	6.78
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00	3.68	3.10	8.00	6.78
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	7.00	3.68	3.10	7.00	6.78
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/23/92 and before 10/01/92 (new borrowers).	8.00, increasing to 10.00.	3.68	3.25	10.00	6.93
Subsidized Stafford, Unsubsidized Stafford.	First disbursed on or after 07/01/88 and before 07/23/92.	8.00, increasing to 10.00.	3.68	3.25	10.00	6.93

CHART 4—FEDERAL CONSOLIDATION LOANS

Consolidation loan component	Cohort	91-day T-bill rate 05/26/26 (%)	Average of the bond equivalent rates of the 91-day T-bills auctioned for the quarter ending 06/30/26 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/26 through 06/30/27 (%)
Portion of loan that repaid loans other than HEAL loans.	Application received on/ after 11/13/97 and before 10/01/98.	3.68	N/A	3.10	8.25	6.78
Portion of the loan that repaid HEAL loans.	Application received on/ after 11/13/97.	N/A	3.72	3.00	None	6.72

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1071 *et seq.*

Wayne Sullivan,

Acting Principal Deputy Chief Operating Officer, Federal Student Aid.

[FR Doc. 2026–18489 Filed 9–9–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) is developing an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year approval of its collection, titled BPA Generic Benchmarking Surveys, OMB Control Number 1910–NEW. The proposed collection will be a retrospective analysis of existing construction and design standards in power transmission through comparison

with standards in use by comparable entities.

DATES: Comments regarding this collection must be received on or before October 13, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–9493.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by telephone at (503) 230–3881.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1910–NEW;

(2) *Information Collection Request Title:* BPA Generic Benchmarking Surveys;

(3) *Type of Request:* New;

(4) *Purpose:* this information collection would allow for BPA to survey the standards in use throughout our industry to ensure that our standards are consistent with others and learning from industry, respondents would be engineers, logisticians, and others within stakeholder organizations such as the North American Transmission Forum;

(5) *Annual Estimated Number of Respondents:* 300;

(6) *Annual Estimated Number of Total Responses:* 300;

(7) *Annual Estimated Number of Burden Hours:* 300;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $19,572.

Statutory Authority: 16 U.S.C. 832a(c).

Signing Authority

This document of the Department of Energy was signed on August 24, 2026, by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 8, 2026.

Treena V. Garrett,

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

[FR Doc. 2026–18482 Filed 9–9–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–75–000]

Freeport LNG Development, L.P.; Notice of Schedule for the Preparation of an Environmental Assessment for the Regasification Terminal Disconnect Project

On April 6, 2026, Freeport LNG Development, L.P. (Freeport LNG) filed a motion in Docket No. CP03–75–000 requesting to partially terminate authorization granted under Section 3 of the Natural Gas Act to abandon certain natural gas pipeline facilities. The proposed project is known as the Regasification Terminal Disconnect Project (Project), and would decommission, disconnect, and/or demolish obsolete facilities that are no longer necessary for the Terminal's present-day export operations.

On April 20, 2026, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Motion to Vacate Certificate for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—September 18, 2026

90-day Federal Authorization Decision Deadline [2]—December 17, 2026

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Freeport LNG's Terminal has been operated exclusively for the purpose of liquefying natural for export and has not regasified imported LNG for over a decade, therefore Freeport LNG proposes to decommission, disconnect, and/or demolish obsolete facilities authorized by the Commission, which are no longer necessary for the Terminal's present-day export operations.

The Regasification Terminal Disconnect Project (Project) would involve the removal of the Regasification Facilities and modification/relocation of certain facilities required for continued operations at the terminal's liquefaction facility on Quintana Island in Brazoria County, Texas. Freeport LNG proposes to execute the Project in about 22 months including the design phase with removal and modification taking place over 12 months. This would involve physically disconnecting the regasification facilities from the liquefaction facility and modifying/relocating the facilities required for continued operations as well as demolition and removal of the regasification facilities, including associated underground piping, equipment foundations, and concrete paving.

Background

On July 2, 2026, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Regasification Terminal Disconnect Project.* The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. No comments

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1788449291.

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

were received in response to the Notice of Scoping.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Additional information about the Project is available from the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP03–75), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1.)

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18453 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–1247–000.

Applicants: Wyckoff Gas Storage Company, LLC.

Description: Compliance filing: Order No. 587–AB Compliance Filing to be effective 1/1/2027.

Filed Date: 9/3/26.

Accession Number: 20260903–5136.

Comment Date: 5 p.m. ET 9/15/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214C, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18452 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–80–000]

Transwestern Pipeline Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Green Chile Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Green Chile Project, proposed by Transwestern Pipeline Company, LLC (Transwestern) in the above-referenced docket.[1] Transwestern requests authorization to construct and operate a 17.77-mile-long, 24-inch-diameter natural gas transmission pipeline, metering facilities, and appurtenances in Doña Ana County, New Mexico.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on October 5, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Green Chile Project in accordance with the requirements of the National Environmental Policy Act (NEPA)[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Bureau of Land Management (BLM) participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. Specifically, the BLM provided input on the conclusions and recommendations presented in the EA. Additionally, the BLM previously prepared an EA (DOI–BLM–NM–2026–0023–EA) with a Decision Record issued via U.S. Department of Interior Secretarial approval dated May 1, 2026.[4]

The EA addresses the potential environmental effects of the construction and operation of the following facilities associated with the Green Chile Project:

- approximately 17.77 miles of 24-inch-diameter natural gas transmission pipeline; and
- meter & regulator facilities and other appurtenances.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes;

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1781096872.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. Title 42 U.S. Code 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] Title 18 Code of Federal Regulations Part 380.

[4] BLM. 2026. Green Chile Natural Gas Pipeline Decision Record. Available online at: BLM National NEPA Register | DOI–BLM–NM–L000–2026–0023–EA Documents.

environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and libraries and media outlets in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–80). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–80–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (Title 18 Code of Federal Regulations, Part 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

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.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18455 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG26–308–000.

Applicants: Panoche BESS LLC.

Description: Panoche BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status under.

Filed Date: 9/4/26.

Accession Number: 20260904–5039.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: EG26–309–000.

Applicants: Midway BESS LLC.

Description: Midway BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/4/26.

Accession Number: 20260904–5041.

Comment Date: 5 p.m. ET 9/25/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–104–000.

Applicants: Flat Top Solar, LLC v. *Public Service Company of New Mexico.*

Description: Complaint of Flat Top Solar, LLC v. *Public Service Company of New Mexico.*

Filed Date: 9/3/26.

Accession Number: 20260903–5246.

Comment Date: 5 p.m. ET 9/23/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER21–2832–002.

Applicants: Eagle Creek Reusens Hydro, LLC.

Description: Refund Report: Refund Report to be effective N/A.

Filed Date: 9/4/26.

Accession Number: 20260904–5065.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER21–2833–002.

Applicants: Great Falls Hydroelectric Company.

Description: Refund Report: Refund Report to be effective N/A.

Filed Date: 9/4/26.

Accession Number: 20260904–5072.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–2927–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment: Response to Deficiency Letter_ER26–2927 to be effective 1/1/2024.

Filed Date: 9/4/26.

Accession Number: 20260904–5099.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–3712–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Revisions to pro forma LGIA to be effective 11/3/2026.

Filed Date: 9/3/26.

Accession Number: 20260903–5214.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3713–000.

Applicants: Foundry Works Solar Energy LLC.

Description: Request for Prospective Tariff Waiver, et al. of Foundry Works Solar Energy LLC.

Filed Date: 9/3/26.

Accession Number: 20260903–5248.

Comment Date: 5 p.m. ET 9/24/26.

Docket Numbers: ER26–3714–000.

Applicants: Public Service Company of Colorado.

Description: 205(d) Rate Filing: 2026–09–04 Exh H—Sidney-North Yuma 230 kV Trans Line—Concurrence to be effective 7/2/2026.

Filed Date: 9/4/26.

Accession Number: 20260904–5063.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–3715–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of GIA & CSA, SA Nos. 7594 & 7595; Project ID No. AF1–118 to be effective 2/22/2026.

Filed Date: 9/4/26.

Accession Number: 20260904–5066.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–3716–000.

Applicants: Tucson Electric Power Company.

Description: 205(d) Rate Filing: Service Agreement No. 651 to be effective 8/5/2026.

Filed Date: 9/4/26.

Accession Number: 20260904–5074.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–3719–000.

Applicants: Twiggs County Solar, LLC.

Description: 205(d) Rate Filing: First Amendment to SFA and Co-Tenancy Agreement & Request for Waivers to be effective 11/4/2026.

Filed Date: 9/4/26.

Accession Number: 20260904–5091.

Comment Date: 5 p.m. ET 9/25/26.

Docket Numbers: ER26–3720–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to Address Supply Adequacy in the SPP West Balancing Authority to be effective 11/11/2026.

Filed Date: 9/4/26.

Accession Number: 20260904–5092.

Comment Date: 5 p.m. ET 9/25/26.

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 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18451 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–46–000]

Natural Gas Pipeline Company of America LLC; Notice of Availability of the Environmental Assessment for the Proposed Texas-Arkansas Power Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Texas-Arkansas Power Project, proposed by Natural Gas Pipeline Company of America LLC (Natural) in the above-referenced docket.[1] According to Natural, its project in Randolph County, Arkansas would support a precedent agreement with Arkansas Electric Cooperative Corporation to transport up to 400,000 dekatherms per day of existing unsubscribed capacity and additional capacity on Natural's Gulf Coast Mainline. The purpose of the Project is to supply the Cooperative Corporation with this capacity to power new and existing natural gas-fired electric generation plants in northern Texas and Arkansas.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on October 5, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Texas-Arkansas Power Project in accordance with the requirements of the National Environmental Policy Act[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the construction and operation of the following project facilities all at Natural's existing Compressor Station 308 in Randolph County, Arkansas:

- abandon in place nine reciprocating compressor units, with a combined rating of 30,850 horsepower;
- install two new 20,482-horsepower Solar Turbines Titan 130 centrifugal units;
- modify plant yard piping and auxiliary equipment, including new

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1771492431.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] Title 18 Code of Federal Regulations Part 380.

inlet filter separators, and gas cooling equipment, emergency generator, fuel gas heater, and other minor equipment; and

- construct a new, permanent access road and driveway.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and libraries and media outlets in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–46). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–46–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

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.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1.)

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18454 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7274–035]

Town of Wells; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license to continue to operate and maintain the Lake Algonquin Hydroelectric Project No. 7274 (project). The project is located on the Sacandaga River in the town of Wells, Hamilton County, New York. Commission staff has prepared an Environmental Assessment (EA) for the project.[1]

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1755775659.

Home Page (*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 at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

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.

Any comments should be filed on or before 5:00 p.m. Eastern Time on October 5, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–7274–035.

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.*

For further information, contact Samantha Pollak at (202) 502–6419, or *samantha.pollak@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18457 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1971–079]

Idaho Power Company; Notice of Availability of the Final Supplemental Environmental Impact Statement for the Hells Canyon Hydroelectric Project

In accordance with the National Environmental Policy Act of 1969[1] and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed Idaho Power Company's (Idaho Power) application for a new license to continue to operate and maintain the Hells Canyon Hydroelectric Project No. 1971 (project) and has prepared a final supplemental environmental impact statement (SEIS) for the project.[2] The project is located on the Snake River in Washington and Adams Counties, Idaho, and Wallowa, Malheur, and Baker Counties, Oregon and occupies a total of about 5,270 acres of federal land administered by the U.S. Bureau of Land Management and the U.S. Department of Agriculture, Forest Service (Forest Service). The Hells Canyon Project consists of three developments (dams, reservoirs, and powerhouses) on the segment of the Snake River forming the border between Idaho and Oregon. The three developments are Brownlee, Oxbow, and Hells Canyon, which combined provide 1,222.3 megawatts of power generating capacity and an average of 5,571,005 megawatt-hours of electricity annually.

On August 31, 2007, Commission staff issued a final environmental impact statement (EIS) for the proposed relicensing of the project. On December 30, 2019, Idaho Power filed an Offer of Settlement and Stipulation and Implementation Agreement (2019 Settlement), resolving disputed issues related to spring Chinook salmon and summer steelhead passage and reintroduction with the states of Oregon and Idaho in the context of their respective water quality certifications for the project under section 401 of the Clean Water Act (401 certifications). Pursuant to the 2019 Settlement, the states of Oregon and Idaho each issued 401 certifications for the project on May 24, 2019. On July 8, 2020, Idaho Power filed a supplement to its license application that included new and revised environmental measures proposed under the 2019 Settlement, refinements to the proposed action, and new information on project-affected resources. On October 14, 2020, pursuant to the Endangered Species Act (ESA), Idaho Power filed revised draft biological assessments for species managed by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, which were subsequently revised again in July 1 and July 16, 2025, filings. On October 23, 2024, Idaho Power filed a settlement agreement on behalf of itself and the Forest Service (2024 Settlement), resolving between the parties the appropriate terms and conditions pursuant to section 4(e) of the Federal Power Act to be incorporated into any new license issued for the project for the protection and utilization of federal lands administered by the Forest Service.

In accordance with Commission staff's June 13, 2022 notice of intent to prepare a draft and final SEIS, staff has prepared this final SEIS to supplement the final EIS with analyses of the new and revised proposed measures and mandatory conditions (*i.e.,* modified 4(e) conditions and 401 certification conditions) filed subsequent to the issuance of the final EIS, as well as the potential effects of the new and revised measures on federally listed species and their designated critical habitats.

The final SEIS contains an analysis of Idaho Power's proposal and the alternatives for relicensing the project. The final SEIS documents the views of governmental agencies, non-governmental organizations, affected Tribes, the public, the license applicant, and Commission staff.

The final SEIS may be viewed on the Commission's website at *http://www.ferc.gov* under 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 at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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.

[1] National Environmental Policy Act of 1969, amended (Pub. L. 91–190, 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975, Pub. L. 94–83, August 9, 1975, Pub. L. 97–258, 4(b), September 13, 1982, Pub. L. 118–5, June 3, 2023, Pub. L. 119–21, July 4, 2025).

[2] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is SEIS–019–20–000–1756911632.

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.*

For further information, contact Aaron Liberty, the Commission's relicensing coordinator for the project, at (202) 502–6862 or *aaron.liberty@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: September 4, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–18456 Filed 9–9–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0616; FRL–13319–01–OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; User Fees for the Administration of the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): User Fees for the Administration of the Toxic Substances Control Act (TSCA) (EPA ICR No. 2569.07 and OMB Control No. 2070–0208). This ICR represents a renewal of an existing ICR that is currently approved through May 31, 2027. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA–HQ–OPPT–2020–0616, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marisa Lewis, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1562; email address: *Lewis.Marisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.

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 submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: User Fees for the Administration of the Toxic Substances Control Act (TSCA).

EPA ICR No.: 2569.07.

OMB Control No.: 2070–0208.

ICR Status: This ICR is currently approved through May 31, 2027. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR addresses the information collection activities contained in a final rule (RIN 2070–AK64) that was signed on January 31, 2024. Specifically, section 26(b) of TSCA (as amended in 2016) provides EPA with the authority to collect fees to defray 25% of the costs associated with administering sections 4, 5, and 6 of TSCA, as well as the costs of collecting, processing, reviewing and providing access to and protecting CBI from disclosure as appropriate under TSCA section 14. The final rule requires payment from manufactures (defined by statute to include importers) of a chemical substance who: are required to submit information to EPA under TSCA section 4, who submit certain notices and exemption requests to EPA under TSCA section 5, who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4), and who process a chemical substance that is the subject of a Significant New Use Notice (SNUN) or Test Market Exemption (TME) under TSCA section 5 and who are required to submit information to EPA under TSCA section 4 related to a SNUN submission.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): 9600–034; 7700–1.

Respondents/affected entities: Entities potentially affected by this ICR include: petroleum and coal products; chemical manufacturing; and chemical, petroleum, and merchant wholesalers. North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory, TSCA Section 26(b).

Estimated number of potential respondents: 1,262.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 1.

Total estimated burden: 546 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $57,644 (per year), includes $523,402 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is a decrease of 269 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This change, which is discussed in more detail in the ICR, reflects a decrease in the number of entities potentially affected by TSCA under section 4. EPA's burden estimates for this collection is based upon expected Section 4 activities, historical information on the number of chemicals per premanufacture notices (PMNs), SNUNs, microbial commercial activity notices (MCANs), and exemption notices and applications, including low-volume exemptions (LVEs), TMEs, low exposure/low release exemptions (LoREXs), TSCA experimental release applications (TERAs), certain new microorganism (Tier II) exemptions, and film article exemptions., and actions under TSCA section 6. These changes are adjustments.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: September 3, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–18435 Filed 9–9–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2023–0105; FRL–13293–01–OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h) identified by EPA ICR No. 2599.04 and OMB Control No. 2070–0213. This ICR represents a renewal of an existing ICR that is currently approved through April 31, 2027. In addition, this renewal consolidates the information collections covered under EPA ICR No. 2779.02 and OMB Control No. 2070–0230 with EPA ICR No. 2599.04. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0105, online at *https://www.regulations.gov/.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marisa Lewis, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1562; email address: *Lewis.Marisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.

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 submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ fewer than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h).

EPA ICR No.: 2599.04.

OMB Control No.: 2070–0213.

ICR Status: This ICR is currently approved through April 30, 2027. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: In January 2021, the U.S. Environmental Protection Agency (EPA) finalized five rules under section 6(h) of the Toxic Substances Control Act (TSCA) (Ref. 1) regarding prohibitions and restrictions on the following five persistent, bioaccumulative, and toxic (PBT) chemical substances: decabromodiphenyl ether (decaBDE) (Chemical Abstract Services Registry Number (CASRN) 1163–19–5), phenol, isopropylated phosphate (3:1) (PIP (3:1)) (CASRN 68937–41–7), 2,4,6-tris(tert-butyl)phenol (2,4,6–TTBP) (CASRN 732–26–3), pentachlorothiophenol (PCTP) (CASRN 133–49–3), and hexachlorobutadiene (HCBD) (CASRN 87–68–3). On November 19, 2024, the EPA finalized revisions to the regulations for decaBDE and PIP (3:1)

(89 FR 91486) (FRL–9145–02–OCSPP)). A summary of the provisions of the regulations for these PBTs is provided in the appendix. This Information Collection Request (ICR) consolidates this ICR (EPA ICR No.2599.04; OMB Control No. 2070–0213) with the rule-related ICR titled ''Decabromodiphenyl Ehter and Phenol, Isopropylated Phosphae (3:1); Revision to the Regulation of PBT Chemicals under TSCA (Final Rule)''(EPA ICR No. 2779.02; OMB Control No. 2070–0230). This ICR includes the total burden for all five chemicals along with adjustments to the burden estimates resulting from the November 2024 rule. Following approval of this ICR, the rule-related ICR will be discontinued.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form number(s): None.

Respondents/affected entities: Entities potentially affected by this ICR include those that manufacture, process, distribute in commerce or use decabromodiphenyl ether (decaBDE), phenol, isopropylated phosphate (3:1) (PIP (3:1)), 2, 4, 6-tris(tert-butyl)phenol (2,4,6–TTBP), pentachlorothiophenol (PCTP), hexachlorobutadiene (HCBD), or products or articles containing these chemicals. North American Industry Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory per 40 CFR 751.

Estimated number of potential respondents: 26,829.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 1.

Total estimated burden: 42,309 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $3,874,143 (per year), includes $0 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is an increase of 42,255 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This change, which is discussed in more detail in the ICR, reflects the consolidation of the ICR for the 2024 final rule for decaBDE and PIP (3:1) (EPA ICR No. 2779.02; OMB Control No. 2070–0230) with this ICR (EPA ICR No.2599.04; OMB Control No. 2070–0213). This therefore combines the 42,301 burden hours from the previously approved 2024 final rule ICR (EPA ICR No. 2779.02; OMB Control No. 2070–0230) with the 54 burden hours of the currently approved ICR (EPA ICR No.2599.04; OMB Control No. 2070–0213). The baseline burden estimate is from the currently approved ICR, with adjustments to the burden estimates, including changes in the number of respondents and the number of responses provided by those respondents, to capture changes and updates from the final rule related ICR (OMB Control No. 2070–0230). This change is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: September 3, 2026.

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–18434 Filed 9–9–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0678; FR ID 366354]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before November 9, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control No.: 3060–0678.

Title: Part 25 of the Federal Communications Commission's Rules Governing the Licensing of, and Spectrum Usage by Commercial Earth Stations and Space Station.

Form Nos.: FCC Form 312, FCC Form 312–EZ, FCC Form 312–R and Schedules A, B and S.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities and not-for-profit institutions.

Number of Respondents and Responses: 4,171 respondents; 4,223 responses.

Estimated Time per Response: 0.5–78 hours per response.

Frequency of Response: On occasion, one time, and annual reporting requirements; third-party disclosure requirements; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721.

Total Annual Burden: 37,129 hours.

Annual Cost Burden: $7,159,040.

Needs and Uses: On August 8, 2025, the Commission released a Second Report and Order, FCC 25–48, IB Docket Nos. 22–411 and 22–271, titled ''Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation.'' In this Second Report and Order, the Commission streamlines, simplifies, and modernizes the processing of space and earth station applications. Specifically, the Second Report and Order: (1) adopts a new process by which earth station operators may receive a baseline license without identifying a specific satellite point of communication, and adopts a procedure by which earth station applicants can easily add or remove identified points of communication; (2) expands the list of license modifications that do not require prior authorization; (3) eliminates the requirement to retain paper copies of applications; (4) changes the default *ex parte* status of all space station and earth station applications from ''restricted'' to ''permit-but-disclose;'' (5) adopts expanded timeframes to file license renewal applications for earth stations and replacement applications for non-geostationary orbit (NGSO) space stations; (6) provides non-U.S. licensed market access grantees the ability to receive the equivalent of a grant of special temporary authority; and (7) adopts a 30-day shot clock for earth station renewal applications.

The relevant rules for purposes of this revised information collection are §§ 25.110(e), 25.117(i), 25.118(a)(3), 25.118(b)(1), 25.118(b)(2), 25.118(b)(3), 25.118(e)(4), 25.118(h), and 25.137(h).

On May 1, 2026, the Commission released a Report and Order, FCC 26–26, SB Docket No. 25–157, titled ''Modernizing Spectrum Sharing for Satellite Broadband.'' In this Report and Order the Commission replaced the Equivalent Power Flux Density (EPFD) framework with modern, performance-based geostationary orbit (GSO) protection criteria that take account of the improved spectrum sharing possibilities that modern satellite technology has brought, including through use of adaptive coding and modulation (ACM). As relevant to this information collection, a non-geostationary orbit (NGSO) FSS applicant must either certify that it has completed a coordination agreement with any operational co-frequency GSO satellite network, or submit for Commission approval a compatibility showing which demonstrates by use of a degraded throughput methodology that it will not cause unacceptable interference to any such system with which coordination has not been completed.

The relevant rules for purposes of this revised information collection are §§ 25.146(a)(3) and 25.289(a)(2).

The new information collection requirements in this collection remove previously required information collections that are no longer considered necessary. In addition, the new information is required to ensure that applicants are meeting the Commission's rules when they modify their systems without prior approval from the Commission. In addition, the information is required to ensure that the public and the Commission are provided with accurate information about the operations of a system.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–18414 Filed 9–9–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1166; FR ID 365865]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before November 9, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060–1166.

Title: Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 750 respondents and 750 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 1,125 hours.

Total Annual Cost: None.

Needs and Uses: The information required by section 1.21001 of the Commission's rules that is collected under this information collection is used by the Commission to determine whether applicants are eligible to participate in auctions for Universal Service Fund support. The reports of prohibited communications made or received by an auction applicant required by section 1.21002 of the Commission's rules that are collected under this information collection enable the Commission to ensure that no bidder gains an unfair advantage over other bidders in its auctions for universal service support and thus enhance the competitiveness and fairness of Commission's auctions for universal service support.

On November 18, 2011, the Commission released an order in which it comprehensively reformed and modernized the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. *Connect America Fund et al.,* Order and Further Notice of Proposed Rulemaking, FCC 11–161 (*USF/ICC Transformation Order*). In the *USF/ICC Transformation Order,* the Commission, among other things, adopted rules to implement these reforms, including rules in part 1, subpart AA of the Commission's rules governing competitive bidding for universal service support generally. *See* 47 CFR 1.21001–1.21004.

On October 27, 2020, the Commission adopted a Report and Order in which it, among other things, amended sections 1.21001 and 1.21002 of its existing part 1, subpart AA general universal service competitive bidding rules to codify policies and procedures applicable to the universal service auction application process that have been adopted in its recent universal service auctions, better align provisions in the universal service competitive bidding rules with like provisions in the Commission's spectrum auction rules, and make other updates for consistency, clarification, and other purposes that would apply in all universal service auctions. *Establishing a 5G Fund for Rural America,* Report and Order, FCC 20–150 (*5G Fund Report and Order*). Sections 1.21001 and 1.21002 in the Commission's part 1, subpart AA rules, as amended in the *5G Fund Report and Order,* apply to applicants seeking to participate in Commission auctions for universal service support.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–18411 Filed 9–9–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0562; FR ID 366234]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before November 9, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

OMB Control Number: 3060–0562.

Title: Section 76.916, Petition for Recertification.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or tribal government.

Number of Respondents and Responses: 2 respondents; 3 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 4(i) and 623 of the Communications Act of 1934, as amended.

Total Annual Burden: 30 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements contained in 47 CFR 76.916 provide that a franchising authority wishing to assume jurisdiction to regulate basic cable service and associated equipment rates after its request for certification has been denied or existing certification revoked, may file a petition for recertification with the Commission. The petition must be served on the cable operator and on any interested party that participated in the proceeding denying or revoking the original certification. Oppositions to petitions may be filed within 15 days after the petition is filed. Replies may be filed within seven days of filing of oppositions.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–18413 Filed 9–9–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0952; FR ID 366111]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to

further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before November 9, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0952.

Title: Demographic Information and Notifications, Order on Reconsideration and Second FNPRM, CC Docket No. 98–147, and Fifth NPRM, CC Docket No. 96–98.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 584 respondents; 1,168 responses.

Frequency of Response: On occasion reporting requirements and third party disclosure requirement.

Estimated Time per Response: 2 hours.

Total Annual Burden: 2,336 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201, 202, 251–254, 256 and 271 of the Communications Act of 1934, as amended.

Needs and Uses: The Commission adopted an Order on Reconsideration (FCC 00–297) revising its collocation rules to further strengthen them in response to a petition for partial reconsideration or clarification of the *Advanced Services First Report and Order* (FCC 99–48). This information collection is used by the Commission, state commissions, and competitive carriers to facilitate the deployment of advanced services and other telecommunications services in implementation of section 251(c)(6) of the Communications Act of 1934, as amended. The number of respondents, annual responses, and annual burden hours have decreased due to a decrease in the current total number of active incumbent local exchange carriers who may have to respond to this information collection. This decrease in the number of respondents accounts for a concomitant reduction in both total annual responses and total annual burden hours. There are no program changes to this information collection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–18412 Filed 9–9–26; 8:45 am]

BILLING CODE 6712–01–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 25, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Thomas Ruggels, Steilacoom, Washington; Deena Ruggels and Brady Ruggels, both of Russell, Kansas;* to join the Ruggels Family Group, a group acting in concert, to retain voting shares of Republic Bancshares, Inc., Russell, Kansas, and thereby indirectly retain voting shares of Southwind Bank, Natoma, Kansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–18462 Filed 9–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. P222100]

Horseracing Integrity And Safety Authority Proposed 2027 Budget

AGENCY: Federal Trade Commission.

ACTION: Notice of publication of Horseracing Integrity and Safety Authority 2027 proposed budget; request for public comment.

SUMMARY: The Federal Trade Commission publishes the 2027 proposed budget of the Horseracing Integrity and Safety Authority and seeks public comment on whether the Commission should approve, disapprove, or modify the proposed budget.

DATES: Comments must be filed on or before September 24, 2026.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Comment Submissions part of the **SUPPLEMENTARY INFORMATION** section. Write ''HISA 2027 Budget, Matter No. P222100'' on your comment and file it online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex H), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Sarah Botha (202–326–2036), Special

Counsel for HISA, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Horseracing Integrity and Safety Act of 2020[1] (the ''Act''), enacted on December 27, 2020,[2] and amended on December 29, 2022,[3] directs the Federal Trade Commission (the ''Commission'') to oversee the activities of a private, self-regulatory organization called the Horseracing Integrity and Safety Authority (''HISA'' or the ''Authority''). In March 2023, the Commission issued rules setting forth the procedure whereby the Commission approves, disapproves, or modifies the Authority's proposed annual budget.[4] Under these rules, the Authority must first publish a proposed budget on its own website and invite public comments. *See* 16 CFR 1.150(b). Thereafter, the Authority must forward the budget to the Commission, along with all public comments received and an assessment of those comments, and must identify any changes made to the proposed budget in response to the comments received. 16 CFR 1.150(c). The Authority's submission must also include (a) a statement of the vote by the Authority's Board of Directors approving the proposed budget; (b) information about revenues, including how fees are calculated and apportioned; (c) information about expenditures, broken down by program area, *e.g.,* the racetrack safety program, the anti-doping and medication control program, etc.; (d) sufficient information about individual line items for the Authority's Board of Directors to exercise their fiduciary duty of care; and (e) information comparing actual revenues and expenses against the approved budget and explaining variances of greater than 10 percent. *Id.*

After the Authority submits its proposed budget and supporting materials to the Commission, and if the Secretary determines the submission comports with the requirements of the 16 CFR 1.150(c), the Secretary publishes the Authority's proposed budget in the **Federal Register** and invites public comment for a period of 14 days. 16 CFR 1.150(d). After taking into consideration the comments submitted, the Commission either approves or disapproves the budget. 16 CFR 1.151(a). The Commission will approve the proposed budget if ''the Commission determines that, on balance, the proposed budget is consistent with and serves the goals of the Horseracing Integrity and Safety Act in a prudent and cost-effective manner and that its anticipated revenues are sufficient to meet its anticipated expenditures.'' 16 CFR 1.151(c). The Commission may also modify the amount of any line item. 16 CFR 1.151(d).

Request for Comments

On August 3, 2026, the Authority forwarded to the Commission a Notice of Filing of HISA Budget, together with appendices furnishing detailed information pertinent to its 2027 budget proposal (as required by 16 CFR 1.150(c)). The Notice of Filing of HISA Budget is reproduced below. The appendices to which it refers have been collected and reproduced as a supporting document on the docket for this publication at *https://www.regulations.gov.*

The Secretary concluded that the Authority's proposed 2027 budget submission complies with the requirements of 16 CFR 1.150(c) and therefore issues this document and invites comments from the public on the Authority's 2027 budget. Comments should address the decisional criteria set forth in 16 CFR 1.151(c) and whether any line items should be modified. *See* 16 CFR 1.150(d).

Comment Submissions

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 24, 2026. Write ''HISA 2027 Budget, Matter No. P222100'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we strongly encourage you to submit your comments online. To make sure the Commission considers your online comment, you must file it at *https://www.regulations.gov,* by following the instructions on the web-based form. If you file your comment on paper, write ''HISA 2027 Budget, Matter No. P222100'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex H), Washington, DC 20580. If possible, please submit your paper comment to the Commission by overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''any trade secret or any commercial or financial information . . . which is privileged or confidential.'' 15 U.S.C. 46(f); *see* 16 CFR 4.10(a)(2). In particular, your comment should not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* 16 CFR 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *https://www.regulations.gov,* as legally required by 16 CFR 4.9(b), we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under 16 CFR 4.9(c), and the General Counsel grants that request.

Visit *https://www.regulations.gov* to read this document. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments it receives on or before September 24, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, *see https://www.ftc.gov/site-information/privacy-policy.*

The text that follows is the Notice of Filing of HISA Budget that the Authority submitted to the Commission. The appendices to which it refers have been collected and reproduced as a

supporting document on the docket for this publication at *https://www.regulations.gov.*

Notice of Filing of HISA Budget

Pursuant to the Act and the Commission's rule on Oversight of the Horseracing Integrity and Safety Authority,[5] notice is hereby given that on August 3, 2026, the Authority filed with the Commission the Authority's proposed 2027 Budget (the ''Proposed Budget''). This Notice of Filing of the Proposed Budget (the ''Notice'') provides the contents of the submission as set forth in 16 CFR part 1 subpart U.

I. Information Concerning Rule 1.150(b)

The Authority's Proposed Budget, along with a draft version of the Authority's Notice of Filing of HISA's 2027 Budget, were posted on the HISA website *https://hisaus.org* on July 17, 2026. A press release was issued simultaneously inviting the public to submit comments to the Authority on any aspect of the Proposed Budget no later than 12:00 p.m. ET on July 27, 2026.[6] The Authority received thirteen (13) comments regarding the Proposed Budget. All comments received by the Authority were posted to the HISA website and reviewed in accordance with Rule 1.150(b).[7]

II. Information Concerning Rule 1.150(c)(1)

The initial draft of the Proposed Budget was approved unanimously by the Authority's Board of Directors before it was posted on the HISA website for public comment. After the initial draft of the Proposed Budget was posted on the HISA website, the Authority identified the following changes: reduction of the salary and payroll tax expense line items in the Veterinary Services budget; reduction of the travel line item in the Administration budget; and an increase in the professional services line item in the Administration budget. The net effect of these changes is a $14,000 increase of the Proposed Budget (gross).[8] These changes were incorporated into the final Proposed Budget circulated to the Board of Directors for approval. No other changes were made to the Proposed Budget. The final budget was approved unanimously by the Board of Directors after the public comment period expired on July 27, 2026. Therefore, the requirements of 15 U.S.C. 3052(f)(1)(C)(iii) and Rule 1.150(c)(1) have been satisfied.

III. Information Concerning Rule 1.150(c)(2)

In accordance with 15 U.S.C. 3052(f) and using the Methodology for Determining Assessments (Rule Series 8500) approved by the Commission, the Authority calculated the following:

- 2027 Assessments by State (attached as Appendix 1).
- 2027 Assessments by Track (attached as Appendix 2).

Appendix 1 displays the estimated gross amount required from each State Racing Commission as calculated under the Methodology for Determining Assessments. Appendix 2 displays the estimated gross amount required from each racetrack as calculated under the Methodology for Determining Assessments.[9] Of note, the States and racetracks located in West Virginia and Louisiana are not included in Appendix 1 and Appendix 2 due to the preliminary injunction issued by the United States District Court for the Western District of Louisiana preventing implementation of the Authority's rules in Louisiana and West Virginia. If the injunction is dissolved, and the Authority begins operations in Louisiana and West Virginia in 2027, the Authority requests approval to assess the racetracks conducting Covered Horseraces on a pro rata basis in accordance with the total budgeted amount approved by the Commission. This would result in a lower assessment for other States/racetracks conducting Covered Horseraces.

Similarly, it is possible that one or more racetracks operating in the State of Texas may conduct Covered Horseraces in 2027. Accordingly, the Authority requests approval to assess any racetrack conducting Covered Horseraces in Texas on a pro rata basis in accordance with the total budgeted amount approved by the Commission. Like the addition of West Virginia and Louisiana, this would result in a lower assessment for other States/racetracks conducting Covered Horseraces.

The Proposed Budget includes line items for the following other sources of revenue: [10]

Racetrack Safety Fines Income. This line item consists of fines levied for violations of the Racetrack Safety Program. As set forth in the Act, ''fines imposed by the Authority shall be allocated toward funding of the Authority and its activities.'' 15 U.S.C. 3052(f)(4). Between January 1 and June 30, 2026, the Authority levied $200,637 in fines assessed in connection with the Racetrack Safety Program. Based on historical data, the Authority anticipates approximately $400,000 in fines will be levied in 2027 and that approximately $330,000 will be collected in 2027 (which includes fines assessed in previous years but projected to be collected in 2027). Accordingly, the Authority has budgeted $330,000 for Racetrack Safety fines income in 2027.

Anti-Doping and Medication Control Fines Income. This line item consists of fines paid for violations of the Anti-Doping and Medication Control (''ADMC'') Program. As set forth in the Act, ''fines imposed by the Authority shall be allocated toward funding of the Authority and its activities.'' 15 U.S.C. 3052(f)(4). Between January 1 and June 30, 2026, the Authority levied $543,500 in fines assessed in connection with the ADMC Program. Based on historical data, the Authority anticipates approximately $1,087,000 in fines will be levied in 2027 and that $180,000 will be collected in 2027 (which includes fined assessed in previous years but projected to be collected in 2027).[11] Accordingly, the Authority has budgeted $180,000 for ADMC fines income in 2027.

Laboratory Test Income. This line item consists of money paid to HISA to cover the cost of testing that is conducted at the election of the Covered Person, including B Sample testing, claimed horse testing, and clearance testing. In 2025, the Authority collected $309,465 in Laboratory testing income. Between January 1 and June 30, 2026, the Authority collected $197,275 in Laboratory testing fees. Based on historical data, the Authority has budgeted $395,503 for Laboratory testing income in 2027.

Other Revenue. This line item consists of payments made by certain Covered Racetracks to reimburse the Authority for paying for services in connection with Racetrack Safety Program compliance. One example involves States without a voluntary implementation agreement with the Authority. In some cases, the Authority will pay veterinarians and stewards directly to enforce relevant rules established in the Racetrack Safety Program. These costs will be charged back to the racetracks where the veterinarians and stewards are performing the services. Because the revenue generated offsets the costs to the Authority, the net effect of this line item is zero. That said, the Authority has budgeted $398,000 for this line item, which is based on historical data.

IV. Information Concerning Rule 1.150(c)(3)

The Authority is committed to being a good steward of industry funds. Over the last few years, the Authority has reduced its gross budget by prioritizing efficiencies, identifying cost-saving measures, and leveraging economies of scale and diminishing start-up costs—all while maintaining a high level of

service and a decreasing equine fatality rate. In developing the Proposed Budget, the Authority worked collaboratively with the Commission to conduct a comprehensive review of expenditures and identify further opportunities for cost savings. Through this effort, several line-item reductions were identified and incorporated into the Proposed Budget, contributing to a gross budget reduction of more than $4.4 million compared to the 2026 Budget (a decrease of approximately 5.75%). Since 2025, the Authority's gross budget has decreased by approximately 9.50%. These reductions underscore the Authority's commitment to cost discipline and operational efficiency, demonstrating that the Authority is actively working to lower the financial demands on the industry while sustaining robust and impactful safety and integrity programs.

In accordance with Rule 1.150(c)(3), the Proposed Budget includes the following expenditures:

- *The Racetrack Safety Program.* These expenditures are outlined in Appendix 4 and further line-item descriptions in accordance with Rule 1.150(c)(4) are included in Section V of this Notice.
- *The Anti-Doping and Medication Control Program.* These expenditures are outlined in Appendices 5 and 6 and further line-item descriptions in accordance with Rule 1.150(c)(4) are included in Section V of this Notice.
- *All Other Programmatic Expenses.* These expenditures are outlined in Appendices 7, 8, and 9, and further line-item descriptions in accordance with Rule 1.150(c)(4) are included in Section V of this Notice.
- *Repayment of any loans.* This expenditure consists of $0 in repayment of loans.
- *Any funding shortfall incurred.* The Authority does not anticipate a funding shortfall.

V. Information Concerning Rule 1.150(c)(4)

In accordance with Rule 1.150(c)(4), Section V of this Notice provides sufficient information regarding the Authority's expenditures included in the Proposed Budget, by line item, as would be required for members of the Authority's Board of Directors to exercise their fiduciary duty of care. The line-item expenditure information begins with the Racetrack Safety Program, followed by the ADMC Program (with separate line items shown for the budget for the Horseracing Integrity & Welfare Unit (''HIWU'')), and other programmatic expenses for Veterinary Services, Technology Operations, and Administration.

A. Racetrack Safety Program

The Act directs the Authority to develop and implement a racetrack safety program applicable to all Covered Horses, Covered Persons, and Covered Horseraces (the ''Racetrack Safety Program''). 15 U.S.C. 3056(a)(1). The Act specifies that the Racetrack Safety Program include, among other things, a set of training and racing safety standards and protocols, a racing surface quality maintenance system, programs for injury and fatality data analysis, the undertaking of investigations related to safety violations, procedures for charging and adjudicating violations, programs related to safety and performance research and education, an evaluation and accreditation program that ensures that racetracks in the United States meet the Racetrack Safety Program standards, and development of a nationwide database of racehorse safety, performance, health, and injury information.

Since July 1, 2022, the Authority has operated—on a 365-day basis—a Racetrack Safety Program that provides racetrack safety standards, racetrack accreditation, record reporting and data management, compliance and equine health monitoring, and more—all on a national scale. In 2025, the Authority's rules and safety protocols applied to approximately tens of thousands of Covered Horses; 39,000 Covered Persons; 41 Thoroughbred racetracks located across 19 States; 168,116 covered race starts; and 346,577 recorded workouts. Despite the broad scope of the Authority's functions, the Authority operates with a lean organizational structure consisting of only 27 full-time employees.

The Racetrack Safety Program portion of the Proposed Budget (Appendix 4) funds the implementation of the Racetrack Safety Program as set forth in the Rule Series 2000 and as originally approved by order of the Federal Trade Commission dated March 3, 2022. The Racetrack Safety Program expenditures include the following line items:

Salaries (5200). The Proposed Budget contemplates $870,768 for this line item. This line item covers salaries for the six full-time employees whose work directly supports the implementation and enforcement of the Authority's Racetrack Safety Program at 41 racetracks across 19 States. These employees are necessary to carry out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056. Specifically, these staff members oversee compliance with the Racetrack Safety Program in the areas of administration, track accreditation services, stewarding, jockey health and welfare, and more.

The Authority has included in the Proposed Budget a cost of living adjustment to base salary for all staff hired prior to June 1, 2026. In establishing compensation ranges, HISA considers relevant market benchmarks, the specialized nature of the positions, geographic considerations, and the need to compete with opportunities available in the private sector, regulatory organizations, and other professional fields.

Payroll Tax Expense (5210). The Proposed Budget contemplates $67,904 for this line item. This line item is based on historical data and covers funding for Federal, State, and local payroll tax obligations associated with Racetrack Safety Program personnel. As noted above, the staff are necessary to carry out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056.

Health Insurance (5220). The Proposed Budget contemplates $50,964 for this line item. This line item covers funding for the Authority's paid-portion of the multi-employer health insurance plan offered to Racetrack Safety employees (2027 will be the first full year that the Authority has offered a multi-employer health insurance plan). For employees covered under a different health insurance plan, the Authority provides a stipend to those employees to cover a portion of the cost of their own plans. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056.

Retirement (5230). The Proposed Budget contemplates $29,817 for this line item. This line item covers funding for the Authority's match paid to the accounts of Racetrack Safety employees that participate in the Authority's 401(k) Plan. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered

Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056.

Other Employee Benefits (5290). The Proposed Budget contemplates $6,300 for this line item. This line item is based on historical data and covers funding for employer-provided benefits associated with Racetrack Safety Program personnel and includes workers' compensation insurance, and mobile phone stipends. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056. While this line item is reduced compared to the 2026 budget, much of the difference has been reallocated to the Health Insurance (5220) and Retirement (5230) accounts (both of which are new for 2027).

Meetings (5430). The Proposed Budget contemplates $24,000 for this line item. This line item is based on historical data and covers funding for costs associated with meetings and stakeholder engagement activities that support the Racetrack Safety Program. Specifically, this includes funding for an in-person meeting for Track Superintendents to discuss best practices, emerging trends, and compliance with the Racetrack Safety Program. Additionally, this includes funding for an in-person meeting of the Racetrack Safety Standing Committee. This first ever in-person meeting will enable committee members and subject matter experts to engage in detailed deliberations and develop recommendations to enhance the Racetrack Safety Program. Budgeted costs include meeting facilities, materials, refreshments, and other reasonable expenses necessary to facilitate collaboration, communication, training, and the effective administration of the Racetrack Safety Program.

Travel (5440). The Proposed Budget contemplates $61,000 for this line item. This line item is based on historical data and covers funding for travel expenses incurred by Racetrack Safety Program personnel while conducting company business (excluding Track Accreditation Services travel set forth below). All business travel-related expenses are incurred in accordance with the Authority's Travel Policy. This line item includes transportation, lodging, meals, mileage reimbursement, parking, and other allowable travel-related costs associated with inspections, audits, investigations, training, stakeholder meetings, conferences, and other activities necessary to support the implementation, oversight, and enforcement of the Racetrack Safety Program. These expenses enable staff to effectively carry out Racetrack Safety Program responsibilities at 40 racetracks located across 19 States. Meeting with and hearing the concerns of industry stakeholders are critical to the Authority's quality of services provided and stakeholder satisfaction. Compared to the 2026 budget, this line item has decreased by 35% based on the number of years of operation of the Racetrack Safety Program and the need for fewer in-person meetings.

Staff Development (5460). The Proposed Budget contemplates $2,700 for this line item. This line item covers the expense for an employee to be accredited by the Racing Officials Accreditation Program (ROAP). A ROAP-accredited HISA employee brings specialized regulatory expertise and up-to-date training that helps HISA effectively administer and enforce the Racetrack Safety Program, particularly stewarding-related rules and issues.

Supplies (5500). The Proposed Budget contemplates $5,390 for this line item. This line item includes items such as office supplies, printing and copying materials, racetrack safety materials, and training supplies, used in carrying out Racetrack Safety Program activities. These expenses support the day-to-day functions of Racetrack Safety Program staff and contribute to the effective implementation, monitoring, and enforcement of the Program.

Postage (5510). The Proposed Budget contemplates $600 for this line item. This line item includes postage for mailing racetrack safety materials and training supplies used in carrying out Racetrack Safety Program activities. These expenses support the day-to-day functions of Racetrack Safety Program staff and contribute to the effective implementation, monitoring, and enforcement of the Program.

Payroll (5840). The Proposed Budget contemplates $4,800 for this line item. This line item covers a portion of the costs associated with the Authority's Professional Employer Organization, CoAdvantage, which includes the cost of running payroll for the Racetrack Safety employees. Payroll expenses directly further the purposes of the Act by supporting employees responsible for carrying out the Act's requirement of developing and implementing a racetrack safety program for Covered Horses, Covered Persons, and Covered Horseraces, including the elements and activities required under 15 U.S.C. 3056. Without qualified personnel, the Authority would be unable to effectively administer and enforce the Act's requirement to develop and implement a Racetrack Safety Program.

Professional Services (5890). The Proposed Budget contemplates $1,294,138 for this line item. This line item covers funding for specialized professional and technical services obtained from external consultants, contractors, vendors and subject-matter experts to provide and/or augment services in the following areas of the Racetrack Safety Program:

(i) Epidemiology;
(ii) Research/Testing;
(iii) Jockey Concussion Tracking;
(iv) Jockey Mental Health; and
(v) National Medical Director.

These specialized services support the Authority's efforts to carry out the mandate given to it by Congress: ''exercise independent and exclusive national authority over—(A) the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces; and (B) all horseracing safety, performance, and anti-doping and medication control matters for covered horses, covered persons, and covered horseraces . . .'' 15 U.S.C. 3054(a)(2). For example, as part of the Authority's mandate to provide for the safety and welfare of Covered Persons, the Authority contracted with the New Lexington Clinic through its employed physician Dr. Peter Hester, an Orthopedic Surgeon specializing in Sports Medicine, to serve as the first ever National Medical Director for the Thoroughbred racing industry. Dr. Hester, as the Authority's National Medical Director, leads initiatives to support jockey health and welfare, including mitigating risk of injury, securing elite medical care, improving and optimizing health care services, and developing and sourcing affordable medical insurance for the more than 1,700 Authority-registered Jockeys and their families. This line item was budgeted at $180,000 in 2026 and remains the same in the Proposed Budget.

Similarly, the Authority partnered with the digital concussion management platform HEADCHECK Health to enforce a uniform, national concussion protocol for Jockeys. Under the protocol, racetrack medical staff will use HEADCHECK to document medical evaluations, possible concussion symptoms and written releases permitting a Jockey to return to riding after being cleared by a qualified medical provider knowledgeable in concussion management and the skills needed to perform as a Jockey.

HEADCHECK's implementation will also ensure that concussion-related medical records follow a rider from track to track and advance continuity of concussion care across the country. The Authority has budgeted $196,388 for this line item in the Proposed Budget (this line item was $186,000 in 2026; the increase is due to contractual increase).

This line item also contemplates the Authority contracting with an epidemiologist to strengthen the Authority's efforts to protect the health and safety of Covered Horses by using data and scientific analysis to identify, understand, and prevent injuries and fatalities. Through the veterinary, training, injury, fatality, and other health and performance data available in the HISA Portal, an epidemiologist would expand the Authority's and, in turn, the industry's, ability to identify risk factors for equine injuries and death, detect trends and emerging safety concerns, evaluate the effectiveness of safety rules and protocols, and more. The Authority has budgeted $85,000 for this line item (this position was not included in the 2026 budget).

Additionally, this line item covers the ongoing costs associated with the Equine Associated Sudden Death (EASD) Study, a research initiative aimed at better understanding the underlying causes and risk factors associated with EASD. During the first six months of 2025, EASD accounted for approximately 8% of racing fatalities and 18% of training fatalities at racetracks subject to the Authority's rules. The findings from the EASD study have led to the issuance of an Equine Health Advisory (available at *https://hisaus.org/resources/hisa-equine-health-advisory-exercise-associated-sudden-death*) and are intended to help the Authority, Veterinarians, racetracks, and industry stakeholders develop evidence-based strategies to reduce preventable fatalities and improve overall equine welfare. By investing in scientific research and data analysis, the Authority can identify emerging health trends, evaluate risk factors, and implement targeted safety measures that enhance the health and safety of Covered Horses, as required under the Act. The Authority has budgeted $199,800 for this line item in the Proposed Budget (this research was not included in the 2026 budget).

Other expenses covered in this line item include contracting with a jockey wellness consultant and a partnership with OnRise, a third-party that provides a confidential platform that provides jockeys with access to mental health support through the insights and experiences of trained retired athletes, licensed therapists and psychiatrists. These expenses are associated with the health and safety of Covered Persons. The Authority has budgeted $106,000 for this line item (this expense was not included in the 2026 budget).

Finally, this line item includes expenses that the Authority advances on behalf of racetracks to support compliance with the Racetrack Safety Program, such as costs associated with stewards and veterinarians. Although the Authority initially bears these costs, racetracks reimburse the Authority for their share of these compliance-related expenses, which are subsequently recorded as ''Other Revenues'' in the Proposed Budget (*see* Section III above).

In sum, this line item contemplates a proposed increase compared to the 2026 Budget due in part to the addition of the EASD Study, epidemiologist, jockey wellness consultant, and OnRise.

Accreditation Services (5915). The Proposed Budget contemplates $153,000 for this line item. Pursuant to 15 U.S.C. 3056 and the Racetrack Safety Program, the Authority is responsible for implementing an evaluation and accreditation program that ensures that Covered Racetracks meet certain safety and performance standards. Both the Act and the Racetrack Safety Program require that tracks be accredited, and the rules mandate site visits to determine the extent of compliance with the rules. The accreditation visits afford HISA staff the ability to conduct an in-depth and in-person review of a racetrack's operations to determine its level of compliance with the Racetrack Safety Program and to provide training on how best to meet ongoing reporting requirements.

This line item includes the costs of compensating teams of employees and independent contractors to perform site accreditation visits, and the costs of covering the travel and meal expenses for this team. In 2027, it is anticipated that the Authority will conduct 17 accreditation visits. The accreditation site visits are conducted by teams of three to four individuals. The costs included in this category are based on the actual cost of accreditation site visits in 2023, 2024, 2025, and the anticipated total costs for 2026.

Racetrack Surface Testing (5920). The Proposed Budget contemplates $690,000 for this line item. The Act requires that the Racetrack Safety Program include ''[a] racing surface quality maintenance system that . . . may include requirements for track surface design and consistency and established standard operating procedures related to track surface, monitoring, and maintenance (such as standardized seasonal assessment, daily tracking, and measurement)'' as well as ''a uniform set of track safety standards and protocols.'' 15 U.S.C. 3056(b)(3)–(4). Consistent with the Act's mandate, the Racetrack Safety Program requires comprehensive pre-meet inspections performed on all surfaces prior to the start of each Race Meet as well as seasonal inspections.

This line item covers funding for services and activities related to the evaluation, monitoring, and testing of racetrack surfaces to support compliance with track surface standards established in the Racetrack Safety Program and required under the Act. The Authority contracts with the Racing Surfaces Testing Laboratory (RSTL), an expert in testing and evaluating racetrack surfaces, to test, evaluate, and monitor track surfaces at the racetracks operating under the Racetrack Safety Program. These services help identify surface conditions that may affect the safety and welfare of Covered Horses and Covered Persons.

B. Anti-Doping and Medication Control

In addition to the Racetrack Safety Program, the Act directed the Authority to establish a ''horseracing anti-doping and medication control program applicable to all covered horses, covered persons, and covered horseraces'' (the ''ADMC Program''). 15 U.S.C. 3055(a)(1). Nearly 75% of the Proposed Budget is dedicated to the ADMC Program. Pursuant to the Act, the Authority contracted with HIWU, a division of Drug Free Sport (''DFS''), to serve as the independent enforcement agency of the ADMC Program. HIWU oversees testing, educating stakeholders on the ADMC Program, accrediting laboratories, investigating potential violations, and prosecuting any such violations.

The ADMC Program portion of the Proposed Budget (Appendix 5) funds the implementation of the ADMC Program as set forth in the Rule Series 3000, 4000, 5000, 6000, and 7000 and as originally approved by order of the Federal Trade Commission dated March 27, 2023. The ADMC portion of the Proposed Budget consists of three line items: Professional Services, HIWU, and Laboratory Testing.

Professional Services (5890). The Proposed Budget contemplates $420,844 for this line item. The Act required the Authority to establish a disciplinary process for safety, performance, and anti-doping and medication control rule violations. 15 U.S.C. 3057(c). This line item consists of costs related to the established disciplinary process for alleged ADMC violations, including estimated fees to cover the cost of proceedings before the Internal

Adjudication Panel (primarily equine controlled medication violations) and the Arbitral Body (primarily equine anti-doping rule violations). These proceedings are in accordance with the Act and the ADMC Program rules approved by the Commission.

Compared to the 2026 Budget, the proposed amount for this line item represents an approximate 42% reduction. The primary driver of this cost savings is a potential shift to a different service provider to administer the Arbitral Body. To reduce the costs to the industry, HISA and HIWU are exploring alternative independent service providers that will provide a high-level quality of service for a rate lower than the amount being charged by the current provider.

Laboratory Testing (5925). The Proposed Budget contemplates $17,860,583 for this line item. This line item includes funding for laboratory analysis of Covered Horse samples (Post-Race, Out of Competition, B Samples, Claimed Horse Testing, and Clearance Testing) by one or more of the laboratories with HISA Equine Analytical Laboratory (''HEAL'') accreditation status. Currently, this includes the Equine Integrity and Anti-Doping Sciences (''EQIAS'') Laboratory, Industrial Laboratories, and the Kenneth L. Maddy Equine Analytical Chemical Laboratory at the University of California-Davis.

HEAL accredited laboratories have many years of experience in the testing of blood, urine, and hair samples taken from Thoroughbred racehorses. HISA and HIWU have conducted negotiations with each of these laboratories to ensure that competent testing is performed at the lowest price possible. The HEAL accreditation process and extensive contract negotiations has led to fewer laboratories being utilized for Sample analysis under the ADMC Program, allowing the approved laboratories to spread their fixed costs (salaried employees, testing equipment, etc.) over a larger number of samples, resulting in minimal price increases year-over-year.

In 2025, HIWU oversaw 111,287 sample collections (blood, urine, and hair) from 73,815 horses in 2025. Laboratory testing is a core component of the ADMC Program and the Act as it provides the scientific validation necessary to detect Prohibited Substances and verify compliance with the ADMC Program. The expenditure amount contemplated in this line item represents a reduction of approximately 8.3% compared to the 2026 budget. One reason for this anticipated reduction is a result of efficiencies learned from the first 3+ years of the ADMC Program.

HIWU (5910). The Proposed Budget contemplates $35,292,590 for this line item. This line items covers the cost to comply with the Act's requirement of contracting with an ''independent anti-doping and medication control enforcement organization for covered horses, covered persons, and covered horseraces, implementing the anti-doping and medication control program on behalf of the Authority.'' 15 U.S.C. 3054(e)(1)(E)(i). Further details about this line item are set forth below. Compared to the 2026 Budget, the proposed amount for this line item represents an approximate 5.2% reduction.

C. Horseracing Integrity and Welfare Unit

As noted above, HIWU serves as the independent enforcement agency for the Authority's ADMC Program. HIWU is remarkably efficient given its size and available resources. With only 41 full-time employees (budgeting for 43 full-time employees) and seven additional shared employees (budgeting for 10 shared employees),[12] HIWU oversaw 111,287 sample collections (blood, urine, and hair) from 73,815 horses in 2025.[13]

On the legal front, in 2025, HIWU served 377 Equine Anti-Doping/Equine Controlled Medication Notices and 361 Equine Anti-Doping/Equine Controlled Medication Charges in 2025.[14] The average resolution time for cases originating in 2025 was 82.6 days.[15] HIWU's investigations teams conducted or oversaw 463 searches at 50 racetracks/training centers in 19 States. Finally, HIWU administers the HEAL Accreditation Program, which includes empowering HIWU to closely monitor compliance and act accordingly when laboratories cannot meet the Laboratory Standards. The Laboratory Expert Group, whose members bring a broad range of relevant expertise in human and equine anti-doping, laboratory operations, and quality assurance management, is essential to this component of the ADMC Program.

The HIWU portion of the Proposed Budget (Appendix 6) totals $35,292,590, approximately a 5.2% decrease compared to 2026. Further details of the HIWU portion of the Proposed Budget are set forth below.

Salaries. The Proposed Budget contemplates $7,238,100 for this line item. This line item covers salaries for 43 full-time HIWU employees and 10 additional employees shared with DFS whose work directly supports the implementation and enforcement of the Authority's ADMC Program (currently, HIWU has 41 full-time employees and seven employees shared with DFS). As required under the Act, this consists of conducting and overseeing anti-doping and medication control results management, including independent investigations, charging and adjudication of potential medication control rule violations, and the enforcement of any civil sanctions for such violations. 15 U.S.C. 3055(c)(4). This also includes the performance and management of test distribution planning, the sample collection process, and in-competition and out-of-competition testing as well as the accreditation of testing laboratories. *Id.* HIWU's 41 full-time employees are spread across the following departments:

1. Testing Operations
2. Testing Strategy
3. Compliance & Policy
4. Collection Personnel Recruitment, Training, & Certification
5. Support Line Management
6. Science
7. Laboratory Accreditation
8. Equine Medical Resources
9. Intelligence and Strategy
10. Investigative Operations
11. Education
12. Communications & Outreach
13. Legal
14. Litigation
15. Results Management
16. Information Technology
17. Human Resources
18. Finance

HIWU currently shares seven staff with DFS in the areas of Information Technology, Finance and Human Resources. This arrangement produces cost savings, obviating the need for HIWU to retain full-time employees to provide these services. This proposed line item contemplates three additional shared employees for 2027 (an additional human resource specialist, an instructional design specialist to assist with educational content management and creation, and a controller). Salary levels for each position are based on market rates, and the line-item amount contemplates cost of living adjustments for current employees plus the addition of at least one staff member in the legal department and one staff member in the investigations department.

Payroll Tax Expense. The Proposed Budget contemplates $515,000 for this line item. This line item is based on historical data and covers funding for Federal, State, and local payroll tax obligations associated with HIWU personnel. As noted above, HIWU staff are necessary to carry out the Act's requirement of an ''independent anti-doping and medication control enforcement organization for covered horses, covered persons, and covered

horseraces, implementing the anti-doping and medication control program on behalf of the Authority.'' 15 U.S.C. 3054(e)(1)(E)(i).

Other Employee Benefits. The Proposed Budget contemplates $706,180 for this line item. This line item is based on historical data and covers funding for employer-provided benefits associated with HIWU personnel and includes HIWU's paid-portion of the health and dental insurance plan offered to employees. This line item also includes the cost of HIWU's match paid to the accounts of employees that participate in the company provided 401(k) Plan. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of an ''independent anti-doping and medication control enforcement organization for covered horses, covered persons, and covered horseraces, implementing the anti-doping and medication control program on behalf of the Authority.'' 15 U.S.C. 3054(e)(1)(E)(i).

Rent. The Proposed Budget contemplates $114,810 for this line item. This line item covers the rent associated with HIWU's 3,000 sq. ft. office space located in Kansas City, Missouri for its employees. HIWU is paying $32/sq.ft., which is consistent with market rates in the Kansas City area. The cost of basic office equipment is also included in this line item.

Office Expenses. The Proposed Budget contemplates $28,700 for this line item. This line item consists of common office expenses such as utilities and maintenance costs, which are necessary for HIWU employees to carry out their duties as the independent enforcement agency from a physical location in Kansas City, Missouri. Compared to the 2026 budget, this line has been reduced by approximately 68% due to the elimination of sponsorship/accounting-related office expenses.

Telecommunications. The Proposed Budget contemplates $79,800 for this line item. This line item consists of the cost of office phones, mobile phone service at a commercially reasonable rate, and portable hot-spot Wi-Fi services to be used in test barns, all of which are necessary to carry out the requirements of the ADMC Program. Compared to the 2026 budget, this line item has been reduced by approximately 17% due to lower rates obtained from a new service provider.

Travel. The Proposed Budget contemplates $816,709 for this line item. This line item consists of travel expense necessary for full-time employees to perform functions essential to the administration of the ADMC Program and required under the Act, such as meetings with State Racing Commissions and track associations, training and continuing education sessions with sample collection personnel, conducting investigations, arbitration hearings, laboratory visits, meetings with HISA personnel, and participation in industry meetings and conventions. Travel expenses include airfare, hotel rooms, rental cars, fuel costs, mileage for personal vehicles used for business purposes, parking, and meals.

The amounts for each expense component were based on estimated market average cost. This line item is based on historical data over the last three years and represents a 12% reduction compared to the 2026 budget.

Supplies. The Proposed Budget contemplates $1,270,000 for this line item. The Act directs the independent anti-doping enforcement agency (HIWU) to, among other things, perform and manage the sample collection process. 15 U.S.C. 3055(c)(4). This line item furthers that directive as it includes the costs of drug testing supplies needed for sample collections and sample collection personnel training, such as secure urine collection kits, vacutainer blood vials, and other chain-of-custody supplies. The costs of these supplies are budgeted at the lowest feasible rate based on current market conditions, historical procurement data, and vendor pricing.

Professional Services. The Proposed Budget contemplates $2,938,300 for this line item. This line item covers funding for specialized professional and technical services obtained from external consultants, contractors, and subject-matter experts to provide and/or augment services in the following areas of the ADMC Program:

(i) Results Management;

(ii) Investigative and State Racing Commission Relations; and

(iii) Laboratory Accreditation.

Specifically, this expense covers external legal counsel for assistance with complex case prosecution, contract investigators who provide seasonal ''boots on the ground'' investigative services at Covered Racetracks and Training Facilities, consultation with the independent Laboratory Expert Group members for laboratory accreditation expertise, the HIWU Advisory Council, and outside venders for services such as the management and distribution of laboratory quality control samples, educational video production, and communications support.

With more than three years' experience administering the Authority's ADMC Program, HIWU's reliance on external consultants is decreasing as reflected by the 18% decrease compared to the 2026 budget.

Technology. The Proposed Budget contemplates $1,696,642 for this line item. This line item covers funding for all software, hardware, licenses and continued technological development needed to administer the ADMC Program. As noted above, HIWU is responsible under the Act for conducting and overseeing the results management process. In 2025 alone, HIWU oversaw 111,287 sample collections (blood, urine, and hair) from 73,815 horses.

Given the scale and complexity of the ADMC Program, robust technology infrastructure is essential to ensure the efficient, accurate, secure, and timely management of testing and results data. Technology supports the end-to-end administration of the program, including sample collection and tracking, chain-of-custody documentation, laboratory data integration, results reporting, case management, regulatory compliance, and communication with laboratories, Veterinarians, racetracks, and other stakeholders. It also facilitates real-time monitoring and analysis of testing activities, reduces the risk of manual errors, enhances data integrity, and provides the transparency and auditability required for a national anti-doping and medication control program.

Continued investment in technology is necessary to maintain system reliability, accommodate growing testing volumes, address evolving regulatory requirements, strengthen cybersecurity protections, and implement enhancements that improve operational efficiency and stakeholder service. Without these systems and ongoing technological development, HIWU would be unable to effectively manage the substantial volume of testing data and associated regulatory activities required to fulfill its statutory responsibilities.

Insurance. The Proposed Budget contemplates $516,023 for this line item. This line item covers the cost of HIWU's insurance policies, including liability insurance with an Umbrella policy, cyber-risk insurance, property insurance, and workers' compensation insurance. This line amount is based on historical costs with estimated year-over-year increases.

Resources and Education. The Proposed Budget contemplates $136,752 for this line item. This line item includes training and continuing

education, registration fees for industry conferences, accounting fees for State tax filings, and dues and subscriptions to industry publications. All of these are necessary for HIWU to adequately carry out its duties as the independent enforcement agency of the Authority's ADMC Program.

Taxes-Other. The Proposed Budget contemplates $3,600 for this line item. This line item covers anticipated sales and use taxes on ADMC Program-related purchases, including technology, testing supplies, office equipment, and other operational expenditures. This line-item amount is based on historical spending patterns.

ADMC Collection Costs. The Proposed Budget contemplates $16,559,342 for this line item. This line item covers wages paid to sample collection personnel in the 19 States that conduct Covered Horseraces. The amounts are based on wages paid to sample collection personnel over the last three years of the ADMC Program. The sample collection personnel are responsible for more than 100,000 sample collections per year.

Additionally, to cover travel expenses specifically related to sample collection, this includes airfare, hotel rooms, rental cars, fuel costs, mileage for personal vehicles used for business purposes, parking, and meals. The amounts for each expense component were based on estimated market average costs.

The expenditure amount contemplated in this line item represents a reduction of approximately 6.5% compared to the 2026 budget. This anticipated reduction is a result of efficiencies learned from the first 3+ years of the ADMC Program.

Management Fees. The Proposed Budget contemplates $2,672,633 for this line item. This line item covers the management fee owed to HIWU for administering the Authority's ADMC Program. The Act specifies that the ''Authority shall enter into an agreement with an entity that is nationally recognized as being a medication regulation agency equal in qualification to the United States Anti-Doping Agency to act as the anti-doping and medication control enforcement agency under this chapter for services consistent with the horseracing anti-doping and medication control program.'' 15 U.S.C. 3054(e)(1)(B). Consistent with the Act, the Authority entered into an agreement with DFS for HIWU to administer the ADMC Program. HISA's agreement with DFS is structured so that ADMC Program expenses are budgeted and billed directly to HISA on an at-cost basis. The 8% management fee effectively represents a fee paid to DFS for developing and maintaining the administrative and organizational functions required to establish HIWU and administer the ADMC Program. The Authority notes further that its agreement with DFS contains an incentive structure that encourages DFS to minimize the costs it incurs in carrying out its responsibilities under the agreement.

D. Veterinary Services

The Authority incurs other programmatic expenditures that support its statutory mission beyond the direct administration of the Racetrack Safety Program and the ADMC Program. These expenditures include veterinary services, technology operations, and administrative services, all of which play a critical role in advancing HISA's statutory mandate to protect and enhance the safety and welfare of Covered Horses and Covered Persons and the integrity of Covered Horseraces.

The Authority's Veterinary Services department plays a crucial role in promoting the health, welfare, and safety of Covered Horses. The three Veterinarians that comprise this department have a combined 60 years of veterinary experience and are responsible for developing and overseeing the Authority's veterinary-related rules and protocols, supporting regulatory veterinarians and attending practitioners, managing veterinary reporting and compliance requirements, evaluating injury and health data, and helping implement data-based safety initiatives designed to reduce equine injuries and improve racing outcomes. Veterinary Services also collaborates with industry stakeholders, researchers, and HISA advisory committees to advance best practices in equine care, medication management, racetrack safety, and horse welfare, ensuring consistent standards are applied across all covered racing jurisdictions. Their work supports the health, safety, and welfare of the tens of thousands Covered Horses and 1,400 veterinarians participating in Thoroughbred racing across the United States.

The Veterinary Services expenditures (Appendix 7) include the following:

Salaries (5200). The Proposed Budget contemplates $647,891 for this line item. This line item covers salaries for the three full-time veterinarians that comprise the Veterinary Services Department. As set forth above, these veterinarians have a combined 60 years of veterinary experience and are responsible for developing and overseeing the Authority's veterinary-related rules and protocols, supporting regulatory veterinarians and attending practitioners, managing veterinary reporting and compliance requirements, evaluating injury and health data, and helping implement data-based safety initiatives designed to reduce equine injuries and improve racing outcomes. Given the national scope of the Authority's responsibilities and the continuous nature of racing operations, these veterinarians routinely provide oversight, consultation, and regulatory support that extends well beyond traditional business hours. Their work supports the health, safety, and welfare of the tens of thousands of Covered Horses and 1,400 veterinarians participating in Thoroughbred racing across the United States.

The Act requires the Authority to ''exercise independent and exclusive national authority over—(A) the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces; and (B) all horseracing safety, performance, and anti-doping and medication control matters for covered horses, covered persons, and covered horseraces.'' 15 U.S.C. 3054(a)(2). These three Veterinarians are indispensable to fulfilling this statutory mandate. Through their ongoing oversight of veterinary policy, injury prevention initiatives, horse health monitoring, regulatory compliance, and stakeholder engagement, they help ensure the consistent implementation of the Act's safety and welfare objectives throughout the industry.

The Authority has included in the Proposed Budget a cost of living adjustment to base salary for all staff hired prior to June 1, 2026. In establishing compensation ranges, HISA considers relevant market benchmarks, the specialized nature of the positions, geographic considerations, and the need to compete with opportunities available in the private sector, regulatory organizations, and other professional fields.

Payroll Tax Expense (5210). The Proposed Budget contemplates $58,310 for this line item. This line item is based on historical data and covers funding for Federal, State, and local payroll tax obligations associated with Veterinary Services personnel. As noted above, the staff are necessary to carry out the Act's requirement of protecting and enhancing the safety and welfare of Covered Horses.

Health Insurance (5220). The Proposed Budget contemplates $44,232 for this line item. This line item covers funding for the Authority's paid-portion of the multi-employer health insurance plan offered to Veterinary Services employees (2027 will be the first full

year that the Authority has offered a multi-employer health insurance plan). For employees covered under a different health insurance plan, the Authority provides a stipend to those employees to cover a portion of the cost of their own plans. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of protecting and enhancing the safety and welfare of Covered Horses.

Retirement (5230). The Proposed Budget contemplates $24,387 for this line item. This line item also includes the cost of the Authority's match paid to the accounts of Veterinary Services employees that participate in the Authority's 401(k) Plan. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Act's requirement of protecting and enhancing the safety and welfare of Covered Horses.

Other Employee Benefits (5290). The Proposed Budget contemplates $3,360 for this line item. This line item is based on historical data and covers funding for employer-provided benefits associated with Veterinary Services employees and includes workers' compensation insurance, and mobile phone stipends. These costs support the recruitment, retention, and well-being of Veterinary staff. While this line item is reduced compared to the 2026 budget, a majority of the difference has been reallocated to the Health Insurance (5220) and Retirement (5230) accounts (both of which are new for 2027).

Meetings (5430). The Proposed Budget contemplates $15,000 for this line item. This line item covers funding for costs associated with meetings and stakeholder engagement activities that support the Veterinary Services department. These meetings provide face-to-face opportunities to discuss rule implementation, assist with challenges, listen to concerns regarding uniformity and practical effects, and bring back ideas for improvements to the internal team for consideration. These meetings are typically held in conjunction with other established industry meetings to maximize participation while minimizing travel costs. These meetings improve the service of veterinary operations and the Racetrack Safety Program.

Travel (5440). The Proposed Budget contemplates $40,000 for this line item. This line item covers funding for travel expenses incurred by Veterinary Services personnel, including transportation, lodging, meals, mileage reimbursement, parking, and other allowable travel-related costs associated with inspections, audits, investigations, training, stakeholder meetings, conferences, and other activities necessary to support the implementation, oversight, and enforcement of veterinary standards established in the Racetrack Safety Program.

Memberships & Subscriptions (5450). The Proposed Budget contemplates $49,000 for this line item. This line item covers the costs of subscriptions for services to be provided to the industry relating to the mental health of regulatory veterinarians and the assessment of lameness in Covered Horses. As noted above, the Act directs the Authority to exercise independent and exclusive national authority over ''the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces.'' 15 U.S.C. 3054(a)(2). This line item furthers this directive of the Act.

Payroll (5840). The Proposed Budget contemplates $2,700 for this line item. This line item covers a portion of the costs associated with the Authority's Professional Employer Organization, CoAdvantage, which includes the cost of running payroll for Veterinary Services employees. Payroll expenses directly further the purposes of the Act by supporting employees responsible for monitoring and enhancing the safety and welfare of Covered Horses. Without qualified veterinary personnel, the Authority would be unable to effectively administer and enforce the veterinary standards established in the Racetrack Safety Program.

Professional Services (5890). The Proposed Budget contemplates $81,000 for this line item. This line item covers funding for specialized professional and technical services obtained from external consultants, contractors, and subject-matter experts to support the Veterinary Services department. This line item includes costs associated with compliance audits, training in specialized administrative procedures, and review and drafting of opinion letters regarding enforcement cases.

E. Technology Department

The Authority's Technology department supports the building and development of all IT systems needed to properly and efficiently manage the Racetrack Safety Program, the ADMC Program, and administration of the Authority's operations. Among other things, the department is responsible for the development and maintenance of the HISA Portal, a proprietary platform utilized by over 39,000 Owners, Trainers, veterinarians, racetracks, stewards, and other industry participants for registration, reporting, compliance, and data management activities.

On average, the Authority receives approximately 7,000 veterinary treatment records per day and, as of the end of 2025, approximately seven million veterinary treatment records had been uploaded to the HISA Portal since the inception of the Racetrack Safety Program. Under HISA rules, horses' treatment records are available to regulatory veterinarians at any racetrack. Before the enactment of HISA's Racetrack Safety Program, information shared between tracks and States was limited to regulatory history (*e.g.,* veterinarians' list history, pre-race and other veterinary inspections). In addition, treatment histories are now available to new owners, trainers and veterinarians when a horse is transferred, sold or claimed. This information enables all parties to have a more complete picture of a horse's medical and regulatory history to promote continuity of care. Using this robust dataset, the IT team developed HISA CHECK√, which analyzes the comprehensive treatment information available in the HISA Portal, along with historical performance data and other risk factors (*e.g.,* the length of a horse's previous layoff (if any), term with current Trainer, history on the Veterinarians' List), to assess whether horses are at increased risk for injury.

The Technology Department expenditures (Appendix 8) include the following:

Salaries (5200). The Proposed Budget contemplates $1,284,129 for this line item. This line item covers salaries for 14 Technology Department staff whose work is essential to ensure the reliable operation, security, and continuous improvement of the Authority's technology infrastructure and services, including the HISA Portal, which is utilized daily by over 39,000 Covered Persons and contains health and performance information for over 90,000 Covered Horses. As noted above, the Technology Department staff are necessary to provide the technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations. This line item contemplates a proposed increase compared to the 2026 Budget due to the expectation that 4 contractors currently providing services for the Authority will become full-time employees (part of this increase is offset by the decrease in Professional Services (5890)) and the addition of two new full-time employees (to replace outgoing contractors).

The Technology Department also assists with fulfilling specific responsibilities under the Act, including the development of a registration platform for all covered persons as ''a condition of participating in covered races and in the care, ownership, treatment, and training of covered horses''; the ''develop[ment] and maint[enance] [of] a nationwide database of racehorse safety, performance, health, and injury information''; and the development of a rulings page to comply with the Act's public disclosure requirements. 15 U.S.C. 3054(d)(1), 3056(c)(3)(A), 3057(c)(2).

The Authority has included in the Proposed Budget a cost of living adjustment to base salary for all staff hired prior to June 1, 2026. In establishing compensation ranges, HISA considers relevant market benchmarks, the specialized nature of the positions, geographic considerations, and the need to compete with opportunities available in the private sector, regulatory organizations, and other professional fields.

Payroll Tax Expense (5210). The Proposed Budget contemplates $105,299 for this line item. This line item is based on historical data and covers funding for Federal, State, and local payroll tax obligations associated with Technology Department personnel. As noted above, the Technology Department staff are necessary to provide the technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations. The IT Team also operates and maintains the HISA Portal and other technology tools offered by the Authority.

Health Insurance (5220). The Proposed Budget contemplates $64,000 for this line item. This line item covers funding for the Authority's paid-portion of the multi-employer health insurance plan offered to employees (2027 will be the first full year that the Authority has offered a multi-employer health insurance plan). For employees covered under a different health insurance plan, the Authority provides a stipend to those employees to cover a portion of the cost of their own plans. These costs support the recruitment, retention, and well-being of IT staff responsible for providing the technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations.

Retirement (5230). The Proposed Budget contemplates $46,745 for this line item. This line item includes the cost of the Authority's match paid to the accounts of Technology Department employees that participate in the Authority's 401(k) Plan. These costs support the recruitment, retention, and well-being of IT staff responsible for providing the technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations.

Other Employee Benefits (5290). The Proposed Budget contemplates $7,476 for this line item. This line item is based on historical data and covers funding for employer-provided benefits associated with Technology Department employees and includes workers' compensation insurance, and mobile phone stipends. These costs support the recruitment, retention, and well-being of IT staff responsible for providing the technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations. While this line item is reduced compared to the 2026 budget, a majority of the difference has been reallocated to the Health Insurance (5220) and Retirement (5230) accounts (both of which are new for 2027).

Travel (5440). The Proposed Budget contemplates $97,000 for this line item. This line item covers funding for travel expenses incurred by the Technology Department employees to support the Authority's responsibility to administer and oversee nationwide technology systems that enable the implementation of the Act. This travel includes vendor implementation activities, onsite support for various initiatives, training and industry conferences, and collaboration with industry stakeholders such as racetrack operations and regulatory officials.

Supplies (5500). The Proposed Budget contemplates $12,000 for this line item. This line item covers funding for supplies necessary to support the Authority's technology operations and includes the routine purchase and replacement of technology-related consumables, miscellaneous office technology equipment, and operational tools required to maintain a secure, reliable, and efficient technology environment that supports the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations.

Technology (5825). The Proposed Budget contemplates $2,324,040 for this line item. This line item covers funding for cloud computing and other specialized applications that together form the foundation of the Authority's technology system. This primarily consists of the cost of Palantir (budgeted for $1,590,000) (which support HISA CHECK√ and HISA Horse In-Sight) and Amazon Web Services (budgeted for $600,000) (necessary for the HISA Portal and control panel and the mobile app). Additionally, Azure (budgeted for $24,000) (for processing the ruling forms from Stewards), Office 365 (budgeted for $54,000) (for email, login, storage, etc.), end user security tools (budgeted for $24,000), and Odoo (budgeted for $5,400) (for billing software and accreditation management) are included in this account.[16] To be as cost-effective as possible, HISA has chosen not to invest in centralized computing assets. This keeps total cost of ownership low, infrastructure stability high and enables solution flexibility as HISA is engaged in meeting its mandate.

Payroll (5840). The Proposed Budget contemplates $6,900 for this line item. This line item covers a portion of the costs associated with the Authority's Professional Employer Organization, CoAdvantage, which includes the cost of running payroll for the Technology Department employees. Payroll expenses directly further the purposes of the Act by supporting employees responsible for providing technological support for the Racetrack Safety Program, the ADMC Program, and the administration of the Authority's operations. Without qualified IT personnel, the Authority would be unable to effectively administer and enforce the Act's requirements.

Professional Services (5890). The Proposed Budget contemplates $5,034,100 for this line item (a reduction of approximately 11.5% compared to the 2026 budget). This line item covers the projected cost of outsourced technology delivery provided by third-party system integrators and software factories, including T-Soft ($3,150,000), Reflective Matrix ($589,000), and XORGate Solutions ($193,200) Given the need for cost-effective, round-the-clock services, the necessary software and technology systems were procured internationally from development resources in the United States, Europe, and Asia; this allowed for the implementation of a 24-hour code and test development cycle. This is the most cost-effective method of building and maintaining technology systems/portals to facilitate program reporting to and monitoring by HISA. This line item also includes the projected cost of Ansafone ($486,000), a third-party vendor offering 24/7 assistance with HISA's Help Desk, a service of critical importance to the Authority's stakeholders. Finally, this line item covers the projected cost of Dean Dorton ($78,400), an entity to assist with computer system security, and the projected cost of an annual audit of HISA's IT system ($100,000), as

required by the Commission's Oversight Rule.

F. Administration

The Administration portion of the Proposed Budget consists of the general and administrative staff and expenditures that are needed to conduct HISA operations and carry out the Authority's responsibilities under the Act. This includes the Chief Executive Officer and the Chief Financial Officer, along with employees in Legal, Communications, Operations/Compliance, Public Affairs, and Administrative Services.

The Administration Department expenditures (Appendix 9) include the following:

Salaries (5200). The Proposed Budget contemplates $2,389,274 for this line item. This line item contemplates funding for salaries of 11 full-time employees in the Administrative Department, including the Chief Executive Officer and the Chief Financial Officer, along with employees in Legal, Communications, Operations/Compliance, Public Affairs, and Administrative Services. As of July 31, 2026, there are 10 employees in the Administrative Department. These employees are necessary to ensure the efficient operation of the Authority and the effective delivery of its services. In addition, these employees provide financial, legal, public affairs, and other corporate functions necessary for HISA to operate efficiently and maintain compliance with the Commission's Oversight Rule. Notably, the Authority eliminated a full-time position in the Administrative Department. As noted above, the Authority has budgeted for 11 full-time employees—the Authority anticipates hiring an employee to work in the legal department, which will reduce the costs currently paid to outside counsel.

The Authority has included in the Proposed Budget a cost of living adjustment to base salary for all staff hired prior to June 1, 2026.

In establishing compensation ranges, HISA considers relevant market benchmarks, the specialized nature of the positions, geographic considerations, and the need to compete with opportunities available in the private sector, regulatory organizations, and other professional fields.

Payroll Tax Expense (5210). The Proposed Budget contemplates $191,142 for this line item. This line item is based on historical data and covers funding for Federal, State, and local payroll tax obligations associated with Administrative personnel. As noted above, the employees provide financial, legal, public affairs, and other corporate functions necessary for HISA to operate efficiently, carry out its duties and responsibilities under the Act, and maintain compliance with the Commission's Oversight Rule.

Health Insurance (5220). The Proposed Budget contemplates $168,266 for this line item. This line item covers funding for the Authority's paid-portion of the multi-employer health insurance plan offered to Administrative employees (2027 will be the first full year that the Authority has offered a multi-employer health insurance plan). For employees covered under a different health insurance plan, the Authority provides a stipend to those employees to cover a portion of the cost of their own plans. These costs support the recruitment, retention, and well-being of Administrative staff responsible for carrying out the Act's requirements.

Retirement (5230). The Proposed Budget contemplates $86,014 for this line item. This line item also includes the cost of the Authority's match paid to the accounts of Administrative employees that participate in the Authority's 401(k) Plan. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Authority's operations.

Other Employee Benefits (5290). The Proposed Budget contemplates $12,000 for this line item. This line item is based on historical data and covers funding for employer-provided benefits associated with Administrative personnel and includes workers' compensation insurance, and mobile phone stipends. These costs support the recruitment, retention, and well-being of staff responsible for carrying out the Authority's operations. While this line item is reduced compared to the 2026 budget, a majority of the difference has been reallocated to the Health Insurance (5220) and Retirement (5230) accounts (both of which are new for 2027).

Board and Committee Travel (5310). The Proposed Budget contemplates $20,000 for this line item. This line item is based on historical data and covers funding for travel, hotel, and meal expenses for the one annual board meeting that is held with in-person attendance by the nine board members. The Act requires the Authority to be governed by a board of directors comprised of five independent members selected from outside the industry and four industry members selected from among the various equine constituencies. 15 U.S.C. 3052(b). The Board is responsible for overseeing and advising on all aspects of the Authority's operations, including the review and approval of proposed rules, budgets, strategic initiatives and other matters necessary to fulfill the Authority's statutory responsibilities. Board members dedicate significant time and expertise to supporting the Authority's operations and its two Programs (for example, Dr. Susan Stover, an industry director, chairs the Racetrack Safety Committee, which meets multiple times per month); however, they serve on a volunteer basis and receive no compensation for their service to the Authority.

Rent (5410). The Proposed Budget contemplates $58,282 for this line item. This line item is based on historical data and covers the lease costs associated with the Authority's Lexington, Kentucky office, which serves as the Authority's headquarters and provides office space for approximately ten employees who support the administration of HISA's operations. The office space is approximately 1,800 square feet and the monthly base rent is roughly $2,800, which is consistent with market rates.

This line item also covers the lease costs associated with a small office for the Authority's Director of Public Affairs and one other employee strategically located in Washington, DC. The monthly base rent is approximately $1,300 per month, which is consistent with market rates.

Compared to the 2026 budget, this amount contemplates a reduction of approximately 18%, which is primarily due to the elimination of a small office in Pennsylvania.

Phone (5420). The Proposed Budget contemplates $1,830 for this line item. This line item is based on historical data and covers the costs associated with office access cards and Wi-Fi in HISA's offices. These expenses are necessary for HISA to conduct its operations and implement the requirements of the Act.

Meetings (5430). The Proposed Budget contemplates $78,855 for this line item. This line item is based on historical data and covers funding for miscellaneous expenses associated with administrative and operational meetings necessary to support HISA's operations and execution of its responsibilities under the Act. This includes meetings with industry stakeholders, strategic planning activities and collaborative working meetings to ensure efficient and consistent application of the Authority's services. These expenses include meeting expenses, meeting materials, working meals, and other reasonable costs associated with conducting business meetings involving HISA staff, board members, committee members, consultants, and/or stakeholders.

Travel (5440). The Proposed Budget contemplates $139,750 for this line item. This line item is based on historical data and covers funding for travel expenses associated with administrative and operational meetings necessary to support HISA's operations and execution of its responsibilities under the Act. This includes meetings with industry stakeholders, strategic planning activities and collaborative working meetings to ensure efficient and consistent application of the Authority's services. These expenses include airfare, car rental, mileage, and meals associated with these meetings.

Memberships and Subscriptions (5450). The Proposed Budget contemplates $9,607 for this line item. This line item is based on historical data and covers funding for professional membership dues and subscription fees necessary for functions performed by HISA staff, including veterinary, personnel, and financial personnel. These expenditures include memberships in professional organizations, subscriptions to industry publications and databases and cybersecurity information. Access to current information and professional resources enables the Authority to understand and respond to industry issues, and maintain programs consistent with evolving industry standards.

Interest Expense (5480). The Proposed Budget contemplates $312,601 for this line item. This line item relates to the accrual of interest expense on the outstanding loans and the line of credit. Interest expense is a reasonable and necessary cost of the Authority's operations and responsibilities under the Act. In the 2026 Budget, HISA contemplated that a portion of the interest on the outstanding loans and the line of credit would be forgiven and therefore less than the full amount of interest was included. After discussion with HISA's external auditors in 2026, it was determined that the entire amount of interest should be accrued each month and therefore that amount has been included in the 2027 Budget. Should that interest ultimately be forgiven, if HISA collects more revenues than its amount of cash expenses then this excess will be returned to the industry as part of the annual True-Up process.[17]

Bank and Credit Card Fees (5490). The Proposed Budget contemplates $21,300 for this line item. This line item is based on historical data and covers bank service charges, merchant processing fees, credit card transaction fees, electronic payment fees, wire transfer fees, and other financial institution charges incurred in the ordinary course of the Authority's operations.

Supplies (5500). The Proposed Budget contemplates $6,000 for this line item. This line item is based on historical data and covers the cost of office supplies, including printer/copier paper, printer/copier ink and toner, postage, shipping, and other miscellaneous office supplies used in connection with the Authority's operations.

Postage (5510). The Proposed Budget contemplates $1,800 for this line item. This line item is based on historical data and covers the cost of postage and shipping for communications to Covered Persons. While the Authority primarily conducts business via electronic communications, U.S. Mail is required where the recipient does not utilize an electronic means of communication.

License Fees (5710). The Proposed Budget contemplates $1,415 for this line item. This line item is based on historical data and covers the cost of a service contract for the copier/printer in the Lexington, Kentucky office.

Accounting Services (5810). The Proposed Budget contemplates $112,350 for this line item. This line item is based on historical data and consists of the cost of a contract bookkeeping service that books accounting entries, produces financial statements, manages and processes Accounts Receivable, manages and processes Accounts Payable, and drafts/files HISA's annual IRS Form 990. Contracting this work out to a company with expertise in these areas is much more cost-effective than if the Authority were to hire staff to perform these functions in-house. Additionally, this includes the cost of an annual independent audit of the Authority, as required by the Commission's Oversight Rule.

P/R Svcs. (5815). The Proposed Budget contemplates $192,000 for this line item. This line item is based on historical data and includes the cost of a contract public relations service to assist with the production and distribution of information to industry stakeholders, and provide continuing education information for industry stakeholders. The public relations firm that the Authority is working with has many years of expertise in public relations for Thoroughbred racing enterprises. However, to reduce costs, the Authority is reducing its usage of the consulting service as reflected by the approximately 28% reduction compared to 2026.

Legal—General (5820). The Proposed Budget contemplates $690,000 for this line item. This line item is based on historical data and covers the cost of the General Legal Budget, which is largely made up of two activities: (i) drafting and reviewing of proposed rules; and (ii) the costs of legal counsel for enforcement proceedings of all rule violations except for ADMC enforcement. The amount contemplated in this expense is an approximate 16% reduction compared to last year, which is based on (i) the assumption that the Authority will need fewer legal resources for drafting rules since the proposed modifications to the ADMC Program will have occurred in 2025 and 2026; and (ii) reduction in the reliance on outside counsel for racetrack safety and other enforcement actions and utilizing a full-time in-house lawyer for most of the routine enforcement actions.

Legal—Lawsuits (5821). The Proposed Budget contemplates $2,310,000 for this line item. This line item is based on historical data and covers the cost of the Legal Lawsuits Budget, which consists of fees for outside counsel to represent the Authority in litigation. The amount contemplated in this expense is an approximate 23% reduction compared to last year, which is based on an assumption that the Authority will face less litigation costs in the second half of 2027.

Insurance (5830). The Proposed Budget contemplates $49,318 for this line item. This line item covers the cost of the following policies of insurance:

1. Director and Officers Policy with Employment Practices Liability Coverage;
2. General Liability Insurance with Terrorism Coverage; and
3. Cyber Insurance Coverage.

Descriptions of these policies (in 2025) are included in the Authority's Annual Financial Report, available at *https://hisaus.org/financial-documents/2025-annual-financial-report.* The amount contemplated for 2027 is based on historical costs with estimated year-over-year increases.

Payroll Services (5840). The Proposed Budget contemplates $5,225 for this line item. This line item covers a portion of the cost of the Authority's relationship with CoAdvantage, a Professional Employer Organization (PEO). CoAdvantage provides Human Resources administration (handbook and policy management resources, new employee onboarding, labor law assistance, etc.), benefits management, compliance services (workers' compensation claims management and annual reporting, unemployment claims management, etc.) and payroll administration (payroll processing, W2 management, vacation tracking, etc.). The relationship with CoAdvantage

allows these functions to be performed in a more cost-effective manner than if HISA hired employees to perform those functions.

Printing and Publication (5850). The Proposed Budget contemplates $1,200 for this line item. This line item covers costs associated with the printing, production, and distribution of materials necessary to support the Authority's operations and fulfill its responsibilities under the Act. These expenses may include the printing of educational materials, training resources, stakeholder communications, and other publications used in the administration of HISA's programs.

Professional Services (5890). The Proposed Budget contemplates $407,210 for this line item. This line item covers funding for specialized professional and technical services obtained from external consultants, contractors, and subject-matter experts to provide and/or augment services in various components of the Racetrack Safety Program, including racetrack emergency response planning, training and exercises; health services for Jockeys and other Covered Persons and data analysis and management used to enhance racetrack safety and support data-driven decision making within the Racetrack Safety Program. These services further the required elements of the Racetrack Safety Program set forth in the Act at 15 U.S.C. 3056(b).

VI. Information Concerning Rule 1.150(c)(5)

Attached as Appendix 10 is a comparison of the approved HISA 2026 Budget through June 30, 2026 to actual revenues and expenditures during that same period. A variance has been calculated for each line item, and a narrative explanation has been provided for all variances greater than 10% and at least $100,000.

VII. Information Concerning Rule 1.150(c)(6)

The Authority received thirteen (13) public comments after posting the Proposed Budget on its website.[18] Pursuant to 16 CFR 1.150(d), ''[p]ublic comments [regarding the 2027 Budget] should provide commenters' views as to the decisional criteria set forth in 1.151(c) and whether any line items should be modified.'' 16 CFR 1.151(c) states that ''[t]he Commission will approve the proposed budget if the Commission determines that, on balance, the proposed budget is consistent with and serves the goals of the Horseracing Integrity and Safety Act in a prudent and cost-effective manner and that its anticipated revenues are sufficient to meet its anticipated expenditures.'' 16 CFR 1.151(c).

In light of the above framework, the Authority provides the following responses to each of the comments received after posting the Proposed Budget on its website.

1. Larry Kaufman. Mr. Kaufman's submission stated, ''[a]bolish hisa.'' This comment does not address the decisional criteria set forth in 16 CFR 1.151(c) or whether any line items should be modified.

2. *grarnold2racing@gmail.com.* This commenter's submission stated, ''[a]dd tramadol to your Jo key [sic] club list.'' This comment does not address the decisional criteria set forth in 16 CFR 1.151(c) or whether any line items should be modified.

3. Jonathan Stettin. The Authority received a list of thirty-one (31) questions and comments from Jonathan Stettin who maintains the Past the Wire website. ''Past the Wire is the Horse Racing column where Professional Handicapper Jonathan Stettin shares his knowledge, experience and passion for The Sport of Kings.'' [19] Many of the submitted questions and comments are similar to media inquiries and are not relevant to the Commission's evaluation of the Proposed Budget.[20] The Authority's assessment of the questions and comments that are relevant to the Commission's evaluation of the proposed budget are as follows:

—HISA reports total expenses of $24.77 million through June 30, 2026, compared with a six month budget of $38.45 million. What is HISA's current projection for actual full year 2026 expenses, and how was that projection used in developing the proposed 2027 budget?

Response: The 2026 forecasted expenses total $54.87 million. This was used as a starting point for the 2027 budgeted expenses, but as set forth below, HISA prepares its budget on a gross basis which largely explains why the 2027 expense budget is higher than the 2026 forecast (actual expenses will always come in lower than budgeted expenses due to the credits which are given for amounts paid directly by States and industry participants).

—How much of the $13.68 million favorable first half variance represents permanent savings, how much represents assessment credits, and how much represents expenses delayed until the second half of 2026?

Response: $9.05 million of the favorable variance is a result of credits (sample collection and laboratory) given to States/racetracks for performing and paying for those functions). $675,000 stems from racetracks located in Texas and Nebraska not participating in HISA. The remaining favorable variance of roughly $4 million is approximately ⅔ savings and ⅓ related to the timing of expenses.

—How much of the stated 5.75 percent reduction represents genuine operational savings, and how much results from Texas and Nebraska not entering HISA jurisdiction or Louisiana and West Virginia remaining outside the program?

Response: $1.29 million was included in the 2026 Budget for Texas and Nebraska, and that amount has been eliminated in 2027. Louisiana and West Virginia were not in the 2026 Budget and are not included the 2027 Proposed Budget.

—Why are expenses paid directly by States and industry participants included in HISA's gross budget before approximately $16.24 million in expected credits are shown separately?

Response: HISA uses the gross budget (amount without credits) in the calculation of gross assessments, then HISA nets each State's credit amount off its gross assessment. If HISA used the net budget in the assessments calculation, then the credits would not be properly allocated to the States that are performing and paying for the sample collections and lab testing.

—HISA states that it operates with 27 full time employees, while the departmental descriptions contemplate six Racetrack Safety employees, three Veterinary Services employees, fourteen Technology employees and eleven Administration employees. Please reconcile these figures and identify the number of filled, vacant and budgeted positions in each department.

Response: HISA currently operates with 27 full-time employees and has budgeted for 34 full-time employees for 2027. Racetrack Safety: 6 Current FTE and 6 Budgeted FTE; Veterinary Services: 3 Current FTE and 3 Budgeted FTE; Technology: 8 Current FTE and 14 Budgeted FTE; and Administration: 10 Current FTE and 11 Budgeted FTE.

—HIWU currently has 41 full time employees and seven shared Drug Free Sport employees but is budgeting for 43 full time employees and ten shared employees. What additional positions are contemplated, what will they cost and why are they necessary?

Response: HIWU has budgeted for (i) one additional full-time employee: a paralegal to work in the legal department to assist the HIWU attorneys

with ADMC enforcement cases, which is offset by an approximate 25% reduction in external counsel costs; and (ii) one previously budgeted full-time employee: an investigative analyst to support the HIWU Investigations team with ADMC and Racetrack Safety investigative activities including reviewing reports, managing evidence, and conducting research and analysis. HIWU has budgeted for (i) two new shared employees: an additional Human Resource Specialist and an Instructional Design specialist to assist with educational content management and creation; and (ii) one previously budgeted shared employee: a Controller. This shared arrangement with HIWU's parent company, Drug Free Sport, produces cost savings, obviating the need for HIWU to retain full-time employees to provide these services.

—What specific services does Drug Free Sport provide in exchange for its $2.67 million management fee that are not already covered by HIWU salaries, shared employees, professional services, technology, insurance, collection expenses and other individual budget lines?

Response: HISA's agreement with DFS is structured so that ADMC Program expenses are budgeted and billed directly to HISA on an at-cost basis. The management fee effectively represents a fee paid to DFS for developing and maintaining the administrative and organizational functions required to establish HIWU and administer the ADMC Program.[21] The Authority notes further that its agreement with DFS contains an incentive structure that encourages DFS to minimize the costs it incurs in carrying out its responsibilities under the agreement.

—Has HISA attempted to renegotiate Drug Free Sport's eight percent management fee now that the ADMC Program has moved beyond its startup period? If not, why not?

See previous response.

—HIWU, laboratory testing and adjudication account for approximately $53.57 million, or more than 72 percent of the proposed gross budget. What measurable outcomes does HISA use to determine whether this level of spending is cost effective?

Response: The Act requires the Authority to enter into an agreement with an anti-doping and medication control enforcement agency to ''serve as the independent anti-doping and medication control enforcement organization for covered horses, covered persons, and covered horseraces, implementing the anti-doping and medication control program on behalf of the Authority.'' 15 U.S.C. 3054(e)(1)(E)(i).

In May 2022, the Authority entered into an agreement with Drug Free Sport International (''DFSI''), to ''serve as the independent anti-doping and medication control enforcement organization'' for the Authority's ADMC Program. 15 U.S.C. 3054(e)(1)(E)(i). DFSI is a worldwide leader in the sport drug testing industry and maintains enforcement partnerships with leading sports organizations, including the National Football League, NCAA, National Basketball Association, Ladies Professional Golf Association, PGA Tour, NASCAR and Major League Baseball. In 2022, DFSI established HIWU, led by a five-member Advisory Council, to serve as the ADMC enforcement agency for the Authority. *Id.*

As the independent enforcement agency of the Authority's ADMC Program, HIWU is responsible for: (a) test distribution planning (including target or intelligence-based testing) and specific testing decisions; (b) laboratory accreditation and the monitoring, testing and auditing of accredited laboratories; (c) selecting the appropriate laboratory for sample analysis as permitted by the Act; (d) organizing analysis of samples and allocating special analysis to samples; (e) providing drug reference resources; (f) conducting education and anti-doping and medication control research; (g) statistical reporting to the Authority; (h) gathering of intelligence and conducting of investigations; (i) results management; (j) coordination with anti-doping organizations, international equine regulatory bodies, law enforcement, SRCs and the Authority; (k) administration of, and decision-making on, day-to-day operations; and (l) such other services as may be agreed by the Authority and HIWU in accordance with the Act.

The Authority evaluates the effectiveness of their spending on the ADMC Program and HIWU through a range of performance measures reported by HIWU and reviewed by HISA. As detailed in HIWU's Annual Reports, these measures include the number and scope of tests conducted, out-of-competition testing activity, laboratory turnaround times, the identification and adjudication of ADMC violations, investigations, educational outreach efforts, and oversight of laboratory accreditation. HIWU's annual reporting also provides data on sample collection, results management, case resolution, disciplinary actions, and trends in medication-control violations, allowing the Authority to assess both the operational efficiency and deterrent effect of the program. In 2025 alone, HIWU oversaw 73,815 total Sample Collection Sessions involving 25,515 unique Covered Horses tested under HISA's ADMC Program. As for adjudications, in 2025, HIWU served 377 EAD/ECM Notices and 361 EAD/ECM Charges. The average resolution time for cases originating in 2025 was 82.6 days. HIWU's investigations team conducted or oversaw 463 searches at 50 racetracks/training centers in 19 States.

In addition to enforcement metrics, the Authority considers broader program outcomes, including the establishment and oversight of the HISA Equine Analytical Laboratory Accreditation Program. The ADMC Program Rules require that HIWU administer the HEAL Accreditation Program, which includes empowering HIWU to closely monitor compliance and act accordingly when laboratories cannot meet the Laboratory Standards. The Laboratory Expert Group, whose members bring a broad range of relevant expertise in human and equine anti-doping, laboratory operations, and quality assurance management, is essential to this component of the ADMC Program.

Accordingly, while laboratory testing and adjudication represent a substantial portion of the ADMC Program budget, those functions constitute the core enforcement mechanisms required by Congress and are assessed by a variety of measures, including the metrics published by HIWU each year.

—What is the projected cost per sample in 2027, and how does it compare with the actual cost per sample in 2024, 2025 and 2026?

Response: See HIWU quarterly and annual reports for historical Sample Collection Sessions.[22] As a reminder, HIWU's annual report is published based on Sample Collection Sessions. One Sample Collection Session is counted each time a Covered Horse is selected for testing, for any type. One Sample Collection Session may include the collection of a urine, blood, and/or hair sample. HISA is unsure what expenses should be included in the commenter's computation. Although the Proposed Budget sets forth various expense categories related to sample collection, the actual test distribution plan for 2027 will not be established until the fourth quarter of 2026.

It should be also noted that the standardization and harmonization of an anti-doping and medication control

program, and HIWU's mandate, expands beyond testing alone, and therefore the cost per sample is not a valid way to measure the uniformity, efficacy, or ''cost'' of a program. HIWU is confident that its combined strategy for Post-Race Testing, TCO2 Testing, Out- of-Competition Testing, and other Test Types creates an effective ADMC program that detects and deters prohibited activities. However, HIWU's impact must be considered holistically and include its investigative, educational, and scientific efforts, plus uniform enforcement, in accordance with the ADMC Rules.

—How much of the $8.98 million Technology Department budget represents development of new systems, and how much represents recurring operation and maintenance?

Response: This comment does not address the decisional criteria set forth in 1.151(c) or whether any line items should be modified. Nevertheless, HISA states that approximately 30%–40% is for ''new'' development systems.

—How much is budgeted individually for Palantir, Amazon Web Services and every other technology vendor expected to receive more than $100,000 during 2027?

Response: See discussion of Technology (5825) in Section V.E.

—Of the $3 million budgeted for legal expenses, how much relates to defending HISA's constitutionality or jurisdiction, how much relates to enforcement, and how much relates to other legal work?

Response: See discussion of Legal—General (5820) and Legal—Lawsuits (5821) in Section V.F. This information was also included in the draft Notice of Filing (at page 27) posted on the HISA website.

—Why does interest expense increase from $123,456 to $312,601 when HISA anticipates obtaining no new loans and budgets nothing for repayment of existing principal?

Response: HISA has not been informed whether interest will be forgiven or not, and as such the independent auditors that performed the audit of HISA's 2025 financial statements directed HISA to accrue interest. As noted in HISA's 2025 audited financial statements,[23] the actual 2025 interest expense was $329,000. HISA is forecasting interest expense of $335,000 in 2026 and has budgeted $312,000 in 2027.

—Why does Racetrack Safety professional services spending increase from $878,000 to $1.25 million, and which vendors or contractors will receive the additional money?

Response: See discussion of Professional Services (5890) in Section V.A. This information was also included in the draft Notice of Filing posted on the HISA website.

—What memberships and subscriptions are included in the new $49,000 Veterinary Services line, and what direct program benefit does each provide?

Response: See discussion of Memberships & Subscriptions (5450) in Section V.D. This information was also included in the draft Notice of Filing posted on the HISA website.

—What services are included in the $192,000 outside public relations budget, who provides those services and why can they not be performed by HISA's internal Communications personnel?

Response: This line item covers public relations services provided by Finsbury Glover Hering (FGS Global) and other public relations consultants. FGS Global has many years of experience and specialized expertise in public relations for Thoroughbred racing enterprises, and they are utilized to supplement the services of HISA's two communications employees. To reduce costs, however, HISA is reducing its usage of the consulting service as reflected by the approximately 28% reduction compared to 2026.

4. Bill Thomas. Mr. Thomas submitted the following comment: ''I don't know much about budgets, but oversight is needed for horse racing to stay respectable in the public's eye. Too often they only see breakdowns and think it is all crooked. They don't see the care and compassion I see as an owner with a fabulous trainer . . . I believe things like HISA help with non race people's perspectives.'' This comment does not address the decisional criteria set forth in 16 CFR 1.151(c) or whether any line items should be modified.

5. Rachel Sampson. Ms. Sampson's comment does not address the Proposed Budget, the decisional criteria set forth in 16 CFR 1.151(c), or whether any line items should be modified.

6. Tom McKenna. Mr. McKenna's submission expressed a view that ''[q]uarter horses should be required to race under HISA especially when racing in a mixed meet such as New Mexico.'' This comment does not address the Proposed Budget, the decisional criteria set forth in 16 CFR 1.151(c), or whether any line items should be modified.

7. Peter Berube. This commenter's submission largely focuses on the number of credits allocated by the Authority to the Florida racetracks, including a request for a per-track or per-State disclosure of estimated credits for 2027. That information is attached as Appendix 12 (Credits by State) and Appendix 13 (Credits by racetrack).

First, this commenter contends that the racetracks operating in Florida account for 12.48% of total Covered Starts in 2027 and, therefore, the Florida racetracks should receive 12.48% of the total credits allocated by the Authority. That, however, is not how credits are calculated. As set forth in Appendices 12 and 13, credits are grouped into the following categories: Post Race Sample Collection, TCO2 Sample Collection, Out of Competition Sample Collection and Laboratory Credit. Each credit is calculated based on the amount of reimbursements for expenses covered by the applicable racetrack or State that HIWU/HISA would otherwise have had to pay for. The only item in the Proposed Budget that is being paid for by the Florida racetracks is the cost of sample collection (Post Race, TCO2, and OOC) in Florida.[24] In 2027, the State of Florida is allocated an estimated $1,804,599 in Sample Collection Credits out of the total nationwide Sample Collection Credits of $11,183,228.[25] This means that approximately 16.13% of all Sample Collection Credits are being allocated to the Florida racetracks.[26] Therefore, contrary to the assertion made in this comment, the Florida racetracks actually receive a higher percentage of credits than their percentage of Covered Starts.

Additionally, this commenter states ''. . . the split of Florida credits between Tampa (29.4%) and Gulfstream (70.6%) does not track their respective starts weights (34.1%/65.9%): Tampa receives disproportionately less than even the FL-internal starts share would suggest.'' The credits associated with the cost of the Post-Race Sample Collection (that is being paid for by the Florida Gaming Commission) were allocated between Gulfstream Park and Tampa Bay Downs pro-rata based on starts. The credits associated with the costs of TCO2 Sample Collection and Out-of-Competition Sample Collection (that are paid for by the Florida racetracks) were allocated based on the amounts both tracks were expected to pay (those credits act as reimbursements of expected costs). On a proportional basis Gulfstream Park is expected to pay more than Tampa Bay Downs because Gulfstream: (1) is directed by HIWU to do Out-of-Competition Sample Collection at both their track and at their training center (Palm Meadows), and (2) is required to do Veterinarians'

List testing at both Gulfstream Park and Palm Meadows. It would be inaccurate and inequitable for HISA to allocate credits to Tampa Bay Downs for amounts that were paid for by Gulfstream Park.

8. New York Thoroughbred Horsemen's Association. The Authority received a comment from The New York Thoroughbred Horsemen's Association (''NYTHA''). None of the questions/comments are relevant to the Commission's evaluation of the proposed budget.[27]

9. Churchill Downs Incorporated. For the second straight year, this commenter submitted a comment advancing the misleading proposition that the Authority's per-start fee increased from $285 in 2023 to $450 in 2027. The obvious flaw in this argument was described in detail in HISA's response to CDI's comments on the 2026 Budget.[28] In that response, HISA stated ''[m]uch of CDI's letter is built around comparing 2023 costs to 2026 costs. The $285 per-start figure from 2023 is not an accurate baseline for evaluating the current budget. The 2023 expenses reflected only a partial year of the Anti-Doping and Medication Control Program, which significantly understated the true costs of a full-year program, since the ADMC program represents approximately seventy percent of the total budget. The 2023 projected assessment income also included more than 37,000 starts from West Virginia and Louisiana, States that are not part of the 2026 budget. These facts demonstrate that the use of the 2023 budget as a baseline is not appropriate. It is also important to note that in all of CDI's calculations, it utilizes gross budget figures without accounting for credits that reduce the net budget. It must be noted that West Virginia and Louisiana are again not in the 2027 Proposed Budget. Also, the racetracks located in Texas and Hawthorne have been removed from the 2027 Proposed Budget, which increases the per-start fee given that those racetracks do not cover any of the fixed costs in HISA's 2027 Proposed Budget.

This submission also states that despite a 15% reduction in national starters, HISA's costs have declined by a lower amount, which the commenter claims is evidence that HISA has not achieved operational efficiencies. In actuality, the nationwide starts that were obtained from Equibase and used to calculate the 2027 Proposed Budget only declined by 8.56% from the starts that were used to calculate the 2026 Budget (of which nearly 60% was due to the removal of the Texas racetracks and Hawthorne from the 2027 Budget). Given that the inflation rate for the 12-month period ended May 31, 2026 was 4.2% and HISA added some new services to its 2027 Proposed Budget that are expected to benefit the industry and further the directives established in the Act, the 5.75% decrease in the 2027 Budget illustrates that HISA's 2027 Proposed Budget does in fact reflect operational efficiencies.

Finally, this commenter raises several questions about the accrual of interest on the outstanding loans and line of credit. HISA has not been informed whether interest will be forgiven or not, and as such the independent auditors that performed the audit of HISA's 2025 financial statements directed HISA to accrue interest. Should that interest ultimately be forgiven or if HISA collects more revenues than its amount of cash expenses then this excess will be returned to the industry as part of the annual True-Up process.

10. New York Thoroughbred Breeders, Inc. This commenter ''encourages HISA to continue pursuing every reasonable opportunity to reduce operating costs, diversify revenue sources, improve efficiency, and accelerate its transition toward financial self-sufficiency.'' While this comment does not address the decisional criteria set forth in 16 CFR 1.151(c) or whether any line items should be modified, the Authority states that it continues to be committed to pursuing reasonable opportunities to reduce costs and improving efficiencies while continuing to fulfill its mandate under the Horseracing Integrity and Safety Act, as demonstrated through the Authority's 2027 budgeting process. The Proposed Budget marks the second consecutive year in which the Authority has proposed a reduction in its gross budget, and the proposed gross budget has decreased by approximately 9.50% since 2025. These reductions reflect ongoing efforts to identify efficiencies and manage expenditures in various areas of the budget, including laboratory testing, public relations, and third-party professional services. The Authority also continues to pursue and evaluate revenue-generating initiatives that could help reduce the overall cost of the Authority's operations for the industry.

This commenter also encourages ''HISA to continue improving the efficiency of its compliance and enforcement programs.'' The Authority continues to pursue measures designed to improve efficiency and costs of its enforcement programs while ensuring that enforcement is administered in a manner that is fair and consistent with the Act and the health and safety of Covered Horses and Covered Persons. For example, the Authority has proposed a rule modification that would introduce a voluntary mediation process in Anti-Doping and Medication Control cases, which is intended to facilitate the prompt and efficient resolution of appropriate ADMC matters and conserve resources for all parties. In addition, the Authority plans to hire an in-house enforcement attorney dedicated to Racetrack Safety matters to reduce reliance on outside counsel, generating cost savings that ultimately benefit the industry.

In sum, the Authority recognizes the importance of reducing the costs of its operations for the industry and, where appropriate, will continue to pursue opportunities to cut costs and increase revenue. At the same time, the Authority must ensure that any efforts to reduce costs remain consistent with its obligations under the Act to maintain robust safety and integrity programs for thoroughbred racing.

11. Virginia Racing Commission. This commenter expressed ''support[ ] of the Proposed Budget, particularly where it reflects HISA's efforts to reduce the budget through operational efficiencies, cost-saving strategies, and economies of scale.'' In so doing, the commenter advanced a few recommendations for the Authority to consider moving forward, including reporting of performance metrics and increased sharing of programmatic outcomes. The Authority and HIWU both publish quarterly and annual metric reports containing a wealth of information regarding equine fatalities, laboratory testing, enforcement metrics, and more. These reports continue to evolve, and more information is being made available each year. As for programmatic outcomes, the commenter specifically references racetrack surface quality testing results. This information is made available to the individual racetrack and the Authority encourages the commenter to coordinate with the applicable racetrack for access to this information.

This commenter does raise a question about a few of the line items in the Proposed Budget. Regarding the fine collection, since inception through July 15, 2026, HISA has issued $5,093,138 in fines and $2,097,850 has been collected to date. For unpaid fines, the Authority considers the practicality of collection by comparing the resources needed to pursue recovery via an enforcement action with the likelihood and expected value of collection. Additionally, per HISA rule 8200(e), any Covered Person that fails to pay a fine is subject to an automatic suspension. As for the Authority's Interest Expense line item, the Authority states that it has not been

informed whether interest will be forgiven or not, and as such the independent auditors that performed the audit of HISA's 2025 financial statements directed the Authority to accrue interest. Should that interest ultimately be forgiven or if HISA collects more revenues than its amount of cash expenses then this excess will be returned to the industry as part of the annual True-Up process.

12. Terry J. Westemeir. This commenter raises various criticisms in their comment, many of which are outside the scope of the Commission's decisional criteria and do not address specific line items in the Proposed Budget.[29] With respect to those comments addressing particular line items, the Authority responds as follows:

—HIWU Salaries: This commenter states, ''one of [sic] more egregious of these self-serving and misleading assertions is that HIWU is an independent enforcement agency'' which appears to be based on a mistaken premise that HISA and HIWU ''share'' employees. That is not correct. The draft Notice clearly stated that HIWU ''shares'' employees with Drug Free Sport, not the Authority and that the sharing of employees is designed to produces cost savings, obviating the need for HIWU to retain full-time employees to provide these services.

—Management Fee: This commenter describes this as a ''material questionable expense.'' The Authority's agreement with DFS is structured so that ADMC Program expenses are budgeted and billed directly to HISA on an at-cost basis. The management fee effectively represents a fee paid to DFS for developing and maintaining the administrative and organizational functions required to establish HIWU and administer the ADMC Program. This is a necessary and reasonable expense related to the Act's requirement of an independent third-party administer of the Authority's ADMC Program. The Authority notes further that its agreement with DFS contains an incentive structure that encourages DFS to minimize the costs it incurs in carrying out its responsibilities under the agreement.

—Racetrack Safety, Veterinary Services, Technology, and Administration Salaries. This commenter criticizes these line items on the basis that they are above market average. The amounts included in these line items are used to compensate full-time professionals with significant subject matter expertise and extensive industry experience. The Authority operates a national regulatory framework that spans 40 racetracks, 19 States, and multiple time zones. Given the national scope of the Authority's responsibilities and the continuous nature of racing operations, these employees routinely provide oversight, consultation, and regulatory support that extends well beyond traditional working days and hours. Their work supports the health, safety, and welfare of the tens of thousands of Covered Horses and Covered Persons participating in Thoroughbred racing across the United States. Maintaining a skilled and motivated workforce is essential to fulfilling HISA's mandate to enhance the safety and integrity of Thoroughbred racing nationwide. In establishing compensation ranges, HISA considers relevant market benchmarks, the specialized nature of the positions, geographic considerations, and the need to compete with opportunities available in the private sector, regulatory organizations, and other professional fields. Comparisons to generalized industry averages do not adequately account for the unique qualifications, experience, and responsibilities required of HISA personnel.

13. The National Horsemen's Benevolent and Protective Association. The Authority received a comment from the Chief Executive Officer of the National HBPA (the ''HBPA''). The letter ''must be read against the backdrop of the HBPA's unrelenting mission (1) to prevent the passage of the Horseracing Integrity and Safety Act by repeatedly testifying against the proposed legislation during congressional hearings and (2) to dismantle HISA via various lawsuits—a campaign that has spanned five years and three Federal appellate courts and has resulted in millions of dollars of expenditures that the industry has had to shoulder.'' [30] The HBPA continues to ignore the statutory text as it questions mental health programs, medical and wellness initiatives and other programs that are consistent with the text of the Act. The Act provides that the Authority, subject to Commission oversight, shall ''exercise independent and exclusive national authority over (A) the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces; and (B) all horseracing safety, performance, and anti-doping and medication control matters for covered horses, covered persons, and covered horseraces.'' 15 U.S.C. 3054(a)(2). *See also,* FTC, Order Denying the National Horsemen's Benevolent and Protective Association's Petition for Rulemaking Regarding No-Effect Thresholds (December 19, 2025), *https://www.ftc.gov/system/files/ftc_gov/pdf/R407002-Commission-Order-re-NHBPA-petition.pdf,* at 13 (explaining that the ''Authority's remit under the statute includes maintaining the integrity of the sport, as well as the safety and welfare of covered persons and covered horses'').

Much of the criticisms leveled at the Authority by the HBPA ignore the many publicly available reports that are available on HIWU and HISA's website. For example, the HIWU annual and quarterly reports provide detailed information concerning the number of Sample Collection Sessions. These details allow any observer to place whatever expense inputs they wish from the budget to arrive at a cost per Sample Collection Session. In addition, among other things, the detailed HIWU reports set forth the (i) total number of Adverse Analytical Findings nationally by State; (ii) the number and type of test by State and racetrack; (iii) Adverse Analytical Findings by substance; (iv) the number of investigative searches at racetracks and training centers. The HBPA has also ignored the information and data that the Authority makes regularly publicly available in its Metrics Reports.[31]

HISA's Conclusion

The Proposed Budget is consistent with and serves the goals of the Act in a prudent and cost-effective manner. The Proposed Budget allocates the funding necessary for the successful implementation by HISA of the requirements of the Act. The Proposed Budget has been carefully analyzed and is narrowly tailored to the various regulatory activities of HISA as contemplated by the Act. As demonstrated herein, the anticipated revenues are sufficient to meet its anticipated expenditures.

Endnotes

[1] 15 U.S.C. Ch. 57A.

[2] Public Law 116–260, 134 Stat. 1182, 3252 (Dec. 27, 2020).

[3] Public Law 117–328, 136 Stat. 4459, 5231 (Dec. 29, 2022).

[4] 88 FR 18034 (Mar. 27, 2023). These rules were amended in February 2024. 89 FR 8530 (Feb. 8, 2024); *see* 16 CFR 1.150–1.152.

[5] 16 CFR part 1 subpart U.

[6] HISA, Proposed 2027 Budget Opens for Public Comment (July 17, 2026), *https://hisaus.org/news/hisas-proposed-2027-budget-opens-for-public-comment.*

[7] HISA, Comments Received Regarding HISA 2027 Proposed Budget, *https://bphisaweb.wpengine.com/wp-content/*

uploads/2026/07/2027-Budget-Comments_Redacted.pdf.

[8] The Proposed Budget (net) increased by nearly $459,000 due to a decrease in the total amount of credits (HIWU has taken over sample collection at Delaware Park, and, therefore, they no longer receive sample collection credits as originally contemplated in the draft budget).

[9] The amounts identified in Appendix 2 are applicable to racetracks located in States where the State Racing Commission did not elect to remit fees to cover the full amount of the HISA Assessment.

[10] The Proposed Budget (Appendix 3) is a compilation of the following departmental budgets: Racetrack Safety (Appendix 4); Anti-Doping and Medication Control (Appendix 5); HIWU (Appendix 6); Veterinary Services (Appendix 7); Technology (Appendix 8); and Administration (Appendix 9). The Authority is not contemplating the procurement of any loans for 2027.

[11] The relatively low fine collection rate reflects both the timing of payment obligations, as fines are not due until suspensions are served, and the assessment of significant fines and suspensions against individuals who are not expected to return to racing, reducing the likelihood of payment. That said, approximately 86% of all cases involving fines are either paid in full or are actively being paid per a payment plan.

[12] This number does not include personnel engaged in the sample collection network.

[13] HIWU, Annual Report 2025, *https://downloads.ctfassets.net/6mwruzwftvzd/2m6awOaZGOMekfONAJroAr/6234c6592d6b980210d945243d791970/HIWU_Annual_Report_2025_040626.pdf.*

[14] *Id.*

[15] *Id.*

[16] The remaining $27,000 is for various software development tools and video and graphics packages.

[17] The 2025 True-Up summary is posted on the HISA website by racetrack: *https://hisaus.org/financial-documents/2025-true-up-summary-by-track* and by State: *https://hisaus.org/financial-documents/2025-true-up-summary-by-state.*

[18] All thirteen (13) comments are combined in Appendix 11. Together with the other appendices, this is reproduced as a supporting document on the docket for this publication at *https://www.regulations.gov*.

[19] Past the Wire, About Us at Past the Wire, *https://pastthewire.com/about-us/.*

[20] *See* Questions/Comments No.3; No. 9; No. 11; No. 18 (*But see,* April 21, 2026 HISA Town Hall *https://www.hisaus.org/resources/2026-annual-hisa-town-hall*); No. 19 (*But see,* discussion of Interest Expense (5480) in Section V.F); No. 20 (*But see,* April 21, 2026 HISA Town Hall); No. 21 *(But see,* April 21, 2026 HISA Town Hall); No. 22; No. 23; No. 24 (*But see,* Horseracing Integrity and Safety Authority, Inc. Conflicts of Interest and Business Ethics Policy, *https://bphisaweb.wpengine.com/wp-content/uploads/2023/10/HISA-Conflict-of-Interest-Policy-1.pdf*); No. 25; No. 26 (*But,* HISA states that since inception through July 15, 2026, HISA has issued $5,093,138 in fines and $2,097,850 has been collected to date); No. 30 (*But,* HISA states that when the amount of assessments collected exceeds actual expenses, this excess is returned to the industry as part of the annual True-Up process. This portion of the True-Up would be credited against each State and/or track's assessment in the following year); and No. 31 (*But,* HISA states that HISA's website includes a page dedicated to comprehensive financial reports, including copies of HISA's Form 990s, annual financial reports, annual performance reports, independent audits, and more. HISA is also compliant with the extensive financial reporting requirements set forth in the Federal Trade Commission's Oversight Rule. In addition to HISA's comprehensive written reports, HISA has hosted two virtual town halls to detail HISA's budgeting process and financial framework. The most recent town hall occurred in April 2026 and lasted more than two hours, with HISA's Chief Executive Officer and Chief Financial Officer discussing topics such as building and managing the budget, where funds are allocated and spent, and how HISA's expenditures further the Act's safety and integrity requirements. The presentation included a live question-and-answer session in which HISA responded to every question submitted, including numerous questions submitted by this commenter. Later, HISA publicly provided a comprehensive list of all vendor payments of more than $5,000 made between 2023 and 2025. Through HISA's existing financial disclosures combined with the various engagement opportunities, stakeholders have meaningful and regular access to detailed financial information, such that the incremental value of additional quarterly reporting would be outweighed by the associated additional personnel and costs, which would ultimately need to be funded through the industry's resources.).

[21] Since the expenses are billed at-cost, the management fee essentially represents the DFS profit.

[22] These reports are available on HIWU's website at *https://www.hiwu.org/about/reports-and-statistics.*

[23] This report is available on HISA's website at *https://bphisaweb.wpengine.com/wp-content/uploads/2026/05/2025-HISA-Audit.pdf.*

[24] The commenter also states ''. . . the entirety of Florida's 2026 HISA credit—every dollar of the $1,722,414—comes from sample-collection reimbursements. Florida's two Thoroughbred tracks receive no meaningful credit from the Racetrack Safety, Veterinary Services, Technology, or Administration program areas that together account for the majority of the $72.7 million Florida is being asked to help fund.'' As noted above, credits are only provided as reimbursements for expenses that HIWU/HISA would otherwise have had to pay for. The only item in the Proposed Budget that is being paid for by the Florida tracks is the cost of sample collection in that State.

[25] The discrepancy is due to this commenter including all credits (sample collection plus laboratory/research) in the calculation of total ''2026 HISA Credits.'' In 2026, only California and Pennsylvania were eligible for the Laboratory Credits since they both absorb the cost of laboratory testing performed at their laboratories in exchange for more than $5,000,000 in Laboratory Credits.

[26] The same was true in 2026 when the Florida racetracks accounted for 12.56% of nationwide starts, yet received 15.15% of nationwide Sample Collection Credits.

[27] Many of the comments/inquiries that are irrelevant to the Commission's evaluation of the proposed budget were addressed in the April 21, 2026 HISA Town Hall (*https://www.hisaus.org/resources/2026-annual-hisa-town-hall*). It is also important to note the following: (i) since 2025, the Authority's gross budget has decreased by approximately 9.50%; (ii) New York has been a beneficiary of the 100% starts assessment formula—its assessment dropped over 3 million dollars from 2025 to 2026; (iii) if the expected U.S. Supreme Court decision regarding the constitutionality of HISA is rendered in the 2027 term, it is likely that the injunction covering Louisiana and West Virginia will be dissolved, resulting in a decrease in the per start fee across the country; and (iv) the Authority would be happy to work with New York stakeholders on State efforts that decrease the financial burden on New York stakeholders.

[28] *See* HISA Supplemental Response to 2026 Budget Comments (November 13, 2025), *https://www.regulations.gov/document/FTC-2025-0462-0017.*

[29] For instance, this commenter claims that the Authority has provided ''incremental benefit to the horseracing industry'' and claims that the Authority has failed to conduct a review of its organizational performance. The Authority's Annual Performance Reports, Annual Metrics Report, and Quarterly Metrics Reports—all of which are available on the Authority's website—detail the Authority's efforts to deliver real, measurable value in advancing the goals of the Act, including in areas involving equine safety and welfare, regulatory consistency, public trust and transparency, and the long-term sustainability of Thoroughbred racing. The commenter also wrongly claims that the Authority failed to provide the ''results of [the] audit of its financial information'' or historical financial information. This information, too, is publicly available on the Authority's website. The Authority further refers this commenter to Endnote 17.

[30] Bloodhorse, HISA CEO Lazarus Addresses Criticisms (April 30, 2026), *https://www.bloodhorse.com/horse-racing/articles/291533/hisa-ceo-lazarus-addresses-criticisms.*

[31] Many of the final 12 questions are not relevant to the Commission's evaluation of the Proposed Budget. *See* Questions No. 1 (*But see,* Audits of the Authority available on its website); No. 2; No. 3 (*But see,* the Act, the HIWU and HISA Metrics Reports, and *supra* at Endnote 29); No. 7 (*See, e.g.,* discussions of Laboratory Testing (5925) in Section V.B and ADMC Collection Costs in Section V.C); No. 8; No. 9 (*But see,* the Act); No. 10; and No. 12 (*But see, supra* at Endnote 20). As for the questions that are arguably relevant to the Commission's evaluation of the proposed 2027 Budget. *See* Questions No. 4 (*See* discussion of Management Fees in Section V.C); No. 5 (*See, e.g.,* discussions of

Professional Services (5890) in Sections V.A through V.F); No. 6 (*See, e.g.,* discussions of Laboratory Testing (5925) in Section V.B and ADMC Collection Costs in Section V.C, responses to comments of Churchill Downs Incorporated and New York Thoroughbred Breeders, Inc. in Section VII); No. 11 (*See* 15 U.S.C. 3054(a)(2)).

Joel Christie,

Acting Secretary.

[FR Doc. 2026–18505 Filed 9–9–26; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2026–03; Docket No. 2026–0002; Sequence No. 2]

Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS)

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of GSA Per Diem Bulletin FTR 27–01, Fiscal Year (FY) 2027 Continental United States (CONUS) per diem reimbursement rates.

SUMMARY: GSA has released the FY 2027 per diem rates to provide for reimbursement of Federal employees' subsistence expenses while on official travel within CONUS.

DATES: *Applicability Date:* This notice applies to travel performed on or after October 1, 2026, through September 30, 2027.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Henry Sean Lambert, Director Travel and Transportation Management Division, Office of Government-wide Policy, at 771–233–2475 or by email at *travelpolicy@gsa.gov.* Please cite Notice of GSA Per Diem Bulletin FTR 27–01.

SUPPLEMENTARY INFORMATION: The CONUS per diem reimbursement rates prescribed in Federal Travel Regulation (FTR) Bulletin 27–01 may be found at *https://www.gsa.gov/perdiem.* If a maximum lodging allowance rate and/or a meals and incidental expenses (M&IE) per diem reimbursement rate is insufficient to meet necessary expenses in any given CONUS location, agencies can request that GSA review that location per 41 CFR 301–70.202. Additional information on the special review process is available at *https://www.gsa.gov/perdiem* under the ''FAQs'' tab.

After a rate freeze in FY 2026, for FY 2027 GSA will increase the standard lodging per diem rate by $3 to $113, and 295 non-standard areas will continue to receive a maximum lodging allowance higher than the standard rate. The M&IE reimbursement rate tiers for FY 2027 will remain at $68–$92, and the standard M&IE rate will remain at $68.

Other than the changes posted on the GSA website, notices published periodically in the **Federal Register** now constitute the only notification to agencies of CONUS per diem reimbursement rate revisions.

Matthew Batzel,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2026–18439 Filed 9–9–26; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Announcing the Intent To Award a Single-Source Supplement to the Senior Medicare Patrol (SMP) Resource Center

AGENCY: Administration for Community Living, HHS.

ACTION: Notice of issuance of single-source award.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by the Northeast Iowa Area Agency on Aging (NEI3A) for the SMP Resource Center. The administrative supplement for FY 2026 will be in the amount of $226,000, bringing the total award for FY 2026 to $1,226,000. The supplement will allow the grantee to expand activities that began in FY 2025, which includes testing new communications strategies, expanding the functionality of their SMP smart phone app, exploring partnerships with technology companies, and other activities all aimed at expanding the reach of SMP messaging.

FOR FURTHER INFORMATION CONTACT: For further information or comments regarding this program supplement, contact Rebecca Kinney, U.S. Department of Health and Human Services, Administration for Community Living, telephone (202) 795–7375; email *rebecca.kinney@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Senior Medicare Patrol (SMP) program empowers and assists Medicare beneficiaries to prevent health care fraud, errors, and abuse. The SMP Resource Center supports the national network of SMPs across all 50 states, Washington, DC, Puerto Rico, Guam, and the U.S. Virgin Islands as a central source of information, expertise, and technical assistance, ensuring a consolidated, national approach to outreach and education. The supplement will allow the grantee to expand FY 2025 activities, including testing new communications strategies, enhancing the SMP smartphone app, and exploring partnerships with technology companies to broaden the reach of SMP messaging.

Program Name: Senior Medicare Patrol Resource Center.

Recipient: Northeast Iowa Area Agency on Aging (NEI3A).

Period of Performance: The supplement award will be issued for the second year of the three-year project period of September 1, 2026, through August 31, 2027.

Total Award Amount: $226,000 in FY 2026.

Award Type: Cooperative Agreement.

Statutory Authority: HIPAA of 1996 (PL 104–191).

Basis for Award: NEI3A is currently funded to carry out the objectives of the SMP Resource Center for the project period of September 1, 2025, through August 31, 2028. This supplement will enable the grantee to further this work. ACL believes it is in the best interest of the Federal Government to supplement the current grantee's existing project rather than establish a new one, which could disrupt work already under way and create unintended duplication of effort or missed opportunities for coordination. This is a unique opportunity to test communications strategies that will protect Medicare beneficiaries from fraud; if successful, these strategies and interventions will ideally be embedded in the day-to-day administration of the SMP program nationally. The grantee and all partners will work in close coordination with one another and ACL to ensure realization of project goals and objectives.

Dated: September 4, 2026.

Richard Nicholls,

Deputy Administrator and Chief of Staff of the Administration for Community Living.

[FR Doc. 2026–18415 Filed 9–9–26; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–9047]

Fee Rate for Using a Priority Review Voucher in Fiscal Year 2027

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the fee rate for using a priority review voucher for fiscal year (FY) 2027. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended, authorizes FDA to determine and collect priority review user fees for certain applications for review of human drug or biological products when those applications use a tropical disease, rare pediatric disease, or material threat medical countermeasure (MCM) priority review voucher. These vouchers are awarded to the sponsors of tropical disease, rare pediatric disease, or material threat MCM product applications, respectively, that meet the requirements of the FD&C Act, upon FDA approval of such applications. The amount of the fee for using a priority review voucher is determined each fiscal year, based on the difference between the average cost incurred by FDA to review a human drug application designated as priority review in the previous fiscal year, and the average cost incurred in the review of an application that is not subject to priority review in the previous fiscal year. This notice establishes the FY 2027 priority review fee rate applicable to submission of eligible applications for review of human drug or biological products using a tropical disease, rare pediatric disease, or material threat MCM priority review voucher and outlines the payment procedures for such fees.

DATES: This rate is effective on October 1, 2026, and will remain in effect through September 30, 2027.

FOR FURTHER INFORMATION CONTACT: Olufunmilayo Ariyo, Office of Financial Management, Food and Drug Administration, 301–796–7900; or *FDAUserFees@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Establishment of the Tropical Disease Priority Review Voucher

Section 1102 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) added section 524 to the FD&C Act (21 U.S.C. 360n). In section 524 of the FD&C Act, Congress encouraged development of new human drug and biological products for prevention and treatment of tropical diseases by offering additional incentives for obtaining FDA approval of such products. Under section 524 of the FD&C Act, the sponsor of an eligible human drug application for a tropical disease (as defined in section 524(a)(3) of the FD&C Act) shall receive a priority review voucher upon approval of the tropical disease product application (as defined in section 524(a)(4) of the FD&C Act).

B. Establishment of the Rare Pediatric Disease Priority Review Voucher

Section 908 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) added section 529 of the FD&C Act (21 U.S.C. 360ff). In section 529 of the FD&C Act, Congress encouraged development of new human drugs and biological products for prevention and treatment of certain rare pediatric diseases by offering additional incentives for obtaining FDA approval of such products. Under section 529 of the FD&C Act, the sponsor of an eligible human drug application for a rare pediatric disease (as defined in section 529(a)(3) of the FD&C Act) shall receive a priority review voucher upon approval of the rare pediatric disease product application (as defined in section 529(a)(4) of the FD&C Act).[1]

C. Establishment of the Material Threat MCM Priority Review Voucher

Section 3086 of the 21st Century Cures Act (Pub. L. 114–255) added section 565A to the FD&C Act (21 U.S.C. 360bbb-4a). In section 565A of the FD&C Act, Congress encouraged development of material threat MCMs by offering additional incentives for obtaining FDA approval of such products. Under section 565A of the FD&C Act, the sponsor of an eligible material threat MCM application (as defined in section 565A(a)(4) of the FD&C Act) shall receive a priority review voucher upon approval of the material threat MCM application.[2]

A priority review involves a more intensive level of effort and a higher level of resources than a standard review.[3] A priority review is a review conducted within a timeframe prescribed in FDA commitments for such reviews made in connection with PDUFA reauthorization for FYs 2023–2027, known as PDUFA VII. For the FYs 2023 through 2027, FDA has committed to a goal date to review and act on 90 percent of the applications granted priority review status within the expedited timeframe of 6 months after receipt or filing date (filing date for new molecular entity (NME), new drug application (NDA), and original biologics license application (BLA) submissions; receipt date for priority non-NME original NDA submissions).

D. Transferability of the Priority Review Voucher

The recipient of a priority review voucher may either use the voucher for a future human drug application submitted to FDA under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)), or transfer (including by sale) the voucher to another party. The voucher may be transferred repeatedly until it ultimately is used for a human drug application submitted to FDA under section 505(b)(1) of the FD&C Act or section 351(a) of the PHS Act. As further described below, a priority review is a review conducted with a Prescription Drug User Fee Act (PDUFA) goal date of 6 months after the receipt or filing date, depending on the type of application. Information regarding review goals for FY 2027 is available at: *https://www.fda.gov/media/151712/download.*

The sponsor that uses a priority review voucher is entitled to a priority review of its eligible human drug application, but must pay FDA a priority review user fee in addition to any other fee required by PDUFA. FDA published information on its website about how the priority review voucher program operates.[4] [5] [6]

[1] The FD&C Act includes a sunset of authority to award rare pediatric disease priority review vouchers. Section 529(b)(5) of the FD&C Act provides that after September 30, 2029, FDA may not award any rare pediatric disease priority review vouchers. This limit of FDA's authority to award rare pediatric disease priority review vouchers does not affect the ability to use rare pediatric disease priority review vouchers issued by FDA.

[2] Although under section 565A(g) of the FD&C Act, material threat MCM priority review vouchers may not be awarded after October 1, 2023, this ''sunset'' of authority to award vouchers does not affect the ability to use material threat MCM priority review vouchers that have already been issued.

[3] For more information on priority review designation, see FDA's May 2014 guidance entitled *Expedited Programs for Serious Conditions—Drugs and Biologics,* available at: *https://www.fda.gov/files/drugs/published/Expedited-Programs-for-Serious-Conditions-Drugs-and-Biologics.pdf.*

[4] Information regarding the tropical disease priority review voucher program is available at: *https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/tropical-disease-priority-review-voucher-program.*

[5] Information regarding the rare pediatric disease priority review voucher program is available at:

Continued

This notice establishes the FY 2027 priority review fee rate for use of tropical disease, rare pediatric disease, and material threat MCM priority review vouchers at $1,798,596 and outlines FDA's process for implementing the collection of priority review user fees. This rate is effective on October 1, 2026, and will remain in effect through September 30, 2027.

II. Priority Review User Fee Rate for FY 2027

FDA interprets section 524(c)(2) (tropical disease priority review user fee), section 529(c)(2) (rare pediatric disease priority review user fee), and section 565A(c)(2) (material threat MCM priority review user fee) of the FD&C Act as requiring that FDA determine the amount of each priority review user fee for each fiscal year based on the difference between the average cost incurred by FDA in the review of a human drug application subject to priority review in the previous fiscal year, and the average cost incurred by FDA in the review of a human drug application that is not subject to priority review in the previous fiscal year.

FDA is setting a fee for FY 2027, which is to be based on standard cost data from the previous fiscal year, FY 2026. However, the FY 2026 submission cohort has not been closed out yet, thus the cost data for FY 2026 are not complete. The latest year for which FDA has complete cost data is FY 2025. The Agency expects all applications that received priority review would contain clinical data. The application categories with clinical data for which FDA tracks the cost of review are (1) NDAs for an NME with clinical data and (2) BLAs.

The total cost for FDA to review NME NDAs with clinical data and BLAs in FY 2025 was $259,267,306. There was a total of 73 applications in these 2 categories (44 NME NDAs with clinical data and 29 BLAs). (Note: These numbers exclude the President's Emergency Plan for AIDS Relief NDAs; no investigational new drug review costs are included in this amount.) Of these applications, 42 (24 NDAs and 18 BLAs) received priority reviews and the remaining 31 (20 NDAs and 11 BLAs) received standard reviews. Because a priority review compresses a review that ordinarily takes 10 months into 6 months, FDA estimates that a multiplier of 1.67 (10 months divided by 6 months) should be applied to nonpriority review costs in estimating the effort and cost of a priority review as compared to a standard review. This multiplier is consistent with published research on this subject, which supports a priority review multiplier in the range of 1.48 to 2.35 (Ref. 1). Using FY 2025 figures, the costs of a priority and standard review are estimated using the following formula:

$(42\ \alpha \times 1.67) + (31\ \alpha) = \$259{,}267{,}306$

where ''α'' is the cost of a standard review and ''α times 1.67'' is the cost of a priority review. Using this formula, the cost of a standard review for NME NDAs and BLAs is calculated to be $2,563,450 (rounded to the nearest dollar) and the cost of a priority review for NME NDAs and BLAs is 1.67 times that amount, or $4,280,962 (rounded to the nearest dollar). The difference between these two cost estimates, or $1,717,512, represents the incremental cost of conducting a priority review rather than a standard review.

For the FY 2027 fee, FDA will need to adjust the FY 2025 incremental cost by the average amount by which FDA's average costs increased in the 3 years prior to FY 2026, to adjust the FY 2025 amount for cost increases in FY 2026. That adjustment, published in the **Federal Register** setting the FY 2027 PDUFA fees, is 4.7210 percent for the most recent year, not compounded. Increasing the FY 2025 incremental priority review cost of $1,717,512 by 4.7210 percent (or 0.047210) results in an estimated cost of $1,798,596 (rounded to the nearest dollar). This is the priority review user fee amount for FY 2027 that must be submitted in connection with a priority review voucher for a human drug application in FY 2027, in addition to any PDUFA fee that is required for such an application.

III. Fee Rate Schedule for FY 2027

The fee rate for FY 2027 is set in Table 1:

TABLE 1—PRIORITY REVIEW FEE SCHEDULE FOR FY 2027

Fee category	Priority review fee rate for FY 2027
Application submitted with a tropical disease priority review voucher in addition to the normal PDUFA fee	$1,798,596
Application submitted with a rare pediatric disease priority review voucher in addition to the normal PDUFA fee	1,798,596
Application submitted with a material threat MCM priority review voucher in addition to the normal PDUFA fee	1,798,596

IV. Implementation of Priority Review User Fee

Sections 524(c)(4)(B), 529(c)(4)(B), and 565A(c)(4)(B) of the FD&C Act specify that the human drug application for which the sponsor requests the use of a priority review voucher will be considered incomplete if the priority review user fee and all other applicable user fees are not paid in accordance with FDA payment procedures. In addition, FDA may not grant a waiver, exemption, reduction, or refund of any fees due and payable under these sections of the FD&C Act (see sections 524(c)(4)(C), 529(c)(4)(C), and 565A(c)(4)(C)). FDA may not collect priority review voucher fees for any fiscal year ''except to the extent provided in advance in appropriation Acts.'' (Section 524(c)(5)(B), 529(c)(5)(B), and 565A(c)(6) of the FD&C Act.)

The priority review fee established in the new fee schedule must be paid for any application received on or after October 1, 2026, submitted with a priority review voucher. As noted in section II, this fee must be paid in addition to any PDUFA fee that is required for the application. The sponsor would need to follow normal requirements for timely payment of any PDUFA fee for the human drug application. For more information regarding payment of PDUFA application fees generally, please see section 736(a)(1) of the FD&C Act.[7]

https://www.fda.gov/industry/medical-products-rare-diseases-and-conditions/rare-pediatric-disease-designation-and-priority-review-voucher-programs.

[6] Information regarding the material threat MCM priority review voucher program is available at: *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions.*

[7] Additional information is also available in the guidance for industry entitled *Assessing User Fees Under the Prescription Drug User Fee Amendments of 2022.* FDA updates guidance periodically. To make sure you have the most recent version of a guidance, check the FDA Drugs guidance web page at: *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

A. Priority Review Voucher Notification of Intent Requirement

All three priority review vouchers have a notification requirement. To comply with this requirement, the sponsor must notify FDA not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the estimated submission date. See sections 524(b)(4), 529(b)(4)(B)(i), and 565A(b)(3)(A) of the FD&C Act.

B. Priority Review Voucher User Fee Due Date

Under sections 524(c)(4)(A) (tropical disease priority review user fee), 529(c)(4)(A) (rare pediatric disease priority review user fee), and 565A(c)(4)(A) (material threat MCM priority review user fee) of the FD&C Act, the priority review user fee is due (*i.e.,* the obligation to pay the fee is incurred) upon submission of a human drug application for which the priority review voucher is used.[8]

V. Fee Payment Options and Procedures

Payments made to FDA must be made in U.S. currency drawn on a U.S. bank by electronic check, credit card, or wire transfer. The preferred method for payments to FDA is online using electronic check (Automated Clearing House (ACH), also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). FDA has partnered with the U.S. Department of the Treasury to utilize *Pay.gov*, a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website upon receipt of an invoice.

Secure electronic payments to FDA can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay.* (Note: Only full payments are accepted; no partial payments can be made online.) Once an invoice is located, ''Pay Now'' should be selected to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

For payments made by wire transfer, include the invoice number to ensure that the payment is applied to the correct fee(s). Without the invoice number, the payment may not be applied. The originating financial institution may charge a wire transfer fee. Include applicable wire transfer fees with payment to ensure fees are fully paid. Questions about wire transfer fees should be addressed to the financial institution. The following account information should be used to send payments by wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Account No: 75060099, Routing No: 021030004, SWIFT: FRNYUS33.

FDA's tax identification number is 53–0196965. If a fee is not paid in full, the fee will be treated as a claim of the U.S. Government (see 45 CFR part 30), meaning the invoice balance due amount is referred to collections.

VI. Reference

The following reference is on display with the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is not available electronically at *https://www.regulations.gov* as this reference is copyright protected. FDA has verified the website address as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Ridley, D.B., H.G. Grabowski, and J.L. Moe, ''Developing Drugs for Developing Countries,'' *Health Affairs,* vol. 25, no. 2, pp. 313–324, 2006, available at: *https://www.healthaffairs.org/doi/full/10.1377/hlthaff.25.2.313.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18464 Filed 9–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding, Medicare Rural Hospital Flexibility Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: HRSA is providing additional fiscal year 2026 funding under the Medicare Rural Hospital Flexibility (Flex) Program using the program's established funding methodology, including a baseline increase for all recipients and an additional adjustment for states with newly designated Critical Access Hospitals (CAHs). This funding will support state efforts to strengthen CAHs, improve quality and performance, and sustain access to essential rural health care services.

FOR FURTHER INFORMATION CONTACT: Sheena Johnson, Deputy Division Director, Hospital State Division, Federal Office of Rural Health Policy, HRSA, at *sjohnson@hrsa.gov* and (872) 271–6370.

SUPPLEMENTARY INFORMATION:

Intended Recipients of the Award: 2 Flex Program Recipients.

Amount of Non-competitive awards: 2 awards totaling $620,742.

Project Period: September 1, 2026, to August 31, 2027.

Assistance Listing Number: 93.241.

Award Instrument: Cooperative Agreements.

E3.*Authority:*

42 U.S.C. 1395i–4(g)(1)–(2) (*https://www.ssa.gov/OP_Home/ssact/title18/1820.htm*).

TABLE 1—RECIPIENTS WITH FUNDING INCREASES EXCEEDING 25 PERCENT

Grant number	Award recipient name	State	Award amount
U2WRH33293	Alabama Department of Public Health	AL	$146,403

[8] In the case of a ''rolling review'' application (as discussed in FDA's May 2014 guidance entitled *Expedited Programs for Serious Conditions—Drugs and Biologics,* available at: *https://www.fda.gov/files/drugs/published/Expedited-Programs-for-Serious-Conditions-Drugs-and-Biologics.pdf*) for which a tropical disease priority review voucher, rare pediatric disease priority review voucher, or material threat MCM priority review voucher is redeemed, FDA considers the application to be submitted on the date FDA receives the final portion of the application that the applicant identifies as complete. Also see section 506(d) of the FD&C Act, relating to review of incomplete applications for approval of a fast track product.

TABLE 1—RECIPIENTS WITH FUNDING INCREASES EXCEEDING 25 PERCENT—Continued

Grant number	Award recipient name	State	Award amount
U2WRH33313	Texas Department of Agriculture	TX	474,339

Justification: HRSA received increased funding in the Consolidated Appropriations Act, 2026, (*https://www.govinfo.gov/content/pkg/PLAW-119publ75/pdf/PLAW-119publ75.pdf*), H.R. 7148, for the Medicare Rural Hospital Flexibility Program. The Flex Program supports states in strengthening CAHs, improving quality and performance, supporting financial and operational improvement activities, and sustaining access to essential rural health care services. For fiscal year 2026, HRSA will apply a 2.5 percent funding increase to all 45 Flex Program recipients and an additional increase of 5 percent for each newly designated CAH in a state. This approach provides all Flex recipients with a baseline increase while directing additional resources to states with expanded program responsibilities due to CAH growth.

As a result of this increase, the two recipients listed in Table 1 will receive additional funding due to the number of newly designated CAHs in their states. The additional funds will provide additional support to strengthen CAHs, improve quality and performance, support financial and operational improvement activities, and sustain access to essential health care services in rural communities.

Thomas J. Engels,

Administrator.

[FR Doc. 2026–18425 Filed 9–9–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Cancer Biomarker Development, Assay Validation, and Translational Technologies.

Date: October 13, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 451–0395, *hasan.siddiqui@nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Drug and Biologic Therapeutic Delivery Study Section.

Date: October 13–14, 2026.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Janice Duy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3139, *janice.duy@nih.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Interspecies Microbial Interactions and Infections Study Section.

Date: October 13–14, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Irene Ramos Lopez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4891, *irene.ramoslopez@nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: October 13–14, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jennifer Chien Villa, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–5436, *jennifer.villa@nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Basic Mechanisms of Cancer Health Disparities Study Section.

Date: October 13, 2026.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Wing-Hang Tong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (302) 402–0360, *tongw@mail.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Immunology and Infection Study Section.

Date: October 14–15, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rupali Das, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0023, *rupali.das@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Center Support Grant.

Date: October 14–15, 2026.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 809 C, Bethesda, MD 20892, (301) 451–0359, *mukesh.kumar3@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 4, 2026.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–18441 Filed 9–9–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Public Online Roundtable

ACTION: Notice; announcement of public forum.

SUMMARY: The National Center for Advancing Translational Sciences (NCATS) will host a public online roundtable to share the latest updates on how NCATS is advancing translational science research and provide an opportunity for an interactive discussion with NCATS director Dr. Joni Rutter.

DATES: The public online forum will be available on October 9, 2026, from 12:00 p.m. to 1:00 p.m. EDT.

ADDRESSES: The public forum will be held online, at *https://teams.microsoft.com/meet/254720356527980?p=p25BdPepvAOddo3GEA* on the date indicated above.

FOR FURTHER INFORMATION CONTACT: Christopher Maurer, Management Analyst, National Center for Advancing Translational Sciences, NIH, *christopher.maurer2@nih.gov* or 301–827–7280 OR Brittany Gibbons, Health Specialist, National Center for Advancing Translational Sciences, NIH, *brittany.gibbons@nih.gov* or 240–401–8298.

SUPPLEMENTARY INFORMATION: The roundtable will also invite public discussion of proposed organizational changes at NCATS, including abolishing the Office of Drug Development Partnership Programs and the Office of Translational Medicine, revising the functional statement of the Office of Special Initiatives, and renaming the Chemical Genomics Branch as the Translational Models Branch. These changes are intended to consolidate program components within the NCATS Office of the Director and align one of the Center's intramural research branches with efforts to create non-animal models of disease. During the online forum, members of the public will be able to review the proposed changes and submit comments.

The NIH Reform Act of 2006 (42 U.S.C.281 (d)(4)) requires public notice of proposed reorganization plans. This announcement and the public forum serve as that notice.

Dated: September 2, 2026.

Joni L. Rutter,

Director, National Center for Advancing Translational Sciences.

[FR Doc. 2026–18440 Filed 9–9–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2632]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before December 9, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2632, to David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an

appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Sarpy County, Nebraska and Incorporated Areas Project: 17–07–0403S Preliminary Date: May 7, 2026	
City of Bellevue	Planning Department, 1510 Wall Street, Bellevue, NE 68005.
Unincorporated Areas of Sarpy County	Sarpy County Administration Building, Planning and Building Department, 1210 Golden Gate Drive, Papillion, NE 68046.

[FR Doc. 2026–18408 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2623]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, National Flood Insurance Program, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arkansas: Benton ..	City of Rogers, (25-06-0861P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	City Hall, 301 West Chestnut Street, Rogers, AR 72756.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 28, 2026	050013
Connecticut:						
New London ...	Town of Groton (25-01-0840P).	John Burt, Town Manager, Town of Groton, 45 Fort Hill Road, Groton, CT 06340.	Town Hall, 45 Fort Hill Road, Groton, CT 06340.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	090097
New London ...	Town of Ledyard (25–01–0840P).	The Honorable Fred B. Allyn, III, Mayor, Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	Town Hall, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	090157
New London ...	Town of Stonington (25–01–0840P).	Bill Middleton, First Selectman, Town of Stonington, 152 Elm Street, Stonington, CT 06378.	Town Hall, 152 Elm Street, Stonington, CT 06378.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	090106
Florida:						
Bay	City of Panama City Beach (26–04–0170P).	Drew R. Whitman, City Manager, City of Panama City Beach, 17007 Panama City Beach Parkway, Panama City Beach, FL 32413.	Public Services Building, 17005 Panama City Beach Parkway, 1st Floor, Panama City Beach, FL 32413.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 17, 2026	120013
Bay	Unincorporated areas of Bay County (26–04–0170P).	Joel Schubert, Bay County Manager, 840 West 11th Street, Panama City, FL 32401.	Bay County Government Center, 840 West 11th Street, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 17, 2026	120004
Broward	City of Deerfield Beach (25–04–5904P).	Rodney Brimlow, City Manager, City of Deerfield Beach, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33441.	Environmental Services–Engineering, 200 Goolsby Boulevard, Deerfield Beach, FL 33442.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	125101
Hillsboroug	City of Tampa (26–04–0790P).	The Honorable Jane Castor, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	City Hall, 306 East Jackson Street, Tampa, FL 33602.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 28, 2026	120114
Lake	City of Tavares (26–04–0237P).	The Honorable Lori Pfister, Mayor, City of Tavares, 201 East Main Street, Tavares, FL 32778.	City Hall, 201 East Main Street, Tavares, FL 32778.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	120138
Orange	City of Orlando (25–04–4424P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works, Department Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	120186
Orange	Unincorporated areas of Orange County (25–04–4424P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	120179
Osceola	Unincorporated areas of Osceola County (25–04–4424P).	Don Fisher, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	120189
Osceola	Unincorporated areas of Osceola County (26–04–1913X).	Don Fisher, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 18, 2026	120189

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Palm Beach ...	Unincorporated areas of Palm Beach County (25–04–6977P).	Joseph Abruzzo, Palm Beach County Administrator, 2300 North Jog Road, West Palm Beach, FL 33411.	Palm Beach County Vista Center, Building Division Office, 2300 North Jog Road, West Palm Beach, FL 33411.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	120192
Pasco	Unincorporated areas of Pasco County (25–04–6048P).	The Honorable Jack Mariano, Chair, Pasco County Board of Commissioners, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Building Construction Services, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	120230
Sumter	Unincorporated areas of Sumter County (25–04–6591P).	The Honorable Don Wiley, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Administrative Services, 7375 Powell Road, Wildwood, FL 34785.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 18, 2026	120296
Sumter	Unincorporated areas of Sumter County (26–04–0006P).	The Honorable Don Wiley, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Administrative Services, 7375 Powell Road, Wildwood, FL 34785.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	120296
Georgia:						
Fannin	Unincorporated areas of Fannin County (25–04–0507P).	The Honorable Jamie Hensley, Chair, Fannin County Board of Commissioners, 400 West Main Street, Suite 100, Blue Ridge, GA 30513.	Fannin County Courthouse, 400 West Main Street, Blue Ridge, GA 30513.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 3, 2026	130249
Macon-Bibb	Consolidated Government of Macon-Bibb County (25–04–5395P).	The Honorable Lester M. Miller, Mayor, Macon-Bibb County, 700 Poplar Street, Suite 200, Macon, GA 31201.	Macon-Bibb County Government Center, 700 Poplar Street, Macon, GA 31201.	*https://msc.fema.gov/portal/advanceSearch*	Oct. 1, 2026	130680
Indiana: Johnson ...	Unincorporated areas of Johnson County (25–05–1035P).	The Honorable Brian Baird, Johnson County Commissioner, 86 West Court Street, Franklin, IN 46131.	Johnson County Courthouse Annex, 86 West Court Street, Franklin, IN 46131.	*https://msc.fema.gov/portal/advanceSearch*	Oct. 1, 2026	180111
Maine: Hancock	Town of Mount Desert (25–01–1158P).	Kimberly Keene, Code Enforcement Officer & Building Inspector, Town of Mount Desert, P.O. Box 248, Northeast Harbor, ME 04662.	Planning Department, 21 Sea Street, Northeast Harbor, ME 04662.	*https://msc.fema.gov/portal/advanceSearch*	Oct. 2, 2026	230287
New Mexico: Taos	Unincorporated areas of Taos County (25–06–1242P).	Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Assessor's Office, 105 Albright Street, Suite A, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 25, 2026	350078
North Carolina:						
Brunswick	Unincorporated areas of Brunswick County (25–04–3496P).	The Honorable Mike Forte, Chair, Brunswick County Board of Commissioners, P.O. Box 249, Bolivia, NC 28422.	Brunswick County, Floodplain Management, 75 Courthouse Drive, Building I, Bolivia, NC 28422.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 4, 2026	370295
Brunswick	Unincorporated areas of Brunswick County, NC (25–04–4797P).	The Honorable Mike Forte, Chair, Brunswick County Board of Commissioners, P.O. Box 249, Bolivia, NC 28422.	Brunswick County, Floodplain Management, 75 Courthouse Drive, Building I, Bolivia, NC 28422.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 4, 2026	370295
Catawba	City of Hickory (25–04–4916P).	The Honorable Hank Guess, Mayor, City of Hickory, 76 North Center Street, Hickory, NC 28601.	Planning Department, 76 North Center Street, Hickory, NC 28601.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 23, 2026	370054
Catawba	Town of Brookford (25–04–4916P).	The Honorable Thomas Schronce, Mayor, Town of Brookford, 1700 South Center Street, Hickory, NC 28601.	Town Hall, 1700 South Center Street, Hickory, NC 28601.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 23, 2026	370051
Catawba	Town of Long View (25–04–4916P).	The Honorable Eddie Marlowe, Mayor, Town of Long View, 2404 1st Avenue Southwest, Long View, NC 28602.	Town Hall, 2404 1st Avenue Southwest, Long View, NC 28602.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 23, 2026	370055
Catawba	Unincorporated areas of Catawba County (25–04–4916P).	Randy Isenhower, Chair, Catawba County Board of Commissioners, P.O. Box 389, Newton, NC 28658.	Catawba County Planning Department, 25 Government Drive, Newton, NC 28658.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 23, 2026	370050

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Catawba	Unincorporated areas of Catawba County (25–04–6939P).	Randy Isenhower, Chair, Catawba County Board of Commissioners, P.O. Box 389, Newton, NC 28658.	Catawba County Planning Department, 25 Government Drive, Newton, NC 28658.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	370050
Davidson	Town of Midway (26–04–0539P).	The Honorable John Byrum, Mayor, Town of Midway, 426 Gumtree Road, Winston-Salem, NC 27107.	Planning and Zoning, 913 Greensboro Street, Suite 305, Lexington, NC 27292.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	370393
Davidson	Unincorporated areas of Davidson County (26–04–0539P).	Karen Watford, Chair, Davidson County Board of Commissioners, P.O. Box 1067, Lexington, NC 27293.	Davidson County Planning and Zoning, 913 Greensboro Street, Suite 305, Lexington, NC 27292.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	370307
Forsyth	Unincorporated areas of Forsyth County (25–04–4286P).	Don Martin, Chair, Forsyth County Board of Commissioners, 201 North Chestnut Street, Winston-Salem, NC 27101.	Forsyth County Planning, 201 North Chestnut Street, Winston-Salem, NC 27101.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	375349
Forsyth	Village of Clemmons (25–04–4286P).	The Honorable Mike Rogers, Mayor, Villag of Clemmons, 3715 Clemmons Road, Clemmons, NC 27012.	Planning and Community Development, 3715 Clemmons Road, Clemmons, NC 27012.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	370531
Gaston	City of Belmont (25–04–5144P).	The Honorable Joe Jordan, Mayor, City of Belmont, P.O. Box 431, Belmont, NC 28012.	Planning and Zoning Department, 1401 East Catawba Street, Belmont, NC 28012.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 2, 2026	370320
Wake	Town of Fuquay-Varina (26–04–0044P).	The Honorable William Harris, Mayor, Town of Fuquay-Varina, 134 North Main Street, Fuquay-Varina, NC 27526.	Engineering Department, 134 North Main Street, Fuquay-Varina, NC 27526.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 8, 2026	370239
Wake	Unincorporated areas of Wake County (26–04–0044P).	Don Mial, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, Waverly F. Akins Office Building, 337 South Salisbury Street, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 8, 2026	370368
South Carolina: Charleston.	City of Charleston (26–04–0335P).	The Honorable William S. Cogswell, Jr., Mayor, City of Charleston, 80 Broad Street, Charleston, SC 29401.	Building Inspection, 2 George Street, Suite 2100, Charleston, SC 29401.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 10, 2026	455412
Tennessee:						
Roane	City of Rockwood (26–04–0260P).	The Honorable Jason Jolly, Mayor, City of Rockwood, 110 North Chamberlain Avenue, Rockwood, TN 37854.	Building Inspection Office, 110 North Chamberlain Avenue, Rockwood, TN 37854.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 17, 2026	475443
Roane	Unincorporated areas of Roane County (26–04–0260P).	The Honorable Wade Creswell, Roane County Executive, P.O. Box 643, Kingston, TN 37763.	Roane County Building Codes and Zoning, 308 North 3rd Street, Kingston, TN 37763.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 17, 2026	470267
Texas:						
Brazos	City of Bryan (25–06–0311P).	The Honorable Bobby Gutierrez, Mayor, City of Bryan, P.O. Box 1000, Bryan, TX 77805.	Development Center, Engineering Department, 205 East 28th Street, Bryan TX 77805.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 28, 2026	480082
Collin	City of Wylie (25–06–2461P).	The Honorable Matthew Porter, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Wylie, TX 75407.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 18, 2026	480759
Denton	City of Aubrey (25–06–2230P).	The Honorable Chris Rich, Mayor, City of Aubrey, 107 South Main Street, Aubrey, TX 76227.	City Hall, 107 South Main Street, Aubrey, TX 76227.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	480776
Denton	City of Fort Worth (25–06–2632P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works—Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 24, 2026	480596

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Denton	Town of Cross Roads (25–06–2726P).	The Honorable T. Lynn Tompkins, Jr., Mayor, Town of Cross Roads, 3201 US Highway 380, Suite 105, Cross Roads, TX 76227.	Town Hall, 3201 US Highway 380, Suite 105, Cross Roads, TX 76227.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 16, 2026	481513
Denton	Unincorporated areas of Denton County (25–06–2230P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton, TX 76208.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	480774
Denton	Unincorporated areas of Denton County (25–06–2632P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton TX, 76208.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 24, 2026	480774
Denton	Unincorporated areas of Denton County (25–06–2726P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Denton, TX 76208.	Denton County Development Services, 3900 Morse Street, Denton TX, 76208.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 16, 2026	480774
Johnson	City of Venus (25–06–2220P).	The Honorable Alejandro Galaviz, Mayor, City of Venus, 700 West US Highway 67, Venus, TX 76084.	City Hall, 700 West US Highway 67, Venus, TX 76084.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	480883
Johnson	Unincorporated areas of Johnson County (25–06–2220P).	The Honorable Christopher Boedeker, Johnson County Judge, 2 North Main Street, Cleburne, TX 76033.	Johnson County Public Works Department, 2 North Mill Street, Suite 305, Cleburne, TX 76033.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	480879
Tarrant	City of Arlington (25–06–2116P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76010.	City Hall, 101 West Abram Street, Arlington, TX 76010.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 28, 2026	485454
Tarrant	City of Fort Worth (25–06–1635P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works—Stormwater Management Division, 100 Fort Worth Trail, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 28, 2026	480596
Tarrant	City of Grapevine (25–06–2284P).	The Honorable William D. Tate, Mayor, City of Grapevine, 200 South Main Street, Grapevine, TX 76051.	City Hall, 200 South Main Street, Grapevine, TX 76051.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	480598
Wise	City of New Fairview (26–06–0552P).	The Honorable John R. Taylor, Mayor, City of New Fairview, 999 Illinois Lane, New Fairview, TX 76078.	City Hall, 999 Illinois Lane, New Fairview, TX 76078.	*https://msc.fema.gov/portal/advanceSearch*	Oct. 2, 2026	481629
Wise	Unincorporated areas of Wise County (26–06–0552P).	The Honorable J.D. Clark, Wise County Judge, 101 North Trinity Street, 3rd Floor, Number 101, Decatur, TX 76234.	Wise County Office of Emergency Management, 205 North State Street, Decatur, TX 76234.	*https://msc.fema.gov/portal/advanceSearch*	Oct. 2, 2026	481051
West Virginia:						
Cabell	City of Huntington (26–03–0238P).	The Honorable Patrick Farrell, Mayor, City of Huntington, 800 5th Avenue, Huntington, WV 25701.	City Hall, 800 5th Avenue, Huntington, WV 25701.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 24, 2026	540018
Wayne	Unincorporated areas of Wayne County (26–03–0238P).	Travis Thompson, Commissioner President, Wayne County, 700 Hendricks Street, Wayne, WV 25570.	Wayne County Commission, 700 Hendricks Street, Wayne, WV 25570.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 24, 2026	540200
Wisconsin:						
Dane	City of Sun Prairie (26–05–0791P).	The Honorable Steve Stocker, Mayor, City of Sun Prairie, 300 East Main Street, 2nd Floor, Sun Prairie, WI 53590.	Municipal Building, 300 East Main Street, Sun Prairie, WI 53590.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 21, 2026	550573
Dane	Unincorporated areas of Dane County (25–05–1787P).	Melissa Agard, Dane County Executive, 210 Martin Luther King Junior Boulevard, Room 421, Madison, WI 53703.	Dane County Building, 210 Martin Luther King Junior Boulevard, Madison, WI 53703.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 18, 2026	550077

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Dane	Village of Cross Plains (25–05–1787P).	Carly Persson, Village Administrator/Economic Development Director, 2417 Brewery Road, Cross Plains, WI 53528.	Village Hall, 2417 Brewery Road, Cross Plains, WI 53528.	*https://msc.fema.gov/portal/advanceSearch*	Sep. 18, 2026	550081

[FR Doc. 2026–18404 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2627]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before December 9, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2627, to David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Gadsden County, Florida and Incorporated Areas Project: 12–04–0466S Preliminary Date: August 14, 2025	
City of Chattahoochee	City Hall, 22 Jefferson Street, Chattahoochee, FL 32324.
City of Gretna	City Hall, 14615 Main Street, Gretna, FL 32332.
City of Midway	City Hall, 50 Martin Luther King Boulevard, Midway, FL 32343.
City of Quincy	City Hall, 404 West Jefferson Street, Quincy, FL 32351.
Town of Greensboro	Town Hall, 150 East 11th Street, Greensboro, FL 32351.
Town of Havana	Cecil G. Trippe Municipal Building, 711 North Main Street, Havana, FL 32333.
Unincorporated Areas of Gadsden County	Gadsden County Edward J. Butler Governmental Complex, 9–B East Jefferson Street, Quincy, FL 32353.
Leon County, Florida and Incorporated Areas Project: 12–04–0466S Preliminary Date: August 14, 2025	
Unincorporated Areas of Leon County	Leon County Courthouse, 301 South Monroe Street, Tallahassee, FL 32301.

[FR Doc. 2026–18406 Filed 9–9–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of November 13, 2026 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov*.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community Map Repository Address
Phillips County, Colorado and Incorporated Areas Docket No.: FEMA–B–2309	
City of Holyoke	City Municipal Building, 407 East Denver Street, Holyoke, CO 80734.
Unincorporated Areas of Phillips County	Phillips County Courthouse, 221 South Interocean Avenue, Holyoke, CO 80734.
Hood River County, Oregon and Incorporated Areas Docket No.: FEMA–B–2543	
City of Cascade Locks	City Hall, 140 Southwest WaNaPa Street, Cascade Locks, OR 97014.
City of Hood River	City Hall, 211 2nd Street, Hood River, OR 97031.
Unincorporated Areas of Hood River County	Hood River County Building, 601 State Street, Hood River, OR 97031.

[FR Doc. 2026–18409 Filed 9–9–26; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0562]

Assistance to Firefighters Grant Program; Fire Prevention and Safety Grants

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Fire Prevention and Control Act of 1974, as amended, the Administrator of FEMA is publishing this notice describing the fiscal year (FY) 2025 Assistance to Firefighters Grant (AFG) and Fire Prevention and Safety (FP&S) grant programs application processes, deadlines and award selection criteria. This notice explains the differences, if any, between these guidelines and those recommended by representatives of the national fire service leadership during the annual meeting of the Criteria Development Panel (CDP), which was held September 9, 2025. The application period for the FY 2025 AFG Program was May 19, 2026, to June 22, 2026, and the FY 2025 FP&S Program was May 19, 2026, to June 22, 2026. The application periods were announced on the FEMA Fire Grant website at *https://www.fema.gov/grants/preparedness/firefighters*, as well as at *https://www.grants.gov*.

DATES: Grant applications for the FY 2025 AFG and FP&S Programs were accepted electronically through the FEMA Grants Outcomes (FEMA GO) system at *https://go.fema.gov*, from May 19, 2026, to June 22, 2026.

ADDRESSES: DHS/FEMA/Resilience/Grant Programs Directorate, Fire Grants Branch, 400 C St. SW, 3N, FEMA Headquarters, Washington, DC 20472–3635.

FOR FURTHER INFORMATION CONTACT: Paul Parsons, Branch Chief, Fire Grants Branch, 866–274–0960 or *FireGrants@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: The AFG program awards grants directly to fire departments, nonaffiliated emergency medical service (EMS) organizations, and state fire training academies (SFTA) to enhance the health and safety of first responders and improve their abilities to protect the public from fire and fire-related hazards.

The FP&S program awards grants directly to eligible fire departments and national, regional, State, local, Territorial and Tribal governments and nonprofit organizations such as academic (*e.g.,* universities), public health, occupational health, and injury prevention institutions to enhance the safety of the public and firefighters, by assisting fire prevention programs and supporting firefighter health and safety research and development. Eligible organizations must be operating in any of the 50 States, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Tribal Nation.

Applications for the FY 2025 AFG and FP&S Programs were submitted and processed online at *https://go.fema.gov*. Before the application period opened, the FY 2025 AFG and FP&S notices of funding opportunity (NOFO) were published on FEMA's website at *https://www.fema.gov/grants/preparedness/firefighters*, as well as at *www.grants.gov*. FEMA's Fire Grants web page provides additional information and materials useful for FY 2025 AFG and FP&S applicants, including Frequently Asked Questions, Application Checklists, Self-Evaluation Sheets, and a Cost-Share Calculator, as well as Tips and Guidelines for FP&S R&D applications. FEMA received 8,426 AFG applications and $291.6 million in funding to support approximately 1,800 AFG grant awards. FEMA also received 758 FP&S applications and $32.4 million in funding to support approximately 100 FP&S grant awards.

Congressional Appropriations

Funding for the FP&S program is through the Assistance to Firefighters Grant (AFG) Program. For the FY 2025 AFG program, Congress appropriated $324 million through the Full-Year Continuing Appropriations and Extensions Act, 2025, Public Law 119–4, 1101. From this amount, $291.6 million will be made available for FY 2025 AFG awards, and $32.4 million will be made available for FY 2025 FP&S awards, pursuant to 15 U.S.C. 2229, which states that not less than 10% of available grant funds each year must be awarded under the FP&S program. Funds appropriated for FY 2025 will be available for obligation and award until September 30, 2026. The Federal Fire Prevention and Control Act of 1974 further directs FEMA to administer AFG's appropriations according to the following requirements:

- *Career fire departments:* Not less than 25% of available grant funds.
- *Volunteer fire departments:* Not less than 25% of available grant funds.
- *Combination fire departments and departments using paid-on-call firefighting personnel:* Not less than 25% of available grant funds.
- *Open competition (career, volunteer, and/or combination fire departments and departments using paid-on-call firefighting personnel):* Not less than 10% of available grant funds awarded.
- *EMS providers including fire departments and nonaffiliated EMS organizations:* Not less than 3.5% of available grant funds awarded.
- *Nonaffiliated EMS providers*: Not more than 2% of the total available grant funds.
- *State Fire Training Academies (SFTAs):* Not more than 3% of available grant funds shall be collectively awarded to SFTA applicants, with a maximum of $500,000 per applicant.
- *Vehicles:* Not more than 25% of available grant funds may be used for the purchase of vehicles; by policy and based on recommendations, FEMA intends to dedicate 10% of those vehicle funds for ambulances.

Background of the AFG Program

Since 2001, AFG has awarded approximately $9 billion in grant funding to help firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and fire-related hazards. FEMA awards grants on a competitive basis to the applicants that best address the AFG program's priorities and provide the most compelling justification. Applications that best address AFG priorities, as identified in the Application Evaluation Criteria section below, are reviewed by a panel composed of fire service personnel. The AFG program has three program activities:

- Operations and Safety;
- Vehicle Acquisition; and
- Regional Projects.

The priorities for each activity are fully outlined in the funding notice.

Background of the FP&S Program

Since FY 2002, the FP&S program has provided nearly $750 million in grant funding to provide critically needed resources to fire departments and nonprofit organizations to carry out fire prevention education and training, fire code enforcement, origin and cause investigation, firefighter safety and health programming, prevention efforts,

and research and development. FEMA awards grants on a competitive basis to applicants that best address the FP&S program's priorities and provide the most compelling justifications. Applications that best address FP&S priorities, as identified in the Application Evaluation Criteria section below, are reviewed by a panel composed of fire service personnel. Those applicants to the R&D Activity scoring high on the fire service panel review may also be reviewed by a panel of scientists.

The FP&S Program activities include:

1. *FP&S Activity:* Activities designed to reach high-risk target groups and mitigate the incidence of death, injuries, and property damage caused by fire and fire-related hazards. The five project categories eligible for funding under this activity are:

- Community Risk Reduction;
- Wildfire Risk Reduction;
- Code Enforcement/Awareness;
- Origin and Cause Investigation; and
- National/State/Regional Programs and Projects.

2. *Research and Development (R&D) Activity:* Projects aimed at improving firefighter safety, health, or well-being through research and development that reduce firefighter fatalities and injuries. The four project categories eligible for funding under this activity are:

- Clinical Studies;
- Technology and Product Development;
- Preliminary Studies; and
- Early Career Investigator.

The priorities of each activity are fully outlined in the FP&S program NOFO.

Application Evaluation Criteria

Before making a grant award, FEMA is required by 31 U.S.C. 3354, as amended by the Payment Integrity Information Act of 2019, Public Law 116–117 (2020), 41 U.S.C. 2313, and 2 CFR 200.206 to review information available through any Office of Management and Budget-designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria will include the following risk-based considerations of the applicant: (1) financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing Federal awards; (4) reports and findings from audits and monitoring; and (5) ability to effectively implement statutory, regulatory, or other requirements.

FEMA will rank all complete and submitted applications based on how well they align with program priorities for the type of activity requested. Answers to activity-specific questions provide information used to determine each application's ranking relative to the stated program priorities.

Funding priorities and criteria for evaluating AFG and FP&S applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). The CDP is composed of fire service professionals who make recommendations to FEMA regarding creating new, or modifying previously established, funding priorities, as well as developing criteria for awarding grants. The content of the AFG and FP&S program NOFOs reflect implementation of the CDP's recommendations with respect to the priorities and evaluation criteria for awards.

The nine major fire service organizations represented on the CDP:

- Congressional Fire Service Institute
- International Association of Arson Investigators
- International Association of Fire Chiefs
- International Association of Fire Fighters
- International Society of Fire Service Instructors
- National Association of State Fire Marshals
- National Fire Protection Association
- National Volunteer Fire Council
- North American Fire Training Directors

Review and Selection Process

AFG and FP&S applications are scored competitively by members of a Peer Review Panel. Applications with the highest score rankings per activity will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, costs/quantities, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

AFG Program Review and Selection Process

AFG applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in the funding notice. Applications with the highest pre-score rankings are then scored competitively by no less than three members of a Peer Review Panel. Applications are also evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, and anticipated effectiveness of the proposed project(s). Below is the process by which applications are reviewed:

1. Pre-Scoring Process

The application undergoes an electronic pre-scoring process based on established program priorities listed in the funding notice and answers to activity-specific questions within the online application. Application narratives are not reviewed during pre-scoring. Request details and budget information should comply with program guidance and statutory funding limitations. The pre-score is 50% of the total application score.

2. Peer Review Panel Process

Applications with the highest pre-score undergo peer review. The peer review is composed of fire service representatives recommended by the organizations represented on the CDP. The panelists assess the merits of each application based on the narrative section of the application, including the evaluation elements listed in the Narrative Evaluation Criteria below. Panelists independently score each project within the application, discuss the merits and/or shortcomings of the application with their peers, and document the findings. A consensus is not required. The panel score is 50% of the total application score.

3. Technical Evaluation Process

The highest ranked applications will be considered within the fundable range. Applications that are in the fundable range will undergo both a Technical Review by a subject-matter expert as well as a FEMA Program Office review before being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award. Once the Technical Evaluation Process is complete, each application's cumulative score will be determined, and a final ranking of applications will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations outlined in the funding notice.

Narrative Evaluation Criteria

1. Financial Need (25% of the Peer Review Score)

The financial need narrative is where applicants highlight their department's financial situation. Applicants should include details describing their financial

distress, summarize budget constraints, describe unsuccessful attempts to secure other funding, and prove the situation does not allow them to fund their project on their own.

2. Project Description (25% of the Peer Review Score)

The project description is where applicants describe their proposed projects. Applicants should explain the problem they are trying to solve and their plan to use AFG funds to solve it. Good narratives include risk analyses, timelines and milestones, plans for anticipated challenges and how they will execute their plan within the two-year period of performance.

3. Cost-Benefit (25% of the Peer Review Score)

The cost-benefit narrative is where applicants describe how their proposed projects will benefit their communities. Benefits should be detailed and include numbers and dollar amounts whenever reasonable. Applicants should describe how they intend to reduce costs. Good narratives include formulas that relate benefits to costs, costs per resident served, costs per call, or similar expressions.

4. Statement of Effect (25% of the Peer Review Score)

The statement of effect is the narrative where applicants describe how their proposed projects will improve their daily operations. Good narratives will detail the benefits to their service members, their response times, cost reductions, and other internal improvements.

Eligible AFG Applicants

Fire Departments

Fire departments operating in any of the 50 States, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a State, Territory, local (city, county, parish, fire district, township, town or other governing body), or tribal authority to provide fire suppression to a population within a geographically fixed primary first due response area.

Nonaffiliated EMS Organizations

Nonaffiliated EMS organizations operating in any of the 50 States, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Indian Tribe or tribal organization. A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical services entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department. FEMA considers the following as hospitals under the AFG program:

- Clinics;
- Medical centers;
- Medical colleges or universities;
- Infirmaries;
- Surgery centers; and
- Any other institutions, associations, or foundations providing medical, surgical, or psychiatric care and/or treatment for the sick or injured.

State Fire Training Academies (SFTAs)

SFTAs operating in any of the 50 States, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of Puerto Rico. Applicants must be designated either by legislation or by a governor's declaration as the sole fire service training agency within a State, Territory, or the District of Columbia and recognized by the National Fire Academy. The designated SFTA shall be the only agency/bureau/division, or entity within that State, Territory, or the District of Columbia to be an eligible SFTA applicant under the AFG program.

Non-Federal Airport and/or Port Authority Fire or EMS Organizations

These entities are eligible only if they have a formally recognized arrangement with the local jurisdiction to provide fire suppression or emergency medical services on a first-due basis outside the confines of the airport or port facilities. Airport or port authority fire and EMS organizations whose sole responsibility is suppression of fires or EMS response on the airport grounds or port facilities are not eligible for funding under the AFG program.

Ineligibility

FEMA considers two or more separate fire departments or nonaffiliated EMS organizations with different funding streams, personnel rosters, and Employer Identification Numbers (EIN) but sharing the same facilities, as being separate organizations for the purposes of AFG eligibility. If two or more organizations share facilities and each submits an application in the same program area (*i.e.,* Equipment, Modifications to Facilities, Personal Protective Equipment (PPE), Training, or Wellness and Fitness Programs), FEMA reserves the right to review all of those program area applications for eligibility. This determination is designed to avoid the duplication of benefits.

Examples of ineligible applications and/or organizations include:

- Nonaffiliated EMS organization requests for any activity that is specific or unique to structural/proximity/wildlands firefighting gear.
- Fire departments that are a Federal Government entity, or contracted by the Federal Government, and are solely responsible under a formally recognized agreement for suppression of fires on Federal installations or land.
- Fire departments or nonaffiliated EMS organizations that are not independent entities but are part of, controlled by, or under the day-to-day operational command and control of a larger department, agency or Authority Having Jurisdiction (AHJ).
  - However, if a fire department is considered to be the same legal entity as a municipality or other governmental organization, and otherwise meets the eligibility criteria, that municipality or other governmental organization may apply on behalf of that fire department as long as the application clearly states that the fire department is considered part of the same legal entity.
- Fire-based EMS organization applying as a nonaffiliated EMS organization.
- Auxiliaries, hospitals or fire service associations or interest organizations that are not the AHJ over the applicant.
- Dive teams, search and rescue squads, or similar organizations that do not provide medical transport.
- Fire departments, regional or nonaffiliated EMS organizations that are for profit.
- State or local agencies, or subsets of any governmental entity, or any authority that do not meet the requirements as defined by15 U.S.C. 2229(a), (c).
- If an applicant submits two or more applications for the same equipment or other eligible activity (for example, if an applicant submits two or more applications, one under the Regional activity, and one under the Operations and Safety activity for self-contained breathing apparatus [SCBA]), both applications may be disqualified. If an applicant submits two separate applications for the same activity (*i.e.,* two separate vehicle applications for the same vehicle) during the same

application period, both applications may be disqualified.

○ This is different from when an entity is applying on behalf of other organizations that are agencies or instrumentalities of the applicant (*e.g.,* multiple fire departments under the same county, city, borough, parish, or other municipality). In that situation, the applicant may request similar or the same equipment as long as the application clearly states which equipment (including quantities) is for which agency/instrumentality. This is permissible even if that entity submits multiple applications across regional versus direct applications.

○ *Eligible Fire Department and nonaffiliated EMS applicants may submit only one application for each of the following application types:* Individual Operations and Safety, Individual Vehicle, Regional Operations and Safety, and Regional Vehicle. Under the Operations and Safety applications, applicants may submit for multiple activities and for multiple items within each activity. Under the Vehicle application, applicants may submit one application for a vehicle activity (or activities) for their department and one separate application for a regional vehicle (the same vehicle(s) may not be requested for both purposes). All duplicate application submissions may be disqualified.

FP&S Program Review and Selection Process

1. Peer Review Panel Process

FP&S Activity Projects: All applications will be evaluated through the Peer Review Panel process. The panelists will assess the merits of each project within the application based on the narrative section of the application using the evaluation elements listed in the Narrative Evaluation Criteria below to calculate the narrative's score for each activity requested. Panelists will independently score each requested project within the application, discuss the merits and/or shortcomings of the application with his or her peers, and document the findings. A consensus is not required.

R&D Activity Projects: The Peer Review Panel process is composed of a Fire Service Panel Review and a Science Panel Review.

Fire Service Panel Review

All eligible project applications will first be reviewed and scored by a panel of fire service experts to assess the need for the research results and the likelihood that the results would be implemented by the fire service in the United States. The projects that are determined most likely to be implemented to enable improvement in firefighter safety, health, or well-being will be deemed to be in the ''competitive range'' and will be forwarded to the second level of project review, which is the scientific panel review process. A consensus is not required.

Science Panel Review

This panel will be composed of scientists and technology experts who have expertise pertaining to the subject matter of the proposal. Scientific reviewers will independently score projects in the competitive range based on the fire service panel evaluation and, if necessary, discuss the merits or shortcomings of the project to reconcile any major discrepancies identified by fellow reviewers. A consensus is not required.

3. Technical Evaluation Process

The highest scoring project(s) for both activities will be considered within the fundable range. Projects that are in the fundable range will undergo a technical review by the FEMA FP&S Program Office to assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award. Additionally, FEMA will review whether the project duplicates other federally funded research or prevention activities in order to avoid duplication. Once the technical evaluation process is complete, each project's final score is determined, and a final ranking of projects will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations listed in this notice and FP&S program NOFO.

Narrative Evaluation Criteria

FP&S Activity Projects

1. Financial Need (Fire Departments—10%; Interest Organizations—0% of the Peer Review Score)

Applicants must describe, in detail, their unique financial need in the Applicant Information section of the application and detail how consistent it is with their need for financial assistance to carry out the proposed project(s). Applicants may include other unsuccessful attempts to acquire financial assistance. Applicants should provide details about their total operating budget, including a high-level breakdown of the budget, the applicant's inability to address financial needs without Federal assistance, and other actions the applicant has taken to meet their needs (*e.g.,* State assistance programs or other grant programs).

Although interest organizations do not receive points for their financial need, this information is necessary to holistically evaluate and understand the applicant's financial need in comparison to similarly situated applicants.

2. Commitment to Hazard (Fire) Mitigation (Fire Departments Only—5% of the Peer Review Score)

Fire department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration. Applicants must explain their code adoption and enforcement (to include Wildland Urban Interface [WUI] and commercial/residential sprinkler code adoption and enforcement) and mitigation strategies (including whether the jurisdiction has a FEMA-approved hazard mitigation strategy). Applicants can also demonstrate their commitment to reducing fire risk by applying to implement fire mitigation strategies (code adoption and enforcement) via this application.

3. Vulnerability Statement (Fire Departments—15%, Interest Organizations—25% of the Peer Review Score)

The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk assessment as a basis for action. Vulnerability is a ''weak link,'' demonstrating high-risk behavior, living conditions, or any type of high-risk situation. The Vulnerability Statement should include a detailed description of the steps taken to determine the vulnerability and identify the target audience. The methodology for determination of vulnerability (*i.e.,* how the vulnerability was found) should be discussed in-depth in the application's Narrative Statement.

The specific vulnerability that will be addressed with the proposed project can be established through a formal or informal risk assessment. FEMA encourages the use of local statistics to illustrate the applicant's particular vulnerability, rather than national statistics.

In a clear, concise statement, the applicant should summarize the precise vulnerability the project will address, including who is at risk, what the risks are, where the risks are, and how the risks can be prevented, reduced, or mitigated.

For the purpose of the FP&S program NOFO, formal risk assessments consist of the use of software programs or recognized expert analysis that assess risk trends.

Informal risk assessments could include an in-house review of available data (*e.g.,*/NERIS) to determine fire loss, burn injuries, or loss of life over a period of time, and the factors that are the cause and origin for each occurrence, including a lack of adoption or enforcement of certain codes.

4. Project Description (Fire Departments—20%, Interest Organizations—25% of the Peer Review Score)

Applicants must describe in detail not only the project components but also how the proposed project addresses the identified capability gap due to financial need and/or the specific vulnerabilities identified in the vulnerability statement. The following information should be included:

- Project components;
- Review of any existing programs or models that have been successful;
- Detailed description of how the proposed project components fill the identified capability gap; and
- If working with Fire Service partners/organizations, identify each partner/organization and the role(s) they will fill in the successful completion of the proposed project.

5. Implementation Plan (Fire Departments—25%, Interest Organizations—30%)

Each project proposal should include nuanced details on the implementation plan that discusses the proposed project's goals and objectives. The following information should be included to support the implementation plan:

- Goals and objectives;
- Details regarding the methods and specific steps that will be used to achieve the goals and objectives;
- Timelines outlining the chronological project steps (this is critical for determining the likelihood of the project's completion within the period of performance);
- Where applicable, examples of marketing efforts to promote the project, who will deliver the project (*e.g.,* effective partnerships), and the manner in which materials or deliverables will be distributed;
- Requests for props (*i.e.,* tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized. Applicants should include information describing the efforts that will be used to reach the high-risk audience and/or the number of people reached through the proposed project (examples of props include safety trailers, puppets, or costumes); and
- Where human subjects are involved, indicate whether the project has obtained exemption from the Institutional Review Board (IRB) (for details see Section 9.A.a—Human Subjects Research of the FP&S Program NOFO).

Note: Applicants proposing a complex project that may require a 24-month period of performance should include significant justification and details in the implementation plan that justify the applicant's need for a period of performance of more than 12 months.

6. Evaluation Plan (Fire Departments—15%, Interest Organizations—15%)

Projects should include a plan for evaluation of effectiveness and identify measurable and quantifiable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience. Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained about fire hazards, including the use of surveys, pre- and post-tests, or documented observations. Applicants are encouraged to attend training on evaluation methods, such as the National Fire Academy's ''Demonstrating Your Community Risk Reduction Program's Worth,'' *https://apps.usfa.fema.gov/nfacourses/catalog/details/774.*

Note: In addition to a detailed evaluation plan as described above, if awarded, grant recipients are required to report on specific performance metrics through performance reports and at closeout (for details see Section 3.E—Performance Measures and Targets of the FP&S program NOFO).

7. Cost-Benefit (Fire Departments—10%, Interest Organizations—5%)

Projects will be evaluated and scored by the Peer Review Panelists based on how well the applicant addresses the fire prevention needs of the department or organization in an economical and efficient manner. The applicant should show how it will maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project also must be reasonable for the target audience that will be reached, and a description should be included of how the anticipated project benefit(s) (quantified if possible) outweighs the cost(s) of the requested item(s). The application should provide justification for all costs included in the project to assist the Technical Evaluation Panel with their review.

R&D Activity Projects

Peer review panelists will evaluate and score each project based on the following narrative elements:

Fire Service Panel Evaluation Criteria

1. Purpose (25%)

Applicants should clearly identify the specific benefits of the proposed research project to improve firefighter safety, health, or well-being. The discussion should include: the specific risk to firefighter safety, health, or well-being that the project will address; the expected benefits of the project, including how the project could prevent, reduce, or mitigate the specific risk; the gaps in knowledge that will be addressed; and the general project methods planned to produce the intended results. If applying under Early Career Investigator, applicants should identify how this project will support the professional development of the Principal Investigator (PI). If applying under Preliminary Studies, applicants should consider the project being proposed as well as the potential results of a closely related future full-scale study.

2. Potential Impact (15%)

Applicants should discuss the potential impact of the research outcome/product on firefighters. Applicants should discuss who will benefit directly from the research outcome/product, *i.e.,* the entire fire service or specific portions (career, volunteer, structural, wildland, fire investigators, etc.). The discussion should be supported by describing the specific type(s) of impact to the safety, health, or well-being of the identified group from use of the results in practice.

3. Implementation by Fire Service (25%)

Applicants should discuss how the outcomes/products of this research, if successful, are likely to be widely/nationally adopted and accepted by the fire service as changes that enhance firefighter safety, health, or well-being. The discussion should include the methods and costs associated with implementation at the fire department level; and organizations, manufacturers,

and/or others that will need to be involved to aid the process of adoption.

4. Barriers (15%)

Applicants should identify and discuss potential fire service and other barriers to successfully completing the project on schedule, including contingencies and strategies to deal with barriers if they materialize. This may include barriers that could inhibit the proposed fire service participation in the project, barriers that could inhibit the adoption of successful results by the fire service when the project is completed, or project components most likely to cause delay in successful completion.

If applying under Early Career Investigator, applicants should discuss potential barriers specific to that project, such as if the principal investigator (PI) does not receive the expected mentorship.

5. Partners (20%)

Applicants should recognize that participation of the fire service as a partner in the research from development to dissemination is regarded as an essential part of all projects. Describe the fire service partners and contractors that will support the project to accomplish the objectives. The specific roles and contributions of the partners to the project should be described. Partnerships should be formed with national fire-related organizations and local and regional fire departments appropriate for the project. Letters of support and letters of commitment to actively participate in the project should be included in the Appendix attachment to the application. Generally, participants of a varied population, including both career and volunteer firefighters, are expected to facilitate acceptance of results nationally. In cases where this is not practical, due to the nature of the project or other limitations, these circumstances should be clearly explained.

Science Panel Evaluation Criteria

1. Project Purpose, Goals, Objectives, or Specific Aims (All Applicants—15%)

Applicants should address how the purpose, goals, objectives, or specific aims of the project will lead to results that will improve firefighter safety, health, or well-being. Describe the specific goals, objectives or specific aims for each year of the project.

1. Literature Review (All Applicants—10%)

Applicants should provide a literature review that is relevant to the project's goals, objectives, and specific aims. The citations should be placed in the narrative text and the complete references listed at the end of the Narrative Statement (and not in the Appendix) of the application. The review should be of sufficient depth to make it clear that the proposed project is necessary, adds to an existing body of knowledge, is different from current and previous studies, and offers a unique contribution. Applicants may consider previously funded R&D Activity projects, available at *https://www.fema.gov/grants/preparedness/firefighters/safety-awards/research-development.*

2. Project Methods (Early Career Investigator Applicants—15%, All Other Applicants—20%)

Applicants should provide a description of how the project will be carried out, including demonstration of the overall scientific and technical rigor and the merit of the project. This includes the operations to accomplish the purpose, goals, and objectives, and the specific aims of the project. The roles and responsibilities of the entire research team must be described, including the relevant sub-contractors and sub-awardees involved in the project. Applicants should provide supporting information for the research team in the Appendix, including bio sketches and budget information. Plans to recruit and retain human subjects, where applicable, should be described. Where human subjects are involved, describe plans for submission to the IRB (for details see Section 9.A—Human Subjects Research of the FP&S program NOFO).

3. Project Measurements (Early Career Investigator Applicants—15%, All Other Applicants—20%)

Applicants should provide evidence of the technical rigor and merit of the project, such as data pertaining to validity, reliability, and sensitivity (where established) of the facilities, equipment, instruments, standards, and procedures that will be used to carry out the research. The applicant should discuss the data to be collected to evaluate the performance methods, technologies, and products proposed to enhance firefighter safety, health, or well-being. The applicant should demonstrate that the measurement methods and equipment selected for use are appropriate and sufficient to successfully deliver the proposed project objectives.

4. Project Analysis (Early Career Investigator Applicants—15%, All Other Applicants—20%)

The applicant should indicate the planned approach for analysis of the data obtained from measurements, questionnaires, or computations. Specify within the plan what will be analyzed, the statistical methods that will be used, the sequence of steps, and interactions as appropriate. It should be clear that the PI and research team have the expertise to perform the planned analysis and defend the results in a peer review process. The adequacy of the number of participants, samples, or tests to address the research question should be discussed.

5. Dissemination and Implementation (All Applicants—15%)

Applicants should indicate dissemination plans for both scientific audiences (*e.g.,* plans for submissions to specific peer review publications) and firefighter audiences (*e.g.,* via websites, magazines, and conferences). Also, assuming positive results and where applicable, indicate future steps that would support dissemination and implementation throughout the fire service. These are likely to be beyond the current study, so those features of the research activity that will facilitate future dissemination and implementation should be discussed. All applicants should specify how the results of the project, if successful, might be disseminated and implemented in the fire service to improve firefighter safety, health or well-being. Additionally, an applicant should specify how the results of the project, if it does not achieve proposed goals, might be disseminated in the fire service to document lessons and inform future projects for improving firefighter safety, health, or well-being.

6. Mentoring (Early Career Investigator Applicants Only—15%)

An important factor in the evaluation of Early Career Investigator projects is the participation of a mentor(s) in the project. A mentor for the PI should be an experienced researcher in areas appropriate to the research project and be able to provide support to the PI for ongoing development of knowledge and skills throughout the project. The mentor needs to have relationships with the fire service community sufficient to assist the PI in building relationships with fire departments and fire service organizations. The mentor has a role to support the applicant from defining the project and submitting the application for funding through the completion of a

funded project. The applicant should identify the mentor(s) that has agreed to support the applicant and the proposed mentoring plan. In the plan, the applicant should discuss the role of the mentor(s) in the project and the expected benefits of the mentoring relationship to the applicant and the project. A biographical sketch and letter of commitment/support from the mentor(s) are required to be included in the Appendix document.

Eligible Applicants

FP&S Activity: Fire departments operating in any of the 50 States, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Indian Tribe or Tribal government. A fire department is an agency or organization having a formally recognized arrangement with a State, local (city, county, parish, fire district, township, town, or other governing body), Tribal government, or Territorial authority to provide fire suppression to a population within a geographically fixed primary first due response area. National, regional, State, local, Tribal Nation and nonprofit interest organizations that are recognized for their experience and expertise in fire prevention and safety programs and activities are eligible applicants.

R&D Activity: National, State, local, federally recognized Tribal government, and nonprofit organizations, such as academic (*e.g.,* universities), research foundations, public safety institutes, public health, occupational health, and injury prevention institutions.

Ineligibility

- To avoid a duplication of benefits, FEMA reserves the right to review all program activities or grant applications where two or more organizations share a single facility. To be eligible as a separate organization, two or more fire departments, national, State, local, federally recognized Tribal government, and nonprofit interest organizations, and other nonprofit organizations, such as academic (*e.g.,* universities), public health, occupational health, and injury prevention institutions will have different funding streams, personnel rosters, or Employer Identification Numbers (EINs). If two or more organizations share facilities and each submits an application in the same activity (*e.g.,* Community Risk Reduction, Wildfire Risk Reduction, Code Enforcement/Awareness, Origin and Cause Investigation, or National/State/Regional Programs and Projects), FEMA will carefully review all of those program area applications for eligibility.
- For-profit organizations, Federal agencies, and individuals are not eligible to apply for FP&S Program funding.

Statutory Limits to Funding

AFG Program

AFG program awards are limited based on population served (15 U.S.C. 2229(c)(2)). Additionally, no single grant may exceed 1% of the available grant funds in a fiscal year, except where it is determined that a recipient has an extraordinary need for a grant in an amount that exceeds the 1% aggregate limit.

- In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of available grant funds awarded to such recipient shall not exceed $1 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, the amount of available grant funds awarded to such recipient shall not exceed $2 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 500,000 people, but not more than 1 million people, the amount of available grant funds awarded to such recipient shall not exceed $2.91 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 1 million people, but not more than 2.5 million people, the amount of available grant funds awarded to such recipient is subject to the 1% aggregate cap of $2.91 million for FY 2025. FEMA may waive this aggregate cap in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that exceeds the aggregate cap. If FEMA waives the aggregate cap, the amount of grant funds awarded to such a recipient shall not exceed $6 million for any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 2.5 million people, the amount of available grant funds awarded to such recipient is subject to the 1% aggregate cap of $2.91 million for FY 2025. FEMA may waive this aggregate cap in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that exceeds the aggregate cap. If FEMA waives the aggregate cap, the amount of grant funds awarded to such recipient shall not exceed $9 million for any fiscal year.
- FEMA may not waive the population-based limits on the amount of grant funds awarded as set by 15 U.S.C. 2229(c)(2)(A).

The cumulative total of the Federal share of awards in Operations and Safety, Regional, and Vehicle Acquisition activities will be considered when assessing award amounts and any limitations thereto. Applicants may request funding up to the statutory limit on each of their applications.

For example, an applicant that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, may request up to $2 million on their Operations and Safety Application and up to $2 million on their Vehicle Acquisition request. However, should both grants be awarded, the applicant would have to choose which award to accept if the cumulative value of both applications exceeds the statutory limits.

Cost Sharing and Maintenance of Effort

AFG Program grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with applicable Federal regulations at 2 CFR part 200, but they are not required to have the cost-share at the time of application nor at the time of award. However, before a grant is awarded, FEMA validates that the grant recipient has provided sufficient evidence that the cost-share requirement will be fulfilled during the performance period of the grant award.

In general, an eligible applicant seeking a grant shall agree to make available non-Federal funds equal to not less than 15% of the grant awarded. However, the cost share will vary as follows based on the size of the population served by the organization, with exceptions to this general requirement for entities serving smaller communities:

Applicants that serve populations of 20,000 or less shall agree to make available non-Federal funds in an amount equal to not less than 5% of the grant awarded.

Applicants serving areas with populations above 20,000, but not more than 1 million, shall agree to make available non-Federal funds in an amount equal to not less than 10% of the grant awarded.

Applicants serving areas with populations above 1 million shall agree to make available non-Federal funds in an amount equal to not less than 15% of the grant awarded.

The cost share for SFTAs will apply the requirements above based on the total population of the State.

The cost share for a regional application will apply the requirements

above based on the aggregate population of the primary first due response areas of the host and participating partner organizations that execute a Memorandum of Understanding as described in Appendix B, Regional Applications Overview, of the FY 2025 AFG funding notice.

On a case-by-case basis, FEMA may allow a grant recipient that may already own assets (equipment or vehicles), acquired with non-Federal cash, to use the trade-in allowance/credit value of those assets as ''cash'' for the purpose of meeting the cost-share obligation of their AFG program award. In-kind, cost-share matches are not allowed. Grant recipients under this grant program must also agree to a maintenance of effort requirement as required by 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). A grant recipient shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the activities allowable under the funding notice at not less than 80% of the average amount of such expenditures in the two fiscal years preceding the fiscal year in which the grant amounts are received.

FP&S Program

FP&S Program awards are limited to a maximum Federal share of $1.5 million dollars regardless of applicant type, in accordance with 15 U.S.C. 2229(d)(2). FP&S R&D Activity applicants that applied under the Early Career Investigator category are limited to a maximum Federal share of $600,000 per project.

Cost Sharing and Maintenance of Effort

Grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with the applicable Federal regulations at 2 CFR part 200, but they were not required to have the cost share at the time of application nor are they required to have it at the time of award. However, before a grant is awarded, FEMA validates that the grant recipient provided sufficient evidence that the cost-share requirement will be fulfilled during the performance period of the grant award.

In general, an eligible applicant seeking an FP&S Program grant shall agree to make available non-Federal funds equal to not less than 5% of the grant awarded. Cash match and in-kind matches are both allowable. Cash (hard) matches include non-Federal cash spent for project-related costs. In-kind (soft) matches include, but are not limited to, the valuation of in-kind services; complementary activities; and provision of staff, facilities, services, material, or equipment. In-kind is the value of something received or provided that does not have a cost associated with it. For example, where an in-kind match (other than cash payments) is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grant recipient receiving the contributions expends them as allowable costs in compliance with provisions listed above.

Grant recipients under the FP&S program must also agree to a maintenance of effort requirement as required by 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). A grant recipient shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the activities allowable under the FP&S program NOFO at not less than 80% of the average amount of such expenditures in the two fiscal years preceding the fiscal year in which the grant amounts are received.

Application Process

AFG Program

Organizations may submit one application per application period in each of the three AFG Program activities (*e.g.,* one application for Operations and Safety, one for Vehicle Acquisition, and/or a separate application to be a Joint/Regional project host). If an organization submits more than one application for any single AFG program activity (*e.g.,* two applications for Operations and Safety, two for Vehicles), either intentionally or unintentionally, both applications may be disqualified.

Applicants may access the grant application electronically at *https://go.fema.gov/.*

New applicants must register and establish a username and password for secure access to the grant application. Previous AFG program applicants must use their previously established username and password.

Applicants are expected to answer questions about their grant request that reflect the AFG Program funding priorities. In addition, each applicant must complete four separate narratives for each project or grant activity requested. Grant applicants will also provide relevant information about their organization's characteristics, call volume, and existing organizational capabilities.

FP&S Program

Organizations may apply for funding under both eligible activities (FP&S and R&D) but must complete separate applications for each eligible activity. Each application may be for up to three projects under that activity; however, each project within an application must be presented separately as a free-standing proposal. Organizations are limited to one application per activity, per application period. If an organization submits more than one application for the same activity, either intentionally or unintentionally, both applications may be disqualified. Also note that any single entity is limited to a total award of $1.5 million from both activities.

Applicants access the grant application electronically at *https://go.fema.gov.*

The application is also accessible from the *Grants.gov* website at *http://www.grants.gov.* New applicants must register in the FEMA Grants Outcomes system (FEMA GO) and establish a username and password for secure access to the grant application. Previous FP&S program applicants must use their previously established username and password for FEMA GO.

Applicants are expected to answer questions about their grant request that reflect the FP&S Program funding priorities. In addition, applicants must complete narratives for each project requested.

During the FY 2025 FP&S program application period, FEMA released videos online to inform potential applicants about the FP&S Program. In addition, FEMA provided applicants with information on the FP&S web page, *https://www.fema.gov/grants/preparedness/firefighters/safety-awards/documents,* to help them prepare quality grant applications. The Fire Grants Help Desk is staffed throughout the application period to assist applicants with the automated application process, as well as answer any questions.

Applicants can reach the Fire Grants Help Desk through a toll-free telephone number Monday through Friday 8 a.m. to 4:30 p.m. ET (866–274–0960) or email at *firegrants@fema.dhs.gov.*

System for Award Management (SAM)

Per 2 CFR 25.200, all Federal grant applicants and recipients must register at *https://SAM.gov.* SAM is the Federal Government's System for Award Management, and registration is free of charge. Effective April 4, 2022, the

Federal Government transitioned from using the Data Universal Numbering System or DUNS number, to a new, non-proprietary identifier known as a Unique Entity Identifier or UEI. For entities that had an active registration in *SAM.gov* before this date, the UEI has automatically been assigned, and no action is necessary. For all entities filing a new registration in *SAM.gov*, the UEI will be assigned to that entity as part of the *SAM.gov* registration process. FEMA will not make a Federal award until the applicant has complied with all applicable SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a Federal award.

Criteria Development Panel Recommendation

For FY 2025, FEMA accepted, and will implement, most of the CDP's recommendations as described below.

Adopted and Implemented Recommendations for FY 2025

The FY 2025 AFG and FP&S NOFOs contain some changes to definitions, descriptions, and priority categories from the previous fiscal year. Changes include:

AFG Program:

- Under Equipment Activity: Priority 1 programs are now designated as High Priority, while Priority 2 programs are designated as Medium Priority.
- Under Wellness and Fitness Activity: a clarification that ineligible participants have been updated to anyone other than fire personnel, fire inspector, or EMS personnel;
- Props (single-use or permanent) essential for training programs requested in the application cannot exceed $100,000 for Operations and Safety.
- Excess Funds restrictions have been updated
- Period of Performance Extensions and amendment requests have been updated

FP&S Program:

- Under Appendix B, FP&S Activity Overview:
- Added Wildfire Sprinkler Trailers and Tripod Sprinklers as examples of eligible Wildfire Risk Reduction projects when proposed as part of a WUI education/awareness effort.
- Added salary and overtime expenses paid to backfill for activities during Origin and Cause Investigator training as an eligible project.
- Removed fire extinguisher training for adults over the age of 65 from the list of Ineligible Projects and Items.

Adopted and To Be Implemented in Future Cycles

AFG Program

Below is a list of recommendations that were not adopted for FY 2025 due to FEMA GO system limitations and the ability to update changes in the online platform:

- Brush Trucks have been added as a High-Priority vehicle request for Regional Applicants.
- To promote consistency and improve data tracking, tuition costs, travel expenses, and other common expenses as separate, selectable line-item options within the application.
- Limiting funding to exercise equipment, physical evaluations, and formal fitness program development costs, excluding other equipment or items identified as Priority 2 within the NOFO.
- Unscored question to be added in the application asking applicants to outline their plans for sustaining wellness and fitness awards the future.
- Add a new series of scored questions to more effectively assess the need for Wellness & Fitness funding and ensure alignment with program priorities.

Authority: 15 U.S.C. 2229.

Cameron Hamilton,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–18419 Filed 9–9–26; 8:45 am]

BILLING CODE 9111–78–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002; Internal Agency Docket No. FEMA–B–2628]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4. The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas,

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Madison	City of Huntsville (25–04–2758P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 305 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 10, 2026	010153
Madison	City of Huntsville, (25–04–5441P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804	City Hall, 305 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 3, 2026	010153
Madison	City of Huntsville, (25–04–5443P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 305 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 10, 2026	010153
Madison	City of Huntsville, (25–04–6203P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 305 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 3, 2026	010153
Madison	City of Huntsville, (26–04–0467P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, 305 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 17, 2026	010153
Madison	Unincorporated areas of Madison County, (25–04–5443P).	The Honorable Mac McCutcheon, Chair, Madison County Commission, 100 North Side Square, Suite 700, Huntsville, AL 35801.	Madison County Engineering Department, 266–C Shields Road, Huntsville, AL 35811.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 10, 2026	010151
Madison	Unincorporated Areas of Madison County, (25–04–6180P).	The Honorable Mac McCutcheon, Chair, Madison County Commission, 100 North Side Square, Suite 700, Huntsville, AL 35801.	Madison County Engineering Department, 266–C Shields Road, Huntsville, AL 35811.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 3, 2026	010151
Madison	Unincorporated Areas of Madison County, (25–04–6203P).	The Honorable Mac McCutcheon, Chair, Madison County Commission, 100 North Side Square, Suite 700, Huntsville, AL 35801.	Madison County Engineering Department, 266–C Shields Road, Huntsville, AL 35811.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 3, 2026	010151
Florida:						
Brevard	City of Palm Bay, (26–04–0555P).	Matthew Morton, City Manager, City of Palm Bay, 120 Malabar Road, Palm Bay, FL 32907.	City Hall, 120 Malabar Road, Palm Bay, FL 32907.	*https://msc.fema.gov/portal/advanceSearch.*	Oct 9, 2026	120404
Brevard	Town of Grant-Valkaria, (25-04-2871P).	The Honorable Lisette Kolar, Mayor, Town of Grant-Valkaria, 1449 Valkaria Road, Grant-Valkaria, FL 32950.	Town Hall, 1449 Valkaria Road, Grant-Valkaria, FL 32950.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	120224

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Charlotte	Unincorporated areas of Charlotte County, (26–04–0049P).	The Honorable Joseph Tiseo, Chair, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Building Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	120061
Lee	Unincorporated areas of Lee County, (26–04–1061P).	David Harner, Lee County Manager, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 24, 2026	125124
Monroe	Unincorporated areas of Monroe County, (26–04–1522P).	The Honorable Michelle Lincoln, Mayor, Monroe County Board of Commissioners, 7280 Overseas Highway #2, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2026	125129
Volusia	City of DeLand, (25–04–6918P).	The Honorable Chris Cloudman, Mayor, City of DeLand, 120 South Florida Avenue, DeLand, FL 32720.	City Hall, 120 South Florida Avenue, DeLand, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	120307
Volusia	Unincorporated areas of Volusia County, (25–04–6918P).	George Recktenwald, Volusia County Manager, 123 West Indiana Avenue, DeLand, FL 32720.	Volusia County Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	125155
Iowa: Black Hawk	City of Cedar Falls, (25–07–0791P).	The Honorable Danny Laudick, Mayor, City of Cedar Falls, 220 Clay Street, Cedar Falls, IA 50613.	City Hall, 220 Clay Street, Cedar Falls, IA 50613.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	190017
Kansas: Seward	City of Liberal, (25–07–0487P).	The Honorable Jeff Parsons, Mayor, City of Liberal, 324 North Kansas Avenue, Liberal, KS 67901.	City Hall, 324 North Kansas Avenue, Liberal, KS 67901.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	200330
Kentucky: Harrison	Unincorporated areas of Harrison County, (25–04–5682P).	The Honorable Jason Marshall, Harrison County Judge, 111 South Main Street, Suite 201, Cynthiana, KY 41031.	Harrison County Emergency Management, 313 Oddville Avenue, Cynthiana, KY 41031.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	210329
Michigan:						
Macomb	Township of Chesterfield, (24–05–1167P).	The Honorable Bradley A. Kersten, Township of Chesterfield Supervisor, 47275 Sugarbush Road, Chesterfield, MI 48047.	Department of Public Works, 52216 Sierra Drive, Chesterfield, MI 48047.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2025	260120
Macomb	Township of Macomb, (24–05–1167P).	The Honorable Frank J. Viviano, Township of Macomb Supervisor, 54111 Broughton Road, Macomb Township, MI 48042.	Township Hall, 54111 Broughton Road, Macomb Township, MI 48042.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2025	260445
Minnesota:						
Dakota	City of Farmington, (25–05–0686P).	Lynn Gorski, City Administrator, City of Farmington, 430 3rd Street, Farmington, MN 55024.	City Hall, 430 3rd Street, Farmington, MN 55024.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	270104
Marshall	City of Newfolden, (25–05–1992P).	The Honorable Lori Warne, Mayor, City of Newfolden, 113 East Minnesota Avenue, Newfolden, MN 56738.	City Office, 113 East Minnesota Avenue, Newfolden, MN 56738.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 1, 2026	270271
Marshall	Unincorporated areas of Marshall County, (25–05–1992P).	The Honorable Rolland Miller, Chair, Marshall County Board of Commissioners, 26817 420th Avenue Northwest, Warren, MN 56762.	Marshall County Courthouse, 208 East Colvin Avenue, Suite 5, Warren, MN 56762.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 1, 2026	270638
New York:						
Chemung	Town of Horseheads, (24–02–0077P).	The Honorable Donald J. Fischer, Town Supervisor, Town of Horseheads, 150 Wygant Road, Horseheads, NY 14845.	Code Enforcement Office, 150 Wygant Road, Horseheads, NY 14845.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	360153

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Chemung	Village of Horseheads, (24–02–0077P).	Nathan Nagle, Village Manager, Village of Horseheads, 202 South Main Street, Horseheads, NY 14845.	Village Hall, 202 South Main Street, Horseheads, NY 14845.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2026	360154
North Carolina:						
Gaston	City of Belmont, (26–04–1063P).	The Honorable Joe Jordan, Mayor, City of Belmont, 1401 East Catawba Street, Belmont, NC 28012.	Planning and Zoning, 1401 East Catawba Street, Belmont, NC 28012.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2026	370320
Gaston	Unincorporated areas of Gaston County, (25–04–6692P).	Chad Brown, Chair, Gaston County Board of Commissioners, P.O. Box 1578, Gastonia, NC 28053.	Gaston County Natural Resources, 1303 Dallas Cherryville Highway, Dallas, NC 28034.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 23, 2026	370099
Mecklenburg	City of Charlotte, (26–04–1520P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Stormwater Services, 2145 Suttle Avenue, Charlotte, NC 28208.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 23, 2026	370159
Wake	Town of Apex, (25–04–6255P).	The Honorable Jacques Gilbert, Mayor, Town of Apex, P.O. Box 250, Apex, NC 27502.	Engineering Department, 73 Hunter Street, Apex, NC 27502.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 8, 2026	370467
Wake	Town of Apex, (25–04–6300P).	The Honorable Jacques Gilbert, Mayor, Town of Apex, P.O. Box 250, Apex, NC 27502.	Engineering Department, 73 Hunter Street, Apex, NC 27502.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2026	370467
Wake	Unincorporated areas of Wake County, (25–04–6255P).	Don Mial, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, Waverly F. Akins Office Building, 337 South Salisbury Street, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 8, 2026	370368
Wake	Unincorporated areas of Wake County, (25–04–6300P).	Don Mial, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, Waverly F. Akins Office Building, 337 South Salisbury Street, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2026	370368
Pennsylvania:						
Chester	Township of West Whiteland, (25–03–0635P).	Pam Gural-Bear, Township Manager, Township of West Whiteland, 101 Commerce Drive, Exton, PA 19341.	Township Building, 101 Commerce Drive, Exton, PA 19341.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	420295
York	Township of Springettsbury, (24–03–0473P).	Mark Hodgkinson, Township Manager, Township of Springettsbury, 1501 Mount Zion Road, York, PA 17402.	Municipal Complex, 1501 Mount Zion Road, York, PA 17402.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	421031
York	Township of Spring Garden, (24–03–0473P).	Luther C. Wike Jr., Township Manager, Township of Spring Garden, 340 Tri Hill Road, Suite A, York, PA 17403.	Municipal Building, 340 Tri Hill Road, Suite A, York, PA 17403.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	420937
York	Township of York, (24–03–0473P).	Robert D. Steele, President, Township of York Board of Commissioners, 351 Holyoke Drive, York, PA 17403.	Township Building, 190 Oak Road, Dallastown, PA 17313.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	421032
Texas:						
Bexar	City of Leon Valley, (24–06–2505P).	The Honorable Chris Riley, Mayor, City of Leon Valley, 6400 El Verde Road, Leon Valley, TX 78238.	Planning and Zoning, 6400 El Verde Road, Leon Valley, TX 78238.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	480042
Bexar	Unincorporated areas of Bexar County, (26–06–0225P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	480035
Bexar	Unincorporated areas of Bexar County, (26–06–0279P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	480035

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Burnet	Unincorporated areas of Burnet County, (25–06–1918P).	The Honorable Bryan Wilson, Burnet County Judge, 220 South Pierce Street, Burnet, TX 78611.	Burnet County Annex on the Square, 133 East Jackson Street, Room 107, Burnet, TX 78611.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 8, 2026	481209
Collin	City of Anna, (25–06–1359P).	Marc Marchand, Acting City Manager, City of Anna, P.O. Box 776, Anna, TX 75409.	City Hall, 120 West 7th Street, Anna, TX 75409.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	480132
Collin	City of McKinney, (25–06–2103P).	The Honorable Bill Cox, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	City Hall, 401 East Virginia Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	480135
Collin	City of McKinney, (25–06–2221P).	The Honorable Bill Cox, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	City Hall, 401 East Virginia Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 21, 2026	480135
Collin	City of Plano, (25–06–2639P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Municipal Center, 1520 K Avenue, Plano, TX 75074.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480140
Collin	City of Royse City, (25–06–1590P).	The Honorable Janet Nichol, Mayor, City of Royse City, 100 West Main Street, Royse City, TX 75189.	City Hall, 100 West Main Street, Royse City, TX 75189.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	480548
Collin	Unincorporated areas of Collin County, (25–06–1590P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	480130
Ellis	City of Midlothian, (24–06–1072P).	The Honorable Justin Coffman, Mayor, City of Midlothian, 215 North 8th Street, Midlothian, TX 76065.	City Hall, 215 North 8th Street, Midlothian, TX 76065.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480801
Ellis	City of Waxahachie, (24–06–1072P).	The Honorable Billie Wallace, Mayor, City of Waxahachie, P.O. Box 757, Waxahachie, TX 75168.	Public Works and Engineering Department, 401 South Rogers Street, Waxahachie, TX 75165.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480211
Ellis	Unincorporated areas of Ellis County, (24–06–1072P).	The Honorable John Wray, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Engineering Department, 109 South Jackson Street, Waxahachie, TX 76165.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480798
Lubbock	City of Lubbock, (25–06–2195P).	The Honorable Mark McBrayer, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, TX 79457.	Engineering Department, 1314 Avenue K, 7th Floor, Lubbock, TX 79401.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	480452
Rockwall	City of Heath, (25–06–1273P).	The Honorable Jeremiah McClure, Mayor, City of Heath, 200 Laurence Drive, Heath, TX 75032.	City Hall, 200 Laurence Drive, Heath, TX 75032.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	480545
Rockwall	City of McLendon-Chisholm, (25–06–1273P).	The Honorable Bryan McNeal, Mayor, City of McLendon-Chisholm, 1371 West FM 550, McLendon-Chisholm, TX 75032.	City Hall, 1248 South State Highway 205, McLendon-Chisholm, TX 75032.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	480546
Rockwall	Unincorporated areas of Rockwall County, (25–06–1273P).	The Honorable Frank New, Rockwall County Judge, 101 East Rusk Street, Suite 202, Rockwall, TX 75087.	Rockwall County Development Services Department, 1101 East Yellowjacket Lane, Suite 130, Rockwall, TX 75087.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2026	480543
Tarrant	City of Benbrook, (25–06–2755P).	The Honorable Jason Ward, Mayor, City of Benbrook, 911 Winscott Road, Benbrook, TX 76126.	City Hall, 911 Winscott Road, Benbrook, TX 76126.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2026	480586
Virginia:						
Prince William	City of Manassas, (24–03–0520P).	Steve Burke, City Manager, City of Manassas, 9027 Center Street, Manassas, VA 20110.	City Hall, 9027 Center Street, Manassas, VA 20110.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2026	510122

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Prince William	Unincorporated areas of Prince William County, (24–03–0520P).	The Honorable Christopher Shorter, County Executive, Prince William County, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works-Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2026	510119
Prince William	Unincorporated areas of Prince William County, (25–03–0691P).	The Honorable Christopher Shorter, County Executive, Prince William County, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works-Environmental Management Division, 5 County Complex Court, Suite 170, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 25, 2026	510119
Wisconsin:						
Brown	Village of Ashwaubenon, (26–05–0922P).	The Honorable Mary Kardoskee, Village President, Village of Ashwaubenon, 2155 Holmgren Way, Ashwaubenon, WI 54304.	Village Hall, 2155 Holmgren Way, Ashwaubenon, WI 54304.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	550600
Brown	Unincorporated areas of Brown County, (26–05–0922P).	The Honorable Troy Streckenbach, County Executive, Brown County, 305 East Walnut Street, Green Bay, WI 54301.	Brown County Office Northern Building, 305 East Walnut Street, Green Bay, WI 54301.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 28, 2026	550020

[FR Doc. 2026–18405 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–2612).	Unincorporated Areas of Maricopa County (25–09–0275P).	Jennifer Pokorski, County Manager, Maricopa County, 301 West Jefferson Street, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	May 22, 2026	040037
Pima (FEMA Docket No.: B–2612).	Unincorporated Areas of Pima County (25–09–0781P).	Jan Lesher, County Administrator, Pima County, 115 North Church Avenue, Suite 231, Tucson, AZ 85701.	Pima County, Regional Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	May 21, 2026	040073
Santa Cruz (FEMA Docket No.: B–2612).	Unincorporated Areas of Santa Cruz County (25–09–0132P).	The Honorable Luis Carlos Davis, District 1 Supervisor, Santa Cruz County Board of Supervisors, 2150 North Congress Drive, Nogales, AZ 85621.	Santa Cruz County Complex, 2150 North Congress Drive, Nogales, AZ 85621.	Jun. 4, 2026	040090
California:					
Riverside (FEMA Docket No.: B–2612).	City of Lake Elsinore (25–09–1167P).	The Honorable Robert 'Bob' Magee Mayor, City of Lake Elsinore, 130 South Main Street Lake Elsinore, CA 92530.	City Hall 130 South Main Street Lake Elsinore, CA 92530.	May 19, 2026	060636
Riverside (FEMA Docket No.: B–2612).	City of Murrieta (25–09–0657P).	Justin Clifton, City Manager, City of Murrieta, 1 Town Square, Murrieta, CA 92562.	City Hall, 1 Town Square, Murrieta, CA 92562.	May 19, 2026	060751
Riverside (FEMA Docket No.: B–2612).	City of Perris (25–09–1071P).	The Honorable Michael Vargas, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	Engineering Department, 24 South D Street, Suite 100, Perris, CA 92570.	May 22, 2026	060258
Tulare (FEMA Docket No.: B–2612).	City of Woodlake (26–09–0162P).	The Honorable Rudy Mendoza, Mayor, City of Woodlake, 350 North Valencia Boulevard, Woodlake, CA 93286.	City Hall 350 North Valencia Boulevard Woodlake, CA 93286.	Jun. 4, 2026	065071
Tulare (FEMA Docket No.: B–2612).	Unincorporated Areas of Tulare County (26–09–0162P).	The Honorable Jason T. Britt, Tulare County, Administrative Officer, 2800 West Burrel Avenue, Visalia, CA 93291.	Tulare County Administration Building, 2800 West Burrel Avenue, Visalia, CA 93291.	Jun. 4, 2026	065066
Colorado:					
Boulder (FEMA Docket No.: B–2612).	Unincorporated Areas of Boulder County (25–08–0712P).	The Honorable Claire Levy, Chair, Boulder County, Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning & Permitting Building, 2045 13th Street, Boulder, CO 80302.	May 14, 2026	080023
Broomfield (FEMA Docket No.: B–2612).	City and County of Broomfield (25–08–0148P).	The Honorable Guyleen Castriotta, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	City Hall. 1 Descombes Drive, Broomfield, CO 80020.	June 1, 2026	085073
Denver (FEMA Docket No.: B–2612).	City and County of Denver (25–08–0172P).	The Honorable Mike Johnston, Mayor, City and County of Denver, 1437 North Bannock Street, Room 300 Denver, CO 80202.	Department of Transportation and Infrastructure, 201 West Colfax Avenue Department, 507 Denver, CO 80202.	May 20, 2026	080046
Douglas (FEMA Docket No.: B–2612).	Town of Castle Rock (25–08–0350P).	The Honorable Jason Gray, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Utilities Department, 175 Kellogg Court, Castle Rock, CO 80109.	Jun. 5, 2026	080050
Douglas (FEMA Docket No.: B–2612).	Unincorporated Areas of Douglas County (25–08–0350P).	The Honorable George Teal, Chair, Douglas County, Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Department of Public Works Engineering, 100 3rd Street, Castle Rock, CO 80104.	Jun. 5, 2026	080049
Larimer (FEMA Docket No.: B–2612).	Unincorporated Areas of Larimer County (25–08–0712P).	The Honorable Jody Shadduck-McNally, Chair, Larimer County, Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Courthouse Offices Building 200 West Oak Street, Suite 3000 Fort Collins, CO 80521.	May 14, 2026	080101
Weld (FEMA Docket No.: B–2612).	Unincorporated Areas of Weld County (25–08–0056P).	The Honorable Scott James, Chair, Weld County, Board of Commissioners, P.O. Box 758, Greely, CO 80632.	Weld County Administrative Building, 1150 O Street Greeley, CO 80631.	May 21, 2026	080266
Idaho:					
Ada (FEMA Docket No.: B–2612).	City of Eagle (25–10–0377P).	The Honorable Brad Pike, Mayor, City of Eagle, P.O. Box 1520 Eagle, ID 83616.	City Hall, 660 East Civic Lane Eagle, ID 83616.	Jun. 4, 2026	160003
Ada (FEMA Docket No.: B–2612).	Unincorporated Areas of Ada County (25–10–0377P).	The Honorable Rod Beck, Chair, Ada County, Board of Commissioners, 200 West Front Street, Boise, ID 83702.	Ada County Courthouse ,200 West Front Street, Boise, ID 83702.	Jun. 4, 2026	160001
Ada (FEMA Docket No.: B–2612).	Unincorporated Areas of Ada County (25–10–0740X).	The Honorable Rod Beck, Chair, Ada County, Board of Commissioners, 200 West Front Street, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	May 18, 2026	160001
Bonner (FEMA Docket No.: B–2612).	Unincorporated Areas of Bonner County (25–10–0483P).	The Honorable Ron Korn, Chair, Bonner County, Board of Commissioners, 1500 Highway 2, Suite 308 Sandpoint, ID 83864.	Bonner County Planning Department, 1500 Highway 2, Suite 208 Sandpoint, ID 83864.	May 29, 2026	160206
Canyon (FEMA Docket No.: B–2612).	City of Nampa (25–10–0739X).	The Honorable Darl Bruner, Mayor, City of Nampa, 411 3rd Street, South Nampa, ID 83651.	Development Services Center, 500 12th Street, Nampa, ID 83651.	May 14, 2026	160038
Nevada: Clark (FEMA Docket No.: B–2612).	Unincorporated Areas of Clark County (23–09–0024P).	The Honorable Michael Naft, Chair, Clark County, Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Clerks Office 500 South Grand Central Parkway Las Vegas, NV 89155.	May 6, 2026	320003
North Dakota: Bowman (FEMA Docket No.: B–2612).	City of Bowman (25–08–0152P).	The Honorable Lyn James,President, Bowman City Commission, P.O. Box 12, Bowman, ND 58623.	City Hall, 101 1st Street Northeast, Bowman, ND 58623.	May 18, 2026	380012
Oregon:					
Columbia (FEMA Docket No.: B–2612).	Unincorporated Areas of Columbia County (23–10–0646P).	The Honorable Kellie Jo Smith, Chair, Columbia County, Board of Commissioners, 230 Strand Street, Saint Helens, OR 97051.	Columbia County Courthouse, 230 Strand Street, Saint Helens, OR 97051.	Jun. 1, 2026	410034

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Multnomah (FEMA Docket No.: B–2612).	Unincorporated Areas of Multnomah County (23–10–0646P).	The Honorable Jessica Vega Pederson, Chair, Multnomah County, Board of Commissioners, 501 Southeast Hawthorne Boulevard, Portland, OR 97214.	Multnomah County Land Use Planning Department, 501 Southeast Hawthorn Boulevard, Portland, OR 97214.	Jun. 1, 2026	410179
Josephine (FEMA Docket No.: B–2612).	Unincorporated Areas of Josephine County (24–10–0467P).	The Honorable Ron Smith, Chair, Josephine County, Board of Commissioners, 500 North West 6th Street, Department 6, Grants Pass, OR 97526.	Josephine County Courthouse, 500 North West, 6th Street, Grants Pass, OR 97526.	May 22, 2026	415590
South Dakota: Union (FEMA Docket No.: B–2612).	City of Elk Point (25–08–0514P).	The Honorable Deborah McCreary, Mayor, City of Elk Point, 106 West Pleasant Street, Elk Point, SD 57025.	City Hall, 106 West Pleasant Street, Elk Point, SD 57025.	Jun. 1, 2026	460171
Utah:					
Davis (FEMA Docket No.: B–2612).	City of Kaysville (25–08–0101P).	The Honorable Tamara Tran, Mayor, City of Kaysville, 23 East Center Street, Kaysville, UT 84037.	City Administration, 23 East Center Street, Kaysville, UT 84037.	May 22, 2026	490046
Davis (FEMA Docket No.: B–2612).	Unincorporated Areas of Davis County (25–08–0101P).	The Honorable Lorene Miner Kamalu, Chair, Davis County Board of Commissioners, P.O. Box 618, Farmington, UT 84025.	Davis County Administration Building, Community & Economic Development Department, 61 South Main Street, Farmington, UT 84025.	May 22, 2026	490038
Salt Lake (FEMA Docket No.: B–2612).	City of Murray (24–08–0549P).	The Honorable Brett A. Hales, Mayor, City of Murray, 10 East 4800 South, 3rd Floor, Murray, UT 84107.	Public Works, 4646 South 500 West, Murray, UT 84123.	May 28, 2026	490103
Wasatch (FEMA Docket No.: B–2612).	City of Heber City (25–08–0409P).	The Honorable Heidi Franco, Mayor, City of Heber City, 75 North Main Street, Heber City, UT 84032.	City Corporation, 75 North Main Street, Heber City, UT 84032.	May 21, 2026	490166

[FR Doc. 2026–18403 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2026–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having an effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of July 21, 2026 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: David N. Bascom, Acting Director, Engineering and Modeling Division, Federal Insurance Directorate, Resilience, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David M. Gudinas

Acting Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Allendale County, South Carolina and Incorporated Areas Docket No.: FEMA–B–2463	
Unincorporated Areas of Allendale County	Allendale County Administrative Office, 526 Memorial Avenue North, Allendale, SC 29810.

Community	Community map repository address
Bamberg County, South Carolina and Incorporated Areas Docket No.: FEMA–B–2463	
City of Bamberg	City Hall, 2340 Main Highway, Bamberg, SC 29003.
City of Denmark	City Hall, 64 City Hall Street, Denmark, SC 29042.
Town of Ehrhardt	Town Hall, 13704 Broxton Bridge Road, Ehrhardt, SC 29081.
Unincorporated Areas of Bamberg County	Bamberg County Courthouse Annex, 1234 North Street, Bamberg, SC 29003.
Barnwell County, South Carolina and Incorporated Areas Docket No.: FEMA–B–2463	
City of Barnwell	City Hall, 130 Main Street, Barnwell, SC 29812.
Unincorporated Areas of Barnwell County	Barnwell County Administration Building, 57 Wall Street, Barnwell, SC 29812.
Hampton County, South Carolina and Incorporated Areas Docket No.: FEMA–B–2463	
Town of Estill	Hampton County B. T. DeLoach Building, 201 Jackson Avenue West, Hampton, SC 29924.
Town of Furman	Hampton County B. T. DeLoach Building, 201 Jackson Avenue West, Hampton, SC 29924.
Town of Hampton	Town Hall, 608 1st Street West, Hampton, SC 29924.
Town of Luray	Hampton County B. T. DeLoach Building, 201 Jackson Avenue West, Hampton, SC 29924.
Town of Varnville	Hampton County B. T. DeLoach Building, 201 Jackson Avenue West, Hampton, SC 29924.
Town of Yemassee	Town Hall, 101 Town Circle, Yemassee, SC 29945.
Unincorporated Areas of Hampton County	Hampton County B. T. DeLoach Building, 201 Jackson Avenue West, Hampton, SC 29924.
San Augustine County, Texas and Incorporated Areas Docket No.: FEMA–B–2487	
City of San Augustine	City Hall, 301 South Harrison Street, San Augustine, TX 75972.
Town of Broaddus	Community Center, 1011 FM 2558, Broaddus, TX 75929.
Unincorporated Areas of San Augustine County	San Augustine County Courthouse, 100 West Columbia Street, Room 105, San Augustine, TX 75972.

[FR Doc. 2026–18410 Filed 9–9–26; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2026–0199]

Agency Information Collection Activities: State, Local, Tribal and Private Sector (SLTPS) Clearance Request Form (Form 9014) Submission to the Office of Management and Budget for Review and Approval; Comment Request

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of the Chief Security Officer (OCSO) within Cybersecurity and Infrastructure Security Agency (CISA) submits the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This is an extension and revision of the information collection 1670–0013 (SLTPS) Clearance Request Form (Form 9014) that was previously approved on October 17, 2023, with and expiration date of October 31, 2026.

DATES: Comments are encouraged and will be accepted until November 9, 2026. Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number Docket # CISA–2026–0199, by following the instructions below for submitting comment via the Federal eRulemaking Portal at *http://www.regulations.gov*.

Instructions: All comments received must include the agency name and docket number Docket # CISA–2026–0199. 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*.

FOR FURTHER INFORMATION CONTACT: Quintin Whitaker, 202–805–4959, *quitnin.whitaker@cisa.dhs.gov*.

SUPPLEMENTARY INFORMATION: Partnerships between the U.S. Government and the state, local, tribal and private sector at times necessitate the sharing of classified information. The State, Local, Tribal and Private Sector (SLTPS) Clearance Request Form facilitates this sharing by sponsoring security clearances for certain members of each sector based on either their membership on a Sector Coordinating Council (SCC)/association or their infrastructure protection job-related duties and their need-to-know. The SLTPS Clearance Program is designed to sponsor security clearances for state, local, tribal and private sector officials involved in the infrastructure protection mission. These partners are subject matter experts within specific industries and have specialized knowledge not available within the Department of Homeland Security (DHS) and other

Federal Departments or Agencies. Private citizens do not receive monetary compensation for their time. CISA created this program to sponsor clearances for these individuals who are not employed by or contracted with another Federal agency (the traditional means of obtaining a clearance) and must have clearances.

The form updates will include removing CISCA and CCIPP from the drop-down capabilities box.

CISA collects necessary information through 1670–0013 to facilitate security clearances needed for sharing classified information with the vetted SLTPS Stakeholders.

The U.S. Government is authorized to ask for this information under Sections 2202 and 2212 of the Homeland Security Act (Pub. L. 107–296, 6 U.S.C. 652, 662), and Executive Orders 12968, 13526, 13549, 13636, and 13691 which authorize the collection of this information.

In order to begin this process of adjudicating a nominee to participate in the clearance program, federal nominators will complete the DHS Form 9014, State, Local, Tribal and Private Sector Clearance Request Form. The federal nominator will sign the form and have it approved by a senior-level official from the corresponding Federal Department or Agency. The signatures indicate the nominator and senior-level official have deemed the applicant have a CISA mission and meet the requirements and criteria as outlined in Executive Order (E.O.) 13549, the Department of Homeland Security, Classified National Security Information Program for SLTPS Implementing Directive and E.O. 13691, Sec. 4(c), and 32 CFR, Part 117, Sec. 117.22 of the National Industrial Security Program Operating Manual (NISPOM). Once submitted to the CISA Office of the Chief Security Officer (OCSO) the SLTPS Administrator will request the Personally Identifiable Information (PII) and a record is created into the Integrated Security Management System (ISMS). The Security Specialist will initiate an eApplication (eAPP), the Defense Counterintelligence and Security Agency secure portal for investigation processing. Once the data is entered into e-App, the nominee is provided a password and can access the system and complete the online security questionnaire.

This is an extension request for an existing information collection. There are no substantive changes to the collection instrument.

This information is only available to Security Specialists within OCSO working on the program and is maintained in ISMS, which is ''owned'' by the OCSO. The two-part PII request process helps minimize the collection of sensitive PII for only those nominees who meet the threshold and are sponsored by CISA.

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: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: STATE, LOCAL, TRIBAL AND PRIVATE SECTOR CLEARANCE REQUEST.

OMB Number: 1670–0013.

Frequency: WHEN REQURIED: 302 USED IN 2024/254 USED IN 2025.

Affected Public: STATE, LOCAL, TRIBAL AND PRIVATE SECTOR STAKEHOLDERS AND CRITICAL INFRASTRUCTURE OWNERS AND OPERATORS.

Number of Respondents: 550.

Estimated Time per Respondent: 0.1667 HOURS (10 minutes).

Total Burden Hours: 91.67 ANNUAL BURDEN HOURS.

Total Annual Burden Cost: TOTAL BURDEN COST (RESPONDENT): $11,816.

Total Annual Government Burden Cost: $357,879.

Winfield P. Werntz,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2026–18477 Filed 9–9–26; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2026–0892]

Agency Information Collection Activities: Generic Clearance for Improving Customer Experience (OMB Circular A–11, Section 280 Implementation); OMB Control No. 1601–0029

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–2026–0892, 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 DHS–2026–0892. 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: On September 11, 1993, Executive Order 12862, ''Setting Customer Service Standards'' was issued. This Executive Order expressed the vision that Federal agencies will put the people first. Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. Section 1(b) of Executive Order 12862 requires government agencies to ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services'' and Section 1(e) requires agencies ''survey front-line employees on barriers to, and ideas for, matching the best in business.''

On March 30, 2016, the Core Federal Services Council was established. The Council emphasized the need to deliver world-class customer service to the American people. The Council,

composed of the major high-volume, high-impact Federal programs that provide transactional services directly to the public, were encouraged ''to improve the customer experience by using public and private sector management best practices, such as conducting self-assessments and journey mapping, collecting transactional feedback data, and sharing such data with frontline and other staff.''

ensuring 'excellent service' as a focus in future agency strategic planning efforts. The PMA included a CAP Goal on Improving Customer in March 2018; the President's Management Agenda (PMA) and new Cross-Agency Priority (CAP) Goals were launched. Excellent service was established as a core component of the mission, service, stewardship model that frames the entire PMA, embedding a customer-focused approach in all of the PMA's initiatives. This model was also included in the 2018 update of the Federal Performance Framework in Circular A–11, Experience with Federal Services, with a primary strategy to drive improvements within 25 of the nation's highest impact programs. This effort is supported by an interagency team and guidance in Circular A–11 requiring the collection of customer feedback data and increasing the use of industry best practices to conduct customer research. From 2021–2023, Executive Order 14058, *Transforming Customer Experience and Service Delivery to Rebuild Trust in Government,* Memorandum M–22–10, *Improving Access to Public Benefits Program Through the Paperwork Reduction Act,* and an OIRA Memorandum titled *Strategies for Reducing Administrative Burden in Public Benefit and Service Programs* were issued. The Executive Order and memoranda, taken as a whole, direct agencies to take specific actions to improve customer experience and enhance public participation and community engagement. Furthermore, the President's Management Agenda contains a Priority titled Delivering Excellent, Equitable, and Secure Federal Services and Customer Experience, which, among other things, seeks to improve the service design, digital products, and customer-experience management of Federal High Impact Service Providers by reducing customer burden, addressing inequities, and streamlining processes.

These Presidential actions and requirements establish an ongoing process of collecting customer insights and using them to improve services. This new request will enable the Department of Homeland Security (hereafter ''the Agency'') to act in accordance with OMB Circular A–11 Section 280, Executive Order 14058, and the OMB memoranda on burden reduction, to ultimately transform the experience of its customers to improve both efficiency and mission delivery and increase accountability by communicating about these efforts with the public.

The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify services' accessibility, navigation, and use by customers, and make improvements in service delivery based on customer insights gathered through developing an understanding of the user experience interacting with Government. For the purposes of this request, ''customers'' are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a federal contractor.

''Service delivery'' or ''services'' refers to the multitude of diverse interactions between a customer and Federal agency such as applying for a benefit or loan, receiving a service such as healthcare or small business counseling, requesting a document such as a passport or social security card, complying with a rule or regulation such as filing taxes or declaring goods, utilizing resources such as a park or historical site, or seeking information such as public health or consumer protection notices.

Under this request, three types of activities will be conducted to generate customer insights:

Customer Research (*e.g.,* User Persona and Journey Map Development): A critical first component of understanding customer experience is to develop customer personas and journey maps. This process enables the Agency to more deeply understand the customer segments they serve and to organize the processes customers interact with throughout their engagement with the Federal entity to accomplish a task or meet a need. In order to adequately capture the perspective of the customer and the barriers or supports that exist as they navigate these journeys, it is necessary to directly interact with customers rather than relying solely upon the Agency's stated policy of how a process should work or employees' interpretation of how services are delivered. This can occur through a variety of information collection mechanisms that include focus groups, individual intercept interviews at a service site, shadowing a user as they navigate a Federal service and documenting their reactions and frustrations, customer free-response comment cards, or informal small discussion groups.

Regardless of the format, the Agency will apply Human Centered Design (HCD) Discovery methods to generate personas and journey maps, ultimately identifying customer insights. An approach to recruiting participants, resources for preparing and structuring interviews, and a consent form for interviewees can be found at *https://www.gsa.gov/cdnstatic/HCD-Discovery-Guide-Interagency-v12-1.pdf.* This document is also included in the package.

Insights documented, summarized and presented in customer personas and journey maps can then be shared across the program, the Agency, other Federal, State, and Local government stakeholders and even with the public to validate and discuss common themes identified. These products can be used as ''indicator lights'' for where more rigorous qualitative and quantitative research can be conducted to improve Federal service delivery.

Publicly shared personas and journey maps will include language that qualifies their use (see question #16), and high-level, non-identifying descriptive statistics of the population(s) interviewed to develop it (ex. ''25 Service members that transitioned to civilian employment within the last decade, 14 female, 11 male, 21 enlisted and 4 officers) to ensure that the perspective represented is understood. Quotes or insights will never be associated with an actual individual unless they have signed a release form (see link above for template) and this was included in the specific collection request.

Customer Feedback (Satisfaction Survey): Surveys to be considered under this generic clearance will only include those surveys modeled on the OMB Circular A–11 CX Feedback survey to improve customer service by collecting feedback at a specific point during a customer journey. This could include submitting a form online on a Federal website, speaking with a call center representative, paying off a loan, or visiting a Federal service center.

In an effort to develop comparable, government-wide scores that will enable cross-agency or industry benchmarking (when relevant) and a general indication of an agency's overall customer satisfaction, High Impact Service providers must refer to OMB Circular A–11 Section 280 for required survey question wording and organization.

As part of the Customer Experience CAP goal's strategy to increase transparency to drive accountability, the

feedback data collected through the A–11 Standard Feedback survey is meant to be shared with the public. This collection is part of the government-wide effort to embed standardized customer metrics within high-impact programs to create government-wide performance dashboards. Data collected from the questions listed above will be submitted by the Agency to OMB at a minimum quarterly for updating of customer experience dashboards on *performance.gov.* This dashboard will also include the total volume of customers that passed through the transaction point at which the survey was offered, the number of customers the survey was presented to, the number of responses, and the mode of presentation and response (online survey, in-person, post-call touchtone, mobile, email). This will help to qualify the data's representation by showing both the response rate and total number of actual responses.

User Testing of Services and Digital Products: Agencies should continually review, update and refine their service delivery, including communication materials, processes, supporting reference materials, and digital products associated with a federal program. This often requires ''field testing'' program informational materials, process updates, forms, or digital products (such as websites or mobile applications) by interacting with past, existing, or future customers and soliciting feedback. These activities can include cognitive laboratory studies, such as those used to refine questions on a program form to ensure clarity, demo kiosks at a service center where customers can provide informal feedback while waiting for a service, or more formally scheduled in-person observation testing (*e.g.,* website or software usability tests). These information collection activities are more specific than broad customer research and related to a particular artifact/product of a federal program. As such, there will be a more structured interview/set of questions than more open-ended customer research. Findings from these activities are meant to support the design and implementation of Federal program services and digital products and may only be shared in an anonymized/in aggregate if a particular insight is useful to include as part of a customer persona, journey map, or common lesson learned for improving service delivery.

The Agency will only submit under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes
- The agency will follow the procedures specified in OMB Circular A–11 Section 280 for the required quarterly reporting to OMB of trust data and experience driver data from surveys.
- Outside of the quarterly reporting mentioned in the bullet immediately above, if the agency intends to release journey maps, user personas, reports, or other data-related summaries stemming from this collection, the agency must include appropriate caveats around those summaries, noting that conclusions should not be generalized beyond the sample, considering the sample size and response rates. The agency must submit the data summary itself (*e.g.,* the report) and the caveat language mentioned above to OMB before it releases them outside the agency. OMB will engage in a passback process with the agency.

This clearance will help the Agency to establish a process where customer experience is regularly monitored and measured. The results will assist the Agency in the planning and decision-making processes to improve the quality of the Agency's products and services. Results from feedback activities and surveys will be used to measure against established baseline standards and for measuring the Agency's progress toward defined goals. There are neither legal nor technical obstacles to the use of technology in these information collection activities. The determination to use technology, and which technology to use, will be based on the type of information collected and the utility and the availability of specific technology to each respondent in a proposed customer research activity or feedback survey.

The information collected in these surveys will represent the minimum burden necessary to evaluate customer experience with the Agency's programs and processes. The Agency will minimize the burden on respondents by sampling as appropriate, asking for readily available information, and using short, easy-to-complete information collection instruments.

Without regular mechanisms for collecting and generating customer insights, the Agency is not able to provide the public with the highest level of service. These activities will be coordinated to ensure that most individual respondents will not be asked to respond to more than one survey instrument per transaction or to participate in more than one qualitative feedback or testing activity.

Activity and survey instructions will provide all necessary assurances of confidentiality to the respondents. Although there is no requirement for such an assurance in statute, the quality of this type of information requires respondent candor and anonymity.

There is no change in information being collected or the burden.

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: Generic Clearance for Improving Customer Experience (OMB Circular A–11, 280 Implementation).

OMB Number: 1601–0029.

Frequency: Annually.

Affected Public: Individuals or Household.

Number of Respondents: 2,001,550.

Estimated Time per Respondent: N/A.

Total Burden Hours: 101,125.

Suzanne Komara,

Deputy Executive Director, Enterprise Business Management Directorate.

[FR Doc. 2026–18476 Filed 9–9–26; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0092]

Agency Information Collection Activities; Revision of a Currently Approved Collection: E-Verify Program

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

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until October 13, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0023. All submissions received must include the OMB Control Number 1615–0092 in the body of the letter, the agency name and Docket ID USCIS–2007–0023.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on MAY 13, 2026, at 91 FR 27075, allowing for a 60-day public comment period. USCIS did receive 2 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0023 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). 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 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 Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection).

(2) *Title of the Form/Collection:* E-Verify Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1617; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. E-Verify is a web-based system which allows employers to electronically confirm the employment eligibility of newly hired employees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection E-Verify Program for New Users Entry (Employer Enrollment) is 66,330 and the estimated hour burden per response is 2.26 hours; the estimated total number of annual respondents for the information collection E-Verify Program for New User Training is 66,330 and the estimated hour burden per responses is 1 hour; the estimated total number of annual respondents for the information collection E-Verify Program for Existing User Annual Training is 358,670 and the estimated hour burden per responses is 0.5 hours; the estimated total number of annual respondents for the information collection E-Verify Program for Terms of Service Training is 119,557 and the estimated hour burden per responses is 0.55 hours; the estimated total number of annual respondents for the information collection E-Verify Program for Queries and Initial Cases is 235,985 and the estimated hour burden per responses is 0.121 hours; and the estimated total number of annual respondents for the information collection E-Verify Program for Reverification is 232,900 and the estimated hour burden per responses is 0.06 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 2,045,781 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $1,887,000.

Dated: September 4, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026–18465 Filed 9–9–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ600]

National Call for Nominations for Site-Specific Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to request public nominations for two of the Bureau of Land Management's (BLM) citizens' advisory councils affiliated with specific sites on BLM's National Conservation Lands. The two advisory councils provide advice and recommendations to the BLM in accordance with the statute under which the sites were established. The advisory councils covered by this request for nominations are identified below.

DATES: All nominations must be received no later than October 26, 2026.

ADDRESSES: Nominations and completed applications should be sent to the appropriate BLM offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Carrie Richardson, BLM Office of External and Intergovernmental Affairs, at telephone: (202) 742–0625, email: *crichardson@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. 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 Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory committees that are consistent with the Federal Advisory Committee Act. The rules governing BLM Advisory Committees are found at 43 CFR subpart 1784.

Individuals may nominate themselves or others for appointment by the Secretary. Nominees must be residents of the State in which the advisory council has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the advisory committees. Nominees should demonstrate a commitment to collaborative resource decision-making.

Before including any address, phone number, email address, or other personally identifiable information in the application, nominees should be aware this information may be made publicly available at any time. While the nominee can ask to withhold the personally identifiable information from public review, the BLM cannot guarantee that it will be able to do so. Nomination forms and instructions can be obtained for each council from the points of contact listed below by mail or by phone request or online at *https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf.*

Nominees should note the interest area(s) they are applying to represent on their application. All applications must be accompanied by letters of reference that describe the nominee's experience and qualifications to serve on the council from any represented interests or organizations, a completed application, and any other information that speaks to the nominee's qualifications.

Nominations and completed applications should be sent to the office listed below:

Oregon/Washington

Steens Mountain Advisory Council (SMAC)

Udom Hong, BLM Oregon/Washington State Office, 1220 SW 3rd Avenue, Portland, OR 97204–2818; phone: (202) 754–2076; email: *uhong@blm.gov.*

The SMAC provides advice and recommendations to the BLM regarding management of the Steens Mountain Cooperative Management and Protection Area (CMPA) and in promoting cooperative management under the Steens Act. It consists of 13 members that are representative of the varied groups with an interest in the management of the Steens Mountain CMPA including a private landowner in the CMPA; two persons who are grazing permittees on Federal lands in the CMPA; a person interested in fish and recreational fishing within the CMPA; a member of the Bums Paiute Tribe; two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area; a representative of dispersed recreation; a recreational permit holder or, is a representative of a commercial recreation operation in the CMPA; a representative of mechanized or, consumptive recreation; a person with expertise and interest in wild horse management on Steens Mountain; a person who has no financial interest in the CMPA to represent statewide interests; and a non-voting State government liaison to the Council.

Utah

San Rafael Swell Recreation Area Advisory Council

Celene Nemeroff, BLM Utah State Office, 440 W 200 S #500, Salt Lake City, UT 84101; phone: (720) 355–2426; email: *cnemeroff@blm.gov.*

The Council advises the BLM on the preparation and implementation of the management plan for the San Rafael Swell Recreation Area. It consists of seven members that represent the Emery County Commission; motorized recreational users; non-motorized recreational users; a grazing allotment permittee within the Recreation Area or, wilderness areas designated; conservation organizations; a member with expertise in the historical uses of the Recreation Area; and an elected leader of a federally recognized Tribe that has significant cultural or, historic connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County.

(Authority: 43 CFR 1784.4–1)

Carrie Richardson,

BLM National Advisory Committee Coordinator.

[FR Doc. 2026–18448 Filed 9–9–26; 8:45 am]

BILLING CODE 4331–31–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; O2509–014–004–125222; LLES961000]

Notice of Filing of Plats of Survey; Eastern States

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plat of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Eastern States Office, Falls Church, Virginia, 30 days from the date of this publication. The surveys, executed at the request of the National Park Service, are required for the management of these lands.

DATES: Protests must be received by the BLM Eastern States Office prior to the

scheduled date of official filing, October 13, 2026.

ADDRESSES: A copy of the plat may be obtained from the Public Room at the BLM Eastern States, 5275 Leesburg Pike, Falls Church, VA, 22041, upon required payment. The plat may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Frank D. Radford, Chief Cadastral Surveyor for Eastern States; (703) 558–7759; email:*fradford@blm.gov;* or U.S. Postal Service: BLM–ES, 5275 Leesburg Pike, Falls Church, VA 22041. Attn: Cadastral Survey. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunication relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The plat incorporating the field notes of the dependent resurvey of a portion of National Park Service Tract No. 101–55, of the Obed Wild and Scenic River, 8th Civil District, Morgan County, in the State of Tennessee, was accepted September 30, 2024.

The plat incorporating the field notes of the dependent resurvey of a portion of National Park Service Tract No. 103–08, of the Obed Wild and Scenic River, 8th Civil District, Morgan County, in the State of Tennessee, was accepted September 26, 2025.

The plat incorporating the field notes of the dependent resurvey of a portion of National Park Service Scenic Easement Tract No. 103–01, of the Obed Wild and Scenic River, 8th Civil District, Morgan County, in the State of Tennessee, was accepted September 30, 2025.

A person or party who wishes to protest an official filing of plat(s) identified above must file a written notice of protest with the BLM State Director for Eastern States, at the address listed in the **ADDRESSES** section of this notice.

The notice of protest must identify the specific plat that the person or party wishes to protest. The notice of protest must be received in the BLM Eastern Office no later than the scheduled date of the proposed official filing of plat 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 Eastern States within 30 days after the notice of protest is received.

If a notice of protest of the official filing of plat is received prior to the scheduled date of official filing, the official filing of the plat identified in the notice of protest will be stayed pending consideration of the protest. Plat 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)

Frank Radford,

Chief Cadastral Surveyor.

[FR Doc. 2026–18486 Filed 9–9–26; 8:45 am]

BILLING CODE 4331–18–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222;LLHQ600]

National Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this notice is to request public nominations for 20 of the Bureau of Land Management's (BLM) statewide and regional Resource Advisory Councils (RAC) that have vacant positions or members whose terms are scheduled to expire. These RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within the geographic areas for which the RACs are organized.

DATES: All nominations must be received no later than October 26, 2026.

ADDRESSES: Nominations and completed applications should be sent to the appropriate BLM offices listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Carrie Richardson, BLM Office of External and Intergovernmental Affairs, at telephone: (202) 742–0625, email: *crichardson@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. 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 Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits or leases within the area for which the RAC is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.

Category Two—Representatives of nationally or regionally recognized environmental organizations; dispersed recreational activities; archaeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.

Category Three—Hold State, county, or local elected office; are employed by a State agency responsible for the management of natural resources, land, or water; represent Indian tribes within or adjacent to the area for which the RAC is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of

the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application, which can either be obtained through your local BLM office or online at: *https://www.blm.gov/sites/default/files/docs/2022-05/BLM-Form-1120-19_RAC-Application.pdf*

—Letters of reference from represented interests or organizations; and

—Any other information that addresses the nominee's qualifications.

Simultaneously with this notice, BLM Offices will issue news releases providing additional information for submitting nominations.

Nominations and completed applications should be sent to the office listed below:

Alaska

Alaska RAC

Melinda Bolton, BLM Alaska State Office, 4th floor, 222 W 7th Avenue, Anchorage, AK 99516; phone: (907) 271–3342; email: *mbolton@blm.gov.*

Arizona

Arizona RAC

Wayne Monger, BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004–4427; phone: (602) 417–9200; email: *dmonger@blm.gov.*

California

California Desert District Advisory Council, Central California RAC, and Northern California District RAC

Julie Hartley, BLM California State Office, 2800 Cottage Way, W1623, Sacramento, CA 95825; phone: (279) 599–3857; email: *jhartley@blm.gov.*

Colorado

Northwest RAC, Rocky Mountain RAC, and Southwest RAC

Robert Rotts, Montrose Public Lands Center, 2505 S Townsend Avenue, Montrose, CO 81401; phone: (970) 240–5430; email: *rpotts@blm.gov.*

Idaho

Idaho RAC

Ken Anderson, BLM Idaho State Office, 1387 S Vinnell Way, Boise, ID 83709; phone: (208) 373–3833; email: *mkanderson@blm.gov.*

Montana/Dakotas

Missouri Basin RAC and Western Montana RAC

David LeFevre, BLM Billings Field Office, 5001 Southgate Drive, Billings, MT 59101; phone: (406) 896–5072; email: *dlefevre@blm.gov.*

Nevada

Mojave Southern-Great Basin RAC and Sierra Front-Northern Great Basin RAC

Tammy Boyd, BLM Nevada State Office, 1340 Financial Boulevard, Reno, NV 89502; phone: (775) 861–6536; email: *tboyd@blm.gov.*

New Mexico

Northern New Mexico RAC and Southern New Mexico RAC

Jillian Aragon, BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508; phone: (505) 635–9701; email: *jgaragon@blm.gov.*

Oregon/Washington

John Day Snake RAC, Southeast Oregon RAC, and Western Oregon RAC

Udom Hong, BLM Oregon/Washington State Office, 1220 SW 3rd Avenue, Portland, OR 97204–2818; phone: (202) 754–2076; email: *uhong@blm.gov.*

Wyoming

Wyoming RAC

Brad Purdy, BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; phone: (307) 775–6015; email: *bpurdy@blm.gov.*

Utah

Utah RAC

Celene Nemeroff, BLM Utah State Office, 440 W 200 S #500, Salt Lake City, UT 84101; phone: (720) 355–2426; email: *cnemeroff@blm.gov.*

Carrie Richardson,

BLM National Advisory Committee Coordinator.

[FR Doc. 2026–18450 Filed 9–9–26; 8:45 am]

BILLING CODE 4331–31–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1770 (Final)]

Fresh Winter Strawberries From Mexico; Scheduling of the Final Phase of Antidumping Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–1770 (Final) pursuant to the Tariff Act of 1930 to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of fresh winter strawberries from Mexico, provided for in subheading 0810.10.40 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold in the United States at less-than-fair-value.

DATES: August 21, 2026.

FOR FURTHER INFORMATION CONTACT: Caitlyn Costello (202–205–2058), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of this investigation, Commerce has defined the subject merchandise as ''all fresh and chilled winter strawberries from Mexico entered during the period November 1 through March 31.

Winter strawberries may be stemmed or destemmed, whole or sliced, imported in bulk or loose form, or may be imported in individual containers packaged for retail sale. The scope of this investigation includes all winter strawberries, whether or not organic, regardless of production method, and irrespective of color, grade, shape, size, or packaging. Subject merchandise may be cleaned, coated (including chocolate covered or other coated confectionary items), washed, waxed, inspected, subjected to metal detection, and/or vacuum cooled prior to importation, including winter strawberries that undergo further processing in a third country.''

Background.—The final phase of this investigation is being scheduled pursuant to section 731(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a

result of an affirmative preliminary determination by Commerce that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on December 31, 2025, by Strawberry Growers for Fair Trade (''SGFT'').[1]

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on December 18, 2026, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on January 6, 2027. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 30, 2026. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3:00 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on January 4, 2027. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on January 5, 2027. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is 5:15 p.m. on December 29, 2026. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on January 13, 2027. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation, including statements of support or opposition to the petition, on or before 5:15 p.m. on January 13, 2027. On January 28, 2027, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before 5:15 p.m. on February 1, 2027, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

[1] SGFT is an ad hoc trade association consisting of Astin Strawberry Exchange (Plant City, Florida); BBI Produce, Inc. dba Berry Boss (Dover, Florida); Florida Department of Agriculture and Consumer Services (Tallahassee, Florida); Grimes Produce Company (Plant City, Florida); Mathis Farms (Plant City, Florida); Simmons Farms, Inc. (Plant City, Florida); Sizemore Farms, Inc. (Plant City, Florida); Sweet Life Farms (Plant City, Florida); Ultra Farms (Wimauma, Florida); and the Florida Strawberry Growers Association (Dover, Florida).

By order of the Commission.

Issued: September 4, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–18395 Filed 9–9–26; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Renewal of Charter of Advisory Committee on Actuarial Examinations

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of renewal of Advisory Committee.

SUMMARY: The Joint Board for the Enrollment of Actuaries announces the renewal of the charter of the Advisory Committee on Actuarial Examinations.

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, 202–317–3648, *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. 1001 *et seq.*), the Joint Board for the Enrollment of Actuaries (Joint Board) is providing notice of the renewal of the charter of the Advisory Committee on Actuarial Examinations (Advisory Committee). The Public Interest Determination, approved by the Joint Board, is provided in accordance with 41 CFR 102–3.65.

Joint Board for the Enrollment of Actuaries (Joint Board) Advisory Committee on Actuarial Examinations Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $37,394.00.

(*a*) *Federal personnel on a full-time equivalent (FTE) basis:* 0.1.

(*b*) *Other Federal internal costs:* $2,394.00.

(*c*) *Proposed payments to members:* N/A.

(*d*) *Proposed number of members:* Nine.

(*e*) *Reimbursable costs:* $35,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

All committee members are appointed as Special Government Employees and selected primarily for their technical experience. The Joint Board for the Enrollment of Actuaries (Joint Board) attempts to ensure maximum practicable representation on the committee of most points of view extant in the enrolled actuary community. To that end, the Joint Board seeks to appoint members with expertise in one or more of the three main practice areas: small single employer plans, large single employer plans, and multiemployer plans.

To the extent possible, the Joint Board selects several members from each of these practice areas. Membership balance is not static and may change depending on the work of the committee. To attain balanced membership, the Joint Board limits the number of members employed by any one firm or affiliated with any one actuarial organization. In addition, to the extent possible, the Joint Board seeks geographic representation of members.

4. List of all other Federal advisory committees of the agency: N/A.

5. Justification that the information or advice provided by the Federal advisory Committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

The Joint Board is the only federal agency responsible for writing actuarial examinations and setting other criteria to determine actuaries' qualifications for enrollment under the Employee Retirement Income Security Act of 1974 (ERISA). Thus, the functions the committee performs cannot be obtained from other sources within the government. Moreover, the committee's functions cannot be performed effectively by members of the Joint Board. The Joint Board consists of five federal government employees, three from the Department of the Treasury and two from the Department of Labor. In addition, a non-voting representative from the Pension Benefit Guaranty Corporation is appointed to the Board. Each Joint Board member serves on the Joint Board in addition to substantial responsibilities in the member's home department. The committee supplies a breadth of current practice experience across small single-employer, large single-employer, and multiemployer plans that is not available from the five-member Joint Board alone. The Joint Board has not identified a more cost-effective or less burdensome source that would provide equivalent breadth, independence, continuity, and balanced review. Obtaining equivalent advice through contractors or a single professional organization would create additional cost or administrative burden and would not provide the same multi-practice, collective review. Committee members receive no compensation, although authorized travel and related expenses may be reimbursed. The Joint Board retains all final decision-making authority.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Each year, the committee develops and recommends the three examinations and two examination program booklets that are used in the Joint Board's examination program. In addition, the committee reviews the examination results and recommends a passing score for each of the three examinations given in that year. The committee also assists the Joint Board with special projects including developing blueprints for the examinations and identifying any changes needed in the examination program structure to reflect changes in the law and regulations and evolving trends in the practice of enrolled actuaries. The Joint Board could not fulfill its mandate under section 3042 of ERISA to maintain standards and qualifications for enrolled actuaries without the technical expertise and assistance of the committee.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Section 3042 of ERISA establishes the framework for enrolling actuaries who are authorized to perform actuarial services required under ERISA for private pension plans. The provision directs the Joint Board to establish standards and qualifications for enrollment, ensuring that only individuals with the necessary technical expertise and professional competence may certify actuarial valuations, funding calculations, and other required pension

analyses. The Joint Board administers three examinations each year pursuant to its mandate under ERISA. The Joint Board strives to ensure that its examinations are fair and reflect current developments in pension law and actuarial mathematics and methodology. The committee, which consists of members representing a broad range of expertise and experience, helps the Joint Board ensure that those examinations remain legally current, actuarially sound, appropriately rigorous, and relevant to actual pension actuarial practice. Such recommendations and input are necessary to enable the Joint Board to perform its mandate and enrollment function under ERISA. Enrolled actuaries play a vital role in protecting the financial soundness of defined benefit pension plans and the interests of plan participants. Enrolled actuaries help determine whether pension plans are adequately funded, calculate employers' required contributions, and assess the long-term ability of plans to meet promised retirement benefits. By requiring qualified enrolled actuaries to perform these functions, ERISA promotes accurate financial reporting, regulatory compliance, and greater confidence that retirement benefits will be available when participants become entitled to them.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: September 8, 2026.

Chet Andrzejewski,

Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2026–18510 Filed 9–9–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Office of Disability Employment Policy

[OMB Control No. 1230–0NEW]

Proposed Information Collection; NEON Provider Organization

AGENCY: Office of Disability Employment Policy (ODEP), United States Department of Labor (DOL).

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Disability Employment Policy, Department of Labor, (ODEP) is soliciting comments on the information collection for the NEON Provider Organization Survey.

DATES: All comments must be received on or before November 9, 2026.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–ODEP, 200 Constitution Avenue NW, Room S–1303, Washington, DC 20210.
- ODEP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Richard Davis, Office of Disability Employment Policy, ODEP, at *Davis.Richard.A@dol.gov* (email); or (202) 693–1000x16932 (voice).

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Department of Labor, Office of Disability Employment Policy (ODEP) established the National Expansion of Employment Opportunities Network (NEON) initiative, which, among other activities, assists National Provider Organizations (NPOs) and their affiliated Local Provider Organizations (LPOs) in advancing competitive integrated employment. Technical assistance supports NPOs and LPOs to build capacity to offer more options for competitive integrated employment job placements and explore new strategies to effectively increase job placement outcomes. ODEP has requested an increased focus on measuring performance outcomes for participating providers and states, and therefore NEON developed this semi-annual data collection survey for LPOs receiving support. This survey fulfills the three key purposes of (1) demonstrating impact by measuring the nationwide impact of NEON for ODEP and its federal partners and stakeholders; (2) prioritizing outcomes by establishing real-world outcomes as the primary indicator of success for employment providers; and (3) building capacity by helping partner organizations better manage, track, and measure their performance data.

II. Desired Focus of Comments

ODEP is soliciting comments concerning the proposed information collection related to the NEON Provider Organization Survey. ODEP is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of ODEP's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Documents related to this information collection request are available at *https://regulations.gov*. Questions about the information collection requirements may be directed to the person listed in

the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns the NEON Provider Organization Survey. ODEP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: New Information Collection.

Agency: ODEP.

OMB Number: 1230–0NEW.

Affected Public: Not-for-profit institutions.

Number of Respondents: 30.

Number of Responses: 60.

Annual Burden Hours: 30 hours.

Annual Respondent or Recordkeeper Cost: $25,000.

Collection Instrument: NEON Provider Organization Survey Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov*.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Julie Hocker,

Assistant Secretary, Office of Disability Employment Policy Certifying Officer.

[FR Doc. 2026–18502 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–FK–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Migrant and Seasonal Farmworker Monitoring Report and Complaint/Apparent Violation Form

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ''Migrant and Seasonal Farmworker (MSFW) Monitoring Report and Complaint/Apparent Violation Form.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by November 9, 2026.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting Laura Tramontana by email at *NMA@dol.gov* or telephone at 202–693–3980 (this is not a toll-free number).

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C 4510, 200 Constitution Avenue NW, Washington, DC 20210; by email to *NMA@dol.gov;* or by fax to 202–693–3981.

FOR FURTHER INFORMATION CONTACT: Laura Tramontana by telephone at 202–693–3980 (this is not a toll-free number) or by email at *NMA@dol.gov*.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Pursuant to 20 CFR 653.109, State Workforce Agencies (SWA) use Form ETA–5148 to submit to DOL quarterly data on the services they provide to MSFWs. DOL uses that data to monitor and measure the extent and effectiveness of SWA Employment Service (ES) delivery and compliance with 20 CFR parts 651, 653, and 658. ETA proposes to add an instruction document for completing Form ETA–5148 but does not propose to change the form itself. While ETA is temporarily not enforcing the Minimum Service Level Indicators in Part 3 and certain SMA Annual Report elements in Part 4, as described in Training and Employment Notice 09–25, ETA is not proposing to alter the form through this revision in order to maintain alignment with the current ES regulations.

Pursuant to 20 CFR 658.411, SWAs use the Complaint/Apparent Violation Form, Form ETA–8429 to record and process complaints and apparent violations, as defined at 20 CFR 651.10. ETA proposes to revise Form ETA–8429 so that there will be separate forms for complaints and apparent violations. ETA also proposes to add instruction documents for each form. The intent of these revisions is to clarify processes for external and internal users.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0039.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Migrant and Seasonal Farmworker Monitoring Report and Complaint/Apparent Violation Form.

Forms: ETA–5148; ETA–8429.

OMB Control Number: 1205–0039.

Affected Public: Individuals or Households; State, Local, and Tribal Governments; Private Sector.

Estimated Number of Respondents: 22,086.

Frequency: Varies.

Total Estimated Annual Responses: 22,410.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 40,912.98 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Marek Laco,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–18499 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Requests To Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Wage and Hour Division (WHD)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Wage and Hour Division (WHD) of the Department of Labor (Department) administers the Davis-Bacon Act (DBA) and Davis-Bacon Related Acts (DBRA), 40 U.S.C. 3141 *et seq.,* and the Contract Work Hours and Safety Standards Act (CWHSSA), 40 U.S.C. 3701 *et seq.* Regulations at 29 CFR part 5 prescribe labor standards for federally financed and federally assisted construction contracts subject to DBA, DBRA, and labor standards for all contracts subject to CWHSSA. The DBA and DBRA require payment of locally prevailing wages and fringe benefits, as determined by the Department, to laborers and mechanics on most federally financed or assisted construction projects. CWHSSA requires the payment of one and one-half times the basic rate of pay for hours worked over 40 in a week on most federal contracts involving the employment of laborers or mechanics. The requirements of this information collection consist of (1) reports of conformed classifications and wage rates, and (2) requests for approval of unfunded fringe benefit plans. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 15, 2026 (91 FR 36012).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology. To help ensure appropriate consideration, comments should reference OMB Control Number 1235–0023.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review. The Department of Labor seeks approval for the revision of this information collection to ensure effective administration of the laws administered by the WHD.

Agency: DOL–WHD.

Title of Collection: Requests to Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act.

OMB Control Number: 1235–0023.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 8,858.

Total Estimated Number of Responses: 8,858.

Total Estimated Annual Time Burden: 2,305 hours.

Total Estimated Annual Other Costs Burden: $75.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

PRA Department Clearance Officer.

[FR Doc. 2026–18506 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Members to the Performance Review Board

AGENCY: Office of the Secretary.

ACTION: Appointment of members of the Performance Review Board.

SUMMARY: Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of the individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tania Burkley, Chief, Division of Executive Resources, Room C2318, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave. NW, Washington, DC 20210, telephone: (202) 693–7638.

SUPPLEMENTARY INFORMATION: The following individuals are hereby

appointed to serve on the Department's Performance Review Board:

Permanent Membership

Chair—Courtney Walter, Chief of Staff
Vice-Chair—Dean Heyl, Assistant Secretary for Administration and Management

Rotating Membership—Appointments Expire on 09/30/29

BLS—Christopher Rosenlund, Assistant Commissioner for Regional Operations
EBSA—Mark Seidel, Regional Director
ETA—Brian Pasternak, Administrator, Office of Foreign Labor Certification
ILAB—Lori Frazier, Deputy Undersecretary for International Labor Affairs
MSHA—Melanie Calhoun, Deputy Assistant Secretary for Operations
OASAM—Rachel Torres, Director of Human Resources
OASP—Albert Herrera, Director, Office of Regulatory & Programmatic Policy
OCFO—Westley Everette, Associate Deputy CFO for Office of Fiscal Integrity
ODEP—Jennifer Sheehy, Deputy Assistant Secretary
OLMS—Andrew Davis, Director, OLMS
OSHA—Amanda Laihow, Deputy Assistant Secretary
OWCP—Vincent Alvarez, Administrative Officer
SOL—Steven Hough, Principal Deputy Solicitor
WHD—Dierra Fitzgerald, Deputy Administrator (Operations)
VETS—Andrew Auerbach, Deputy Assistant Secretary for Operations and Management

Authority: This notice was compiled in accordance to 5 CFR 430.311(a)(4).

Signed at Washington, DC.

Dean Heyl,

Assistant Secretary for Administration and Management.

[FR Doc. 2026–18500 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities; Submission for OMB Review; Comment Request; OMB Control No. 1293–0018

Current Title: Homeless Veterans' Reintegration Program Budget and Narrative

ACTION: Notice of information collection; request for comments.

SUMMARY: The Department of Labor (DOL) Veterans' Employment and Training Service (VETS is soliciting comments on the information collection request (ICR) for OMB Control No. 1293–0018 *Homeless Veterans' Reintegration Program Budget and Narrative,* for which VETS proposes to revise the title to *Homeless Veterans' Reintegration Program Applicant Forms.* The Homeless Veterans' Reintegration Program (HVRP) is authorized under 38 U.S.C. 2021. HVRP funds over 150 discretionary grants that serve nearly 16,000 veterans experiencing homelessness, veterans at-risk of homelessness, and incarcerated veterans annually, and along with nearly 40 Stand Down events. This collection contains forms submitted by HVRP Funding Opportunity Announcement (FOA) applicants.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before 60 days from November 9, 2026.

ADDRESSES: You may submit comments electronically by any of the following methods:

- *DOL_PRA_PUBLIC@dol.gov,* identified by OMB Control Number 1293–0018.
- *HVRP@dol.gov,* identified by ''1293–0018 HVRP Applicant Forms ICR Comment'' in the subject line.

Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Kate McCord, Management and Program Analyst, DOL–VETS, by email at *HVRP@dol.gov,* subject line ''1293–0018 HVRP Applicant Forms ICR Information.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor's VETS administers funds for the Homeless Veterans' Reintegration Program (HVRP) grant on an annual basis. These competitive grants are codified under 38 U.S.C. 2021, 2021A, and 2023. VETS provides funds to grant recipients through annual Funding Opportunity Announcements (FOA) and incremental funding throughout the grant's three-year (12 quarters) period of performance. The total number of grant recipients varies from year to year based on the amount of available funds. Grants are awarded up to $500,000 each year, for a total of up to $1,500,000 for the three-year period of performance.

The Assistant Secretary for Veterans' Employment and Training monitors and supervises the distribution and use of those funds as required by 38 U.S.C. 2021 and 38 U.S.C. 2021A.

VETS is proposing the following revisions:

Revise the title of this information collection: from the *Homeless Veterans' Reintegration Program Budget and Narrative* to the *Homeless Veterans' Reintegration Program Applicant Forms.*

Move forms to this information collection: This collection will contain the forms intended for applicant respondents to the annual FOA, while a different VETS information collection, (OMB Control No. 1293–0014), will focus on HVRP grant recipient respondents. VETS is proposing to transfer the following forms from 1293–0014 to 12903–0018 to align the forms with the appropriate respondent: (1) VETS–700 Planned Goals Chart; (2) VETS–704 Abstract; and (3) VETS–705 Past Performance Chart.

Revisions to the Abstract

- Organized questions into three Excel worksheets named ''Abstract–1'', ''Abstract–2'', and ''Abstract–3'' that focus on the proposed grant type, funding requests, physical location, service delivery area, and narrative responses.
- Added organization identifiers/contact information and automated inputs for geographic data and saturation level scores for the service delivery area.
- Added justification fields to align with FOA requirements, clarified instructions, and removed outdated fields, such as other non-HVRP funding sources.

Revisions to the Planned Goals Chart (PGC)

- Renamed the Excel worksheet to ''PGC–4'' and removed outdated or relocated reference worksheets, such as prior program year outcomes by state and the average living wages by state/county.
- Introduced automatic calculations for key metrics (*e.g.,* cost per enrollment, cost per placement) and adjusted wage-based goals for inflation.
- Updated terminology to align with current HVRP policy and guidance.

Revisions to the Past Performance Chart

- Converted the form to an Excel worksheet named ''CoPP–5'' and integrated it into the workbook that contains the Abstract and Planned Goals Chart.
- Added structured questions on prior awards, operational timelines,

funding history, and compliance with automated feedback based on user inputs.

- Revised and expanded performance indicator questions (risk designation, performance/financial reporting timeliness, and unexpended funds).
- Added an automated calculation of the number of points awarded.

Revisions to the HVRP Budget and Narrative Form

- Changed the name of the form to ''Budget Narrative'' for clarity.
- Added fields for position hours worked per week with an automated calculation of quarterly hours and changed the percent-FTE field from respondent entry to an automated calculation.

II. Desired focus of comments

VETS is particularly interested in comments on these topics:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of VETS' estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

VETS has listed the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request. VETS seeks PRA authorization for this information collection for three (3) years. OMB authorization for an Information Collection Review cannot be for more than three (3) years without renewal. VETS notes that currently approved information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

Estimated Annual Burden Hours

Type of Review: Revision.

Agency: VETS.

OMB Control Number: 1293–0018.

Affected Public: Businesses or other for-profits, Not-for-profit institutions, State and Local Governments.

Estimated Number of Respondents: 249.

Frequency: Once.

Total Estimated Annual Responses: 498.

Estimated Total Annual Burden Hours: 2,241.

Forms:

- Abstract–PGC–CoPP
- Budget Narrative

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Dated: September 2, 2026.

Jeremiah Workman,

Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2026–18498 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0045]

Proposed Revision of Information Collection: Rehabilitation Plan and Award.

AGENCY: Office of Workers' Compensation Programs (OWCP), Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs (OWCP) is soliciting comments on the information collection for the OWCP–16, Rehabilitation Plan and Award.

DATES: All comments must be received on or before November 9, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit the U.S. Department of Labor, Office of Workers' Compensation Programs, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, at *suggs.anjanette@dol.gov* (email); (202) 354–9660.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act (FECA). 33 U.S.C. 939 (LHWCA) and 5 U.S.C. 8104 and 8111 (FECA) authorize OWCP to pay for approved vocational rehabilitation services to eligible workers with work-related disabilities. In order to decide whether to approve a rehabilitation plan, OWCP must receive a copy of the plan, supporting vocational testing materials and the estimated cost to implement the plan, broken down to show the fees, supplies, tuition and worker maintenance payments that are contemplated. OWCP also must receive the signatures of the

worker and the rehabilitation counselor to show that the worker agrees to follow the proposed plan, and that the proposed plan is appropriate. Form OWCP–16 is the standard format for the collection of this information. The regulations implementing these statutes allow for the collection of information needed for OWCP to determine if a rehabilitation plan should be approved and payment of any related expenses should be authorized. (LHWCA, 20 CFR 702.506 and 702.507; FECA, 20 CFR 10.518, 10.519).

See: Longshore References:

- *https://www.dol.gov/agencies/owcp/dlhwc/lhwca.*
- *https://www.ecfr.gov/current/title-20/chapter-VI/subchapter-A/part-702/subpart-E/section-702.506.*

See: FECA References:

- *https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca.*
- *https://www.ecfr.gov/current/title-20/chapter-I/subchapter-B/part-10.*

II. Desired Focus of Comments

OWCP is soliciting comments concerning the proposed information collection related to Rehabilitation Plan and Award. OWCP is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFEC/DLHWC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Documents related to this information collection request are available at *https://regulations.gov*. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns the Rehabilitation Plan and Award, Form OWCP–16. OWCP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Revision of a currently approved collection.

Agency: Office of Workers' Compensation Programs OWCP.

OMB Number: 1240–0045.

Affected Public: Individuals or Households.

Number of Respondents: 1,430.

Frequency: On Occasion.

Number of Responses: 1,430.

Annual Burden Hours: 715.

Annual Respondent or Recordkeeper Cost: $0.00.

OWCP: 1240–0045: Rehabilitation Plan and Award.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov*.

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2026–18503 Filed 9–9–26; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–26–0397; NARA–2026–036]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by October 26, 2026.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-26-0397/document*

This is a direct link to the schedules posted in the docket for this notice on *regulations.gov*. You may submit comments by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov*and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via regulations.gov, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Richard Green, Records Management Operations, by email at *richard.green@nara.gov* or at 301–395–7825. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–395–7825.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket

unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov*portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs*, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending:

1. Department of Homeland Security, Investigation, Vetting, Assessment and Inspection Records (DAA–0563–2025–0002).

2. Department of Justice, Executive Clemency (DAA–0204–2024–0002).

3. Department of State, Consolidated Schedule: Records of the Bureau of Global Health Security and Diplomacy (DAA–0059–2025–0005).

4. Administration for Strategic Preparedness and Response, Strategic National Stockpile Records (DAA–0611–2026–0001).

5. Federal Aviation Administration, Aircraft and Airman Certification Records (DAA–0237–2023–0018).

6. National Security Agency/Central Security Service, Medical records for visitors, both civilian and contractors (DAA–0457–2026–0001).

7. Office of the Secretary of Defense, Duplicate Dental Panographs and Radiographs (DAA–0330–2026–0002).

8. Veterans Benefits Administration, Entrance and Exit X-rays (DAA–0015–2025–0057).

9. Veterans Health Administration, Care in Community, Health and Medical Care Program, VA (DAA–0015–2025–0054).

10. Veterans Health Administration, Comprehensive Environment of Care (CEOC) (DAA–0015–2025–0050).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026–18475 Filed 9–9–26; 8:45 am]

BILLING CODE 7515–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–374 and K2026–364; MC2026–375 and K2026–365; MC2026–376 and K2026–366; MC2026–377 and K2026–367; MC2026–378 and K2026–368]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 15, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public

[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).

Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. Docket No(s).: MC2026–377 and K2026–367; Filing Title: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1511 to the Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: September 4, 2026; Filing Authority: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; Public Representative: Kenneth Moeller; Comments Due: September 15, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–374 and K2026–364; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1086, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 4, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–375 and K2026–365; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1087, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 4, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).:* MC2026–376 and K2026–366; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1088, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 4, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

4. *Docket No(s).:* MC2026–378 and K2026–368; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1089, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 4, 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**.

Ashley Demchak,

Alternate Federal Register Liaison.

[FR Doc. 2026–18480 Filed 9–9–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail, and USPS Ground Advantage Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and No.	MC Docket No.	K Docket No.
08/31/26	PM–GA 1081	MC2026–369	K2026–359.
08/31/26	PM–GA 1082	MC2026–370	K2026–360.
09/01/26	PM–GA 1083	MC2026–371	K2026–361.
09/02/26	PM–GA 1084	MC2026–372	K2026–362.
09/03/26	PM–GA 1085	MC2026–373	K2026–363.
09/04/26	PM–GA 1086	MC2026–374	K2026–364.
09/04/26	PM–GA 1087	MC2026–375	K2026–365.
09/04/26	PM–GA 1088	MC2026–376	K2026–366.
09/04/26	PME–PM–GA 1511	MC2026–377	K2026–367.
09/04/26	PM–GA 1089	MC2026–378	K2026–368.

Documents are available at *www.prc.gov.*

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–18418 Filed 9–9–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0518]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Form CB—Tender Offer/Rights Offering Notification Form

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

An entity conducting an exempt cross-border business combination or rights offering is required to file a Form CB (17 CFR 249.480) to the extent the party would have had a filing obligation if the transaction were not eligible for the exemption. Form CB is intended to help the Commission determine whether a transaction meets the eligibility requirements of the exemptive rules. Form CB also helps to ensure that information about the transaction is publicly available in order to help security holders make informed investment decisions. We estimate that approximately 49 respondents make one Form CB filing per year, for a total of approximately 49 responses annually. We estimate that respondents incur approximately 0.12 burden hours per Form CB filing, for a total annual reporting burden of 6 hours (0.12 hours per response × 49 responses). We estimate that respondents incur $225 cost burden per Form CB filing, for a total annual cost burden of $11,025 ($225 cost per response × 49 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by November 9, 2026.

Dated: September 8, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18509 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106281; File No. SR–NYSENAT–2026–24]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule

September 4, 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, NYSE National, Inc. (''NYSE National'' 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 National, Inc. (''NYSE National'' 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—

[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. 83351 (May 31, 2018), 83 FR 26314 at n.9 (June 6, 2018) (SR–NYSENAT–2018–07). 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 Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* 83 FR 26314, *supra* note 3.

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 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–NYSENAT–2026–24 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–NYSENAT–2026–24. 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–NYSENAT–2026–24 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

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[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.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106279; File No. SR–ICC–2026–010]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to ICC's Model Validation Framework and Treasury Operations Policies and Procedures

September 4, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4,[2] notice is hereby given that on August 25, 2026, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by ICC. ICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and paragraph (f)(1) of Rule 19b–4 thereunder,[4] such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the Model Validation Framework (''MVF'') and the Treasury Operations Policies and Procedures (''Treasury Operations Policy'') for the CDS Clearing Service. These revisions do not require any changes to the ICC CDS Clearing Rules (the ''Rules'').[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed rule change is to amend the MVF and Treasury Operations Policy for the CDS Clearing Service. The MVF provides assurances that ICC Models [6] for the CDS Clearing Service are performing as expected, in line with their design objectives and business use. The Treasury Operations Policy describes the policies and procedures used to support ICC's Treasury functions for the CDS Clearing Service, including funds management, cash settlement, collateral management, and investment strategy. The proposed changes consist of clarification and clean-up changes to the MVF and Treasury Operations Policy to reflect current practices. ICC believes that such changes will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to make such changes effective following any applicable regulatory review or approval process.[7] The proposed rule change is described in detail as follows.

Model Validation Framework

ICC proposes clarifications and clean-up changes to the MVF, including clarifying its applicability to the CDS Clearing Service and updating references to existing committees and a working group. Such changes are designed to reflect current practices. ICC proposes to re-title the MVF from ''Model Validation Framework'' to ''CDS Clearing Service Model Validation Framework'' to clarify its applicability to the CDS Clearing Service.

ICC proposes revisions to more specifically identify the CDS Risk Committee and reflect its existing model validation responsibilities in the MVF. In particular, the MVF assigns various model validation responsibilities to the ''Risk Committee'' throughout the document. ICC proposes to replace references to the ''Risk Committee'' with more specific references to the ''CDS Risk Committee.'' These changes do not represent a departure in existing practice, as the CDS Risk Committee currently performs these functions. Rather, these changes clarify that such provisions refer to the CDS Risk Committee, given the recent establishment of the Board Risk Committee, to more clearly distinguish between the two committees.[8] Specifically, ICC proposes to make the following changes:

- Under amended Section 1.2, ICC consults with the CDS Risk Committee when adding or retiring a Model, or adding, enhancing, or retiring its components (''Model Components'').
- Under amended Section 1.3, the CDS Risk Committee reviews materiality classifications and provides feedback as necessary.
- Under amended Section 2.2, the ICC Risk Oversight Officer (''ROO'') maintains a list of pre-approved independent model validators, which the CDS Risk Committee reviews; presents new model validators to the CDS Risk Committee for consultation; and is responsible for reassessing selected model validators' continued independence and presenting this assessment to the CDS Risk Committee.
- Under amended Section 2.4, the Model Inventory (*i.e.,* central repository holding key information about ICC Models, Model Components and Model Changes [9]) includes the date the initial validation report was reviewed by the CDS Risk Committee and the date the CDS Risk Committee recommended Board approval.
- Under amended Section 3.2, the ICC Chief Risk Officer (''CRO'') describes Model Changes to the CDS Risk Committee.
- Under amended Subsection 3.2.1.a, the Board approves the final methodology for a Model Change after review and recommendation by the CDS Risk Committee.
- Under amended Subsection 3.2.1.b, ICC obtains approval from the Board after review by the CDS Risk Committee with respect to changes to certain elements of ongoing monitoring and validation (''OM&V'').
- Under amended Subsection 3.2.2.b, ICC, in consultation with the CDS Risk Committee, may determine certain low priority issues do not reflect a potential deficiency.
- Under amended Subsection 3.2.2.c, ICC obtains a no-objection to the independent validation from the CDS

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] ICC's CDS Rules are available on ICC's public website: *https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf.*

[6] A model refers to a quantitative method, system, or approach that applies statistical, economic, financial, or mathematical theories, techniques, and assumptions to process input data into quantitative estimates (''Model'').

[7] The proposed rule change is filed for immediate effectiveness but will not be implemented until the change is certified in accordance with Commodity Futures Trading Commission Regulation 40.6.

[8] ICC previously filed a proposed rule change to establish the Board Risk Committee. *See* Securities Exchange Act Release No. 103161 (May 30, 2025), 90 FR 23970 (June 5, 2025) (File No. SR–ICC–2025–006).

[9] For each Model, ICC distinguishes between new, enhanced, and retired Model Components (collectively ''Model Change'').

Risk Committee, and the ROO and CRO (or designee) present the independent validation report to the CDS Risk Committee.

- Under amended Section 3.4, the CRO informs the CDS Risk Committee regarding OM&V results triggering an investigation.
- Under amended Section 3.5, the ROO, in consultation with the CDS Risk Committee, sets an established periodicity for independent periodic review.
- Under amended Subsection 3.5.2, ICC agrees on timeframes with the CDS Risk Committee on remediation; ICC, in consultation with the CDS Risk Committee, may determine that low priority issues do not reflect a potential deficiency; the ROO and CRO (or designee) present the independent periodic review report to the CDS Risk Committee for acceptance; and ICC consults with the CDS Risk Committee regarding closure of items.

ICC also proposes to incorporate references to a recently established committee and working group. In amended Section 2.4, ICC would specify that the Model Inventory includes the date the Board Risk Committee recommended Board approval. Under amended Subsection 3.2.1, the Board would approve the final methodology for a Model Change after review and recommendation by the Board Risk Committee, and ICC would obtain approval from the Board after review by the Board Risk Committee with respect to changes to certain elements of OM&V. Additionally, under amended Subsection 3.2.1, Model Changes that rise to a certain level of materiality are subject to peer review through ICC's Risk Advisory Working Group. The proposed changes are intended to memorialize the roles of the Board Risk Committee and Risk Advisory Working Group with respect to model validation governance.[10]

Treasury Operations Policies and Procedures

ICC proposes clarifications and clean-up changes to the Treasury Operations Policy, including clarifying its applicability to the CDS Clearing Service, updating references to existing committees, and updating a reporting line. Such changes are intended to reflect current practices. ICC proposes to re-title the Treasury Operations Policy from ''ICE Clear Credit LLC Treasury Operations Policies & Procedures'' to ''ICE Clear Credit LLC CDS Clearing Service Treasury Operations Policies & Procedures'' to clarify its applicability to the CDS Clearing Service. Similarly, ICC proposes to amend Section I to specify that the Treasury Operations Policy describes the policies and procedures used to support the Treasury functions of the CDS Clearing Service.

ICC proposes to amend Section II to update a reporting line. The current language states that ICC's Treasury function is overseen by the Treasury Director who reports to the ICC Chief Operating Officer (''COO''). ICC proposes to remove reference to the COO, as the Treasury Director currently reports directly to the ICC President.

ICC proposes additional changes to reference existing committees. ICC proposes to amend Section X of the Treasury Operations Policy, which contains the Revision History and sets out the governance process applicable to the document's annual review. The proposed amendments reflect that the Treasury Operations Policy is subject to review by both the CDS Risk Committee and the Board Risk Committee at least annually. The amendments add an express reference to the Board Risk Committee and clarify that the existing reference to the ''Risk Committee'' refers to the ''CDS Risk Committee''. ICC also proposes changes to Appendix 1 of the Treasury Operations Policy to specify that the CDS Risk Committee and the Board Risk Committee will review proposed changes to the investment policy and make recommendations to the Board. These revisions similarly add an express reference to the Board Risk Committee and clarify that the existing reference to the ''Risk Committee'' refers to the ''CDS Risk Committee''. Such changes are intended to reflect existing practices in line with the existing responsibilities of such committees.[11]

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[12] and the regulations thereunder applicable to it, including the applicable standards under Rule 17ad–22.[13] In particular, Section 17A(b)(3)(F) of the Act[14] requires that the rule change be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, to assure the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and to protect investors and the public interest. The proposed changes to the MVF and the Treasury Operations Policy consist of clarification and clean-up changes to reflect current practices. Such changes include clarifying the applicability of these documents to the CDS Clearing Service, updating references to existing committees and a working group, and updating a reporting line. ICC believes that having policies and procedures that clearly and accurately document its model validation practices and Treasury operations are an important component to ICC's risk management and support ICC's ability to maintain adequate financial resources. The proposed rule change is therefore consistent with the prompt and accurate clearing and settlement of the contracts cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[15]

The amendments would also satisfy relevant requirements of Rule 17ad–22.[16] Rule 17ad–22(e)(2)(i) and (v)[17] require ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in relevant part, provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. The proposed amendments update references to existing committees and a working group, including to clearly and transparently set out the responsibilities of the CDS Risk Committee, Board Risk Committee, and Risk Advisory Working Group with respect to model validation and Treasury operations. The proposed revisions also update a reporting line. These governance arrangements continue to be clear and transparent, such that information relating to the assignment of responsibilities and the requisite involvement of existing committees and working groups is clearly documented. In ICC's view, the proposed changes are therefore consistent with the requirements of Rule 17ad–22(e)(2)(i) and (v).[18]

Rule 17ad–22(e)(4)(vii)[19] requires ICC to establish, implement, maintain, and

[10] The Board Risk Committee is tasked with assisting the Board in fulfilling its oversight responsibilities with respect to the risk management of ICC. *See* supra note 4. The Risk Advisory Working Group reviews matters that could materially affect the risk profile of ICC. *See* Securities Exchange Act Release No. 101382 (Oct. 18, 2024), 89 FR 84979 (Oct. 24, 2024) (File No. SR–ICC–2024–009).

[11] *See* supra note 4.

[12] 15 U.S.C. 78q–1.

[13] 17 CFR 240.17ad–22.

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] *Id.*

[16] 17 CFR 240.17ad–22.

[17] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[18] *Id.*

[19] 17 CFR 240.17ad–22(e)(4)(vii).

enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by performing a model validation for its credit risk models not less than annually or more frequently as may be contemplated by its risk management framework. Rule 17ad–22(e)(6)(vii) [20] requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things, requires a model validation for its margin system and related models to be performed not less than annually, or more frequently as may be contemplated by its risk management framework. Rule 17ad–22(e)(7)(vii) [21] requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by ICC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, among other things, performing a model validation of its liquidity risk models not less than annually or more frequently as may be contemplated by its risk management framework. As described above, the proposed amendments clarify the applicability of the MVF to the CDS Clearing Service and update references to existing committees and a working group. ICC believes that such changes continue to ensure that ICC receives independent and effective model validations and that ICC continues to perform model validations in accordance with applicable regulations. Therefore, ICC believes the proposed rule change is consistent with the requirements of Rule 17ad–22(e)(4)(vii), (e)(6)(vii) and (e)(7)(vii).[22]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed amendments will have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the proposed rule change consists of clarification or clean-up changes to the MVF and Treasury Operations Policy to reflect current practices. The changes will apply uniformly across all market participants. ICC does not believe these amendments would affect the costs of clearing or the ability of market participants to access clearing. Therefore, ICC does not believe the proposed rule change will impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and paragraph (f) of Rule 19b–4 [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2026–010 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–ICC–2026–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website *(http://www.sec.gov/rules/sro.shtml*). Copies of such filings will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clear-credit/regulation.* 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–ICC–2026–010 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

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[20] 17 CFR 240.17ad–22(e)(6)(vii).

[21] 17 CFR 240.17ad–22(e)(7)(vii).

[22] 17 CFR 240.17ad–22(e)(4)(vii), (e)(6)(vii) and (e)(7)(vii).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106283; File No. SR–NYSEAMER–2026–79]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule

September 4, 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, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE American LLC (''NYSE American'' 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

[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. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). 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 Arca, Inc., NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* Securities Exchange Act Release No. 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE MKT Equities Price List and the NYSE Amex Options Fee Schedule Related to Colocation Services To Increase LCN and IP Network Fees and Add a Description of Access To Trading and Execution Services and Connectivity to Included Data Products).

[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.

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–79 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–79. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–79 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18401 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0521]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 425

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given, that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 425 (17 CFR 230.425) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires the filing of certain prospectuses and communications under Rule 135 (17 CFR 230.135) and Rule 165 (17 CFR 230.165) in connection with business combination transactions. The purpose of the rule is to permit more oral and written communications with shareholders about tender offers, mergers and other business combination transactions on a more-timely basis, so long as the written communications are filed on the date of first use. We estimate that responses to Rule 425 are made by approximately 547 respondents approximately 7.46 times a year for a total of 4,083 responses annually. We estimate that it takes approximately 0.25 burden hours per response and $0 cost burden per response to provide the information required under Rule 425. As a result, we estimate that the total annual reporting burden for Rule 425 is 1,021 hours (0.25 hours per response×4,083 responses) and that the total annual cost burden is $0.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by November 9, 2026.

Dated: September 8, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18508 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106286; File No. SR–NYSE–2026–42]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule

September 4, 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, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend 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

New York Stock Exchange LLC (''NYSE'' 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

[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. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). 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 NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* Securities Exchange Act Release No. 79730 (January 4, 2017), 82 FR 3045 (January 10, 2017) (SR–NYSE–2016–92) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Exchange's Price List Related to Colocation Services to Increase LCN and IP Network Fees and Add a Description of Access to Trading and Execution Services and Connectivity to Included Data Products).

[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.

the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSE–2026–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2026–42 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18402 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106282; File No. SR–NYSEARCA–2026–92]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Connectivity Fee Schedule

September 4, 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, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to 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.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca, Inc. (''NYSE Arca'' 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

[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. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). 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 National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[5] *See* Securities Exchange Act Release No. 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEArca–2016–172) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule and the NYSE Arca Equities Schedule of Fees and Charges Related to Co-Location Services To Increase LCN and IP Network Fees and Add a Description of Access to Trading and Execution Services and Connectivity to Included Data Products).

[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.*

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.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

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 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:

[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.

Electronic Comment

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–92 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–92. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–92 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18400 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106280; File No. SR–24X–2026–22]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend 24X Rule 13.4(a) To Reflect Name Changes and the Operation of Texas Stock Exchange LLC

September 4, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

26, 2026, 24X National Exchange LLC (''24X'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 13.4(a) (Usage of Data Feeds) to reflect the operation of Texas Stock Exchange LLC (''Texas Stock Exchange'') as a registered national securities exchange, and to reflect the name changes of Nasdaq BX, Inc (''Nasdaq BX'') to Nasdaq Texas, LLC (''Nasdaq Texas'') and of NYSE Chicago, Inc. (''NYSE Chicago'') to NYSE Texas, Inc. (''NYSE Texas''). The proposed rule change is available on the Exchange's website at *https://equities.24exchange.com/regulation* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Exchange Rule 13.4(a) (Usage of Data Feeds) lists the specific data feeds the Exchange uses for the handling, execution and routing of orders, as well as for surveillance necessary to monitor compliance with applicable securities laws and Exchange Rules. The Exchange proposes to amend Rule 13.4(a) to reflect the operation of Texas Stock Exchange as a registered national securities exchange, and to reflect the name changes of Nasdaq BX to Nasdaq Texas and of NYSE Chicago to NYSE Texas.

On September 30, 2025, the Commission approved the Texas Stock Exchange's application to register as a national securities exchange.[3] As part of its transition to exchange status, Texas Stock Exchange launched the first stage of its trading operations on July 6, 2026.[4] The Exchange therefore proposes to update Rule 13.4(a) regarding the public disclosure of the sources of data that the Exchange utilizes to reflect the operation of Texas Stock Exchange as a registered national securities exchange beginning on July 6, 2026. Specifically, the Exchange proposes to amend Rule 13.4(a) to include Texas Stock Exchange by stating it will utilize Texas Stock Exchange market data from the Consolidated Quotation System (''CQS'')/UTP Quotation Data Feed (''UQDF'') for purposes of order handling, routing, execution, and related compliance processes.

In addition, both Nasdaq BX and NYSE Chicago filed with the Commission respective proposals to convert from a corporation organized under the laws of the state of Delaware to one organized under the laws of the state of Texas, and correspondingly changed their names from Nasdaq BX, Inc. to Nasdaq Texas, LLC and from and NYSE Chicago, Inc. to NYSE Texas, Inc.[5] Given that Nasdaq BX and NYSE Chicago are two of the market centers listed under Rule 13.4(a), the Exchange accordingly proposes conforming changes to its rules to replace the name of Nasdaq BX with Nasdaq Texas and to replace the name of NYSE Chicago with NYSE Texas.

The proposed changes are conforming and non-substantive in nature.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act[6] in general, and with Section 6(b)(5) of the Act[7] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest; and it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to update Rule 13.4(a) to include Texas Stock Exchange and to correctly reference Nasdaq Texas and NYSE Texas will ensure that the Rule correctly identities and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. In addition, the proposed amendment would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand, and comply with the Exchange's rules. The proposed amendment would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating Rule 13.4(a) to reflect a complete and accurate list of exchange names associated with a source of data utilized when performing order handling, execution, and routing, and for surveillance necessary to monitor compliance with applicable securities laws and Exchange rules.

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.

[3] *See* Securities Exchange Act Release No. 104146 (Sept. 30, 2025), 90 FR 47880 (Oct. 2, 2025).

[4] *See* Office of the Texas Governor, ''Governor Abbott Marks Successful Trading Launch Of Texas Stock Exchange'' (Jul. 31, 2026), available at: *https://gov.texas.gov/news/post/governor-abbott-marks-successful-trading-launch-of-texas-stock-exchange.*

[5] *See* Securities Exchange Act Release No. 104736 (Jan. 29, 2026), 91 FR 4980 (Feb. 3, 2026) (SR–BX–2026–05); Securities Exchange Act Release No. 102507 (Feb. 28, 2025), 90 FR 11445 (Mar. 6, 2025) (SR–NYSECHX–2025–01).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(6) thereunder.[9] A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–24X–2026–22 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–24X–2026–22. 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–24X–2026–22 and should be submitted on or before October 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18398 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 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.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 13105]

30-Day Notice of Proposed Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to October 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to *OCSRegs@state.gov* or CA/OCS/MSU at SA–17, 10th Floor, Washington, DC 20522–1710.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application Under the Hague Convention on the Civil Aspects of International Child Abduction.
- *OMB Control Number:* 1405–0076.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–3013, DS–3013–S, DS–3013–P.
- *Respondents:* Person seeking return of or access to child.
- *Estimated Number of Respondents:* 400.
- *Estimated Number of Responses:* 400.
- *Average Time per Response:* 60 minutes.
- *Total Estimated Burden Time:* 400 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application Under the Hague Convention on the Civil Aspects of

International Child Abduction (DS–3013, DS–3013–S and DS–3013–P) is used by parents or legal guardians who are requesting the State Department's assistance in seeking the return of, or access to, a child or children alleged to have been wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (the Convention). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or access. The State Department, as the U.S. Central Authority for the Convention, uses this information to establish, if possible, the applicants' claims under the Convention; to inform applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention. 22 U.S.C. 9008 is the legal authority that permits the Department to gather this information.

Methodology

The completed form DS–3013, DS–3013–S and DS–3013–P may be submitted to the Office of Children's Issues by mail, by fax, or electronically accessed through *www.travel.state.gov.*

Response to Public Comments

There was one non relevant public comment received in response to the 60 day notice. The commenter did not provide identity and simply attached a copy of the 60 day **Federal Register** notice.

John A. Ballard,

Managing Director, Overseas Citizens Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2026–18422 Filed 9–9–26; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 13118]

Specially Designated Global Terrorist Designation of Los Tiguerones

Acting under the authority of and in accordance with section 1(a)(ii)(A) of Executive Order 13224, as amended (''E.O. 13224'' or ''Order''), I hereby determine that the person known as Los Tiguerones (also known as Los Fenix and Los Igualitos) is a foreign person who has committed or has attempted to commit, poses a significant risk of committing, or has participated in training to commit acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of E.O. 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This determination shall be published in the **Federal Register**.

Dated: August 3, 2026.

Marco Rubio,

Secretary of State, U.S. Department of State.

[FR Doc. 2026–18443 Filed 9–9–26; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 13117]

Foreign Terrorist Organization Designation of Los Tiguerones

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter ''INA'') (8 U.S.C. 1189), exist with respect to: Los Tiguerones (also known as Los Fenix and Los Igualitos).

Therefore, I hereby designate the aforementioned organization and its respective aliases as a Foreign Terrorist Organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**. The designation goes into effect upon publication.

Dated: August 3, 2026.

Marco Rubio,

Secretary of State, U.S. Department of Sate.

[FR Doc. 2026–18442 Filed 9–9–26; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21155]

Flixbus SE, Flix North America Inc., and Greyhound Lines, Inc.—Control—Greyhound Central Bus LLC

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving and Authorizing Continuance in Control.

SUMMARY: On August 11, 2026, Flix SE, a noncarrier, Flix North America Inc. (Flix North America), a noncarrier, and Greyhound Lines, Inc. (Greyhound), an interstate passenger motor carrier (collectively, Applicants), filed an application seeking Board approval to continue in control of Greyhound Central Bus LLC (Central), a newly formed subsidiary of Applicants, upon Central becoming a federally regulated passenger motor carrier. The Board is tentatively approving and authorizing the proposed continuance in control. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by October 26, 2026. If any comments are filed, Applicants may file a reply November 9, 2026. If no opposing comments are filed by October 26, 2026, this notice shall be effective on October 27, 2026.

ADDRESSES: Comments, referring to Docket No. MCF 21155, may be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to Applicants' representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher at (202) 740–5507. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: According to the application, Flix SE is a privately held German holding company that owns and controls affiliates in several countries, including in the Americas

(Americas Affiliates).[1] (Appl. 2–4.) Flix North America and Greyhound are both Americas Affiliates. (*Id.* at 4–6.) The Americas Affiliates provide a brokerage network technology platform for intercity passenger motor carrier travel in the United States and Canada, through a network known as FlixBus. (*Id.* at 3.) They also provide nationwide passenger bus service that utilizes and operates the service network provided through Greyhound.[2] (*Id.* at 3–4.) The Americas Affiliates include the following passenger motor carriers: [3]

- Greyhound, a Delaware corporation headquartered in Dallas, Tex., that is directly owned and controlled by Flix North America [4] and provides nationwide scheduled intercity passenger bus service, including links to the National Railroad Passenger Corporation (Amtrak) intercity rail service, (*id.* at 5–6); [5]
- Valley, a Texas corporation headquartered in Brownsville, Tex., that is a wholly owned affiliate of Greyhound and operates scheduled intercity passenger bus service, particularly in South Texas and United States-Mexico transborder areas, (*id.* at 6);
- Americanos, a Delaware corporation headquartered in Albuquerque, N.M., that is a wholly owned affiliate of Greyhound and operates part of Greyhound's nationwide scheduled intercity passenger bus service, particularly in the United States-Mexico transborder areas of Texas and California, (*id.* at 6–7); and
- Greyhound Mexico, a Mexican corporation headquartered in Monterrey, Nuevo León, that is an affiliate of Greyhound with primary service areas in Mexico that range to the United States-Mexico transborder areas of Texas and California, (*id.* at 7).[6]

The remaining Americas Affiliates do not hold operating authority and are described as follows:

- Flix North America, a Delaware corporation headquartered in Dallas, Tex., that is a holding company and shared services provider for its subsidiaries, (*id.* at 4; *id.,* Ex. A–4);
- FBI, a Delaware corporation headquartered in Dallas, Tex., that provides the brokerage technology platform for FlixBus and directly owns and controls FlixBus Canada ULC (FlixBus Canada), (*id.* at 4);
- FlixBus Canada, an Alberta company headquartered in Calgary, Alta., Canada, (*id.* at 5);
- Safe Transport, a Delaware company headquartered in Dallas, Tex., that owns 0.1% of the equity stock of Greyhound Mexico, (*id.* at 8);
- Atlantic Greyhound Lines of Virginia, Inc., a Virginia corporation headquartered in Dallas, Tex., that is wholly owned by Greyhound, (*id.* at 8);
- BUS Risk Retention Group, Inc., a South Carolina corporation headquartered in Charleston, S.C., that is a captive risk retention entity that writes primary general and automotive liability insurance for affiliated entities of Flix North America, and whose equity ownership is as follows: 99% Greyhound, 0.25% Valley, 0.25% Americanos, and 0.25% LSX Delivery, LLC,[7] (*id.*);
- Pacific, a newly created Delaware company headquartered in Dallas, Tex., that is wholly owned and controlled by Greyhound. (*Id.*) Pacific has no current operations, (*id.*); however, Applicants obtained Board approval to control Pacific, *Flix SE—Control—Pac. Nw. Bus LLC,* MCF 21142 (STB served Mar. 13, 2026). Pacific intends to begin operations before the end of 2026, (Appl. 9);
- Greyhound Midwest Bus LLC (Midwest), a newly created Delaware company, headquartered in Dallas, Tex., that is wholly owned and controlled by Greyhound. (*Id.*) Midwest has no current operations, (*id.*); however, Applicants obtained Board approval to control Midwest, *Flix SE—Control—Greyhound Midwest Bus LLC,* MCF 21150 (STB served June 25, 2026). Midwest intends to begin operations before the end of 2026, (Appl. 9);
- FlixBus Peru S.A.C., a Peruvian corporation headquartered in Lima, Peru, that provides a brokerage network technology platform for intercity passenger motor carrier travel in Peru and is 99.9% owned by LATAM and 0.1% owned by Flix SE, (*id.* at 9–10);
- Flixbus Mexico S.A. de C.V., a Mexican corporation headquartered in Mexico City, Mexico, that provides a brokerage network technology platform for intercity passenger motor carrier travel in Mexico and is 99.998% owned by LATAM and 0.002% owned by Flix North America, (*id.* at 10); and
- LATAM, a Mexican corporation headquartered in Mexico City, Mexico, that provides various support services by contract for the Americas Affiliates, including accounting and human resources, and which is 99.998% owned by Flix SE and 0.002% owned by Flix North America, (*id.*).

In the application, Applicants seek Board approval to continue in control of Central upon its obtaining authority to operate as a regulated passenger motor carrier.[8] According to Applicants, Greyhound intends to move routes currently operated by Greyhound into the operations of Central, with the service anticipated to include the Nashville-Tallahassee, Dallas-Nashville, St. Louis-Nashville, Atlanta-Houston, Houston-Tallahassee, Houston-San Antonio, Houston-Laredo, San Antonio-Brownsville, Houston-Brownsville, Dallas-Denver, Dallas-Tulsa, Houston-Texarkana, Dallas-Laredo, Dallas-Brownsville, St. Louis-Baton Rouge, and St. Louis-Denver lines. (*Id.* at 12.) The application states that Greyhound, through Central, seeks to regionalize its operational structure in this region in order to operate more efficiently and

[1] Flix SE also owns and controls affiliates that provide mobility platforms of networks for intercity motor coach and rail passenger transportation in Europe, and affiliates that provide mobility platforms of networks for intercity motor coach passenger transportation in South America, India, Turkey, and Australia. (Appl. 2.) According to Applicants, none of these affiliated entities operate in the United States, and thus they do not have a U.S. Department of Transportation (USDOT) number, a USDOT safety rating, or a Federal Motor Carrier Safety Administration (FMCSA) docket number. (*Id.* at 3.)

[2] The application states that two Americas Affiliates, FlixBus Mexico S.A. de C.V. and FlixBus Peru S.A.C., also provide a brokerage network technology platform for intercity passenger motor carrier service in Mexico and Peru. (*Id.* at 4.) These affiliates are majority owned by a Mexican entity, Flix LATAM S.A. de C.V (LATAM). (*Id.*)

[3] Additional information about the Americas Affiliates that are passenger motor carriers, including USDOT numbers, motor carrier numbers, USDOT safety fitness ratings, approximate vehicle count, and approximate driver count, can be found in the application. (*See id.* at 5–10; *id.,* Exs. A–4, B.)

[4] The application explains that the prior applications in Docket Nos. MCF 21142 and MCF 21150 erroneously stated Greyhound is directly owned and controlled by FlixBus Inc. (FBI). (*Id.* at 5 n.3.)

[5] The application states that Greyhound and FlixBus together serve approximately 1,600 destinations in North America and annually transport approximately 12 million passengers. (*Id.* at 5–6.) According to Applicants, Greyhound essentially operates as a single transportation system with its affiliates, Valley Transit Co., Inc. (Valley), Americanos U.S.A., L.L.C. (Americanos), and Greyhound Lines Mexico, S. de R.L. de C.V. (Greyhound Mexico). (*Id.* at 6.)

[6] Greyhound Mexico is an interstate passenger motor carrier in Mexico, but it does not have authority to operate as a passenger motor carrier in the United States. (*Id.* at 7.) Accordingly, Greyhound Mexico does not have an FMCSA docket number or USDOT safety fitness rating. (*Id.*) According to the application, Greyhound Mexico is indirectly wholly owned and controlled by Greyhound, which owns 99.9% of its Greyhound Mexico equity stock and indirectly owns the remaining 0.1% equity stock through its 100% ownership of Safe Transport, LLC (Safe Transport). (*Id.*)

[7] LSX Delivery, L.L.C., is a Delaware limited liability company previously described in Applicant's earlier application regarding the control of Pacific Northwest Bus, LLC (Pacific), in MCF 21142, and has since been dissolved. (*Id.* at 4 n.2.)

[8] Notably, FMCSA authority is required to operate as an interstate motor passenger carrier and is not granted by this decision. *See* 49 CFR pt. 365.

deliver stronger results for customers. (*Id.*)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds is consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. Here, Applicants have submitted the information required by 49 CFR 1182.2, including (1) information to demonstrate that Applicants' continuance in control of Central upon it becoming a regulated passenger motor carrier is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7); and (2) a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded $2 million during the 12-month period ending not more than six months before the date of the agreement of the parties, *see* 49 CFR 1182.2(a)(5).

Applicants submit evidence that granting the application would be consistent with the public interest. (Appl. 12–14.) According to Applicants, Applicants and Central have identified service areas that will be operated by Central as a regional affiliate of Greyhound, instead of as presently operated by Greyhound. (*Id.* at 12.) Accordingly, Applicants anticipate that services available to the public will not change, except for the expected improvements in services to be gained through the efficiencies of a regionalized operational structure. (*Id.* at 12–13.)

Applicants state that this transaction may result in additional fixed costs to the extent that Central borrows funds to finance a portion of equipment acquisition over time. (*Id.* at 13.) However, Applicants assert that any such increase will not have a material impact on the transaction or Central's implementation of services. (*Id.*) Applicants further state that the proposed transaction will not adversely affect Central's employees, as Central is a newly formed entity that has no current employees. (*Id.*) Applicants state that the contemplated action and resulting assumption of scheduled intercity passenger service will continue to require the same jobs for drivers, mechanics, and other support personnel. (*Id.*) Applicants therefore conclude that employee interests, although future in nature, will be served to the greatest degree possible. (*Id.*)

Based on their representations, the Board finds that Applicants' continuance in control of Central is consistent with the public interest. The application will be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov.*

It is ordered:

1. Applicants' continuance in control of Central upon it becoming a federally regulated passenger motor carrier is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective on October 27, 2026, unless opposing comments are filed by October 26, 2026. If any comments are filed, Applicants may file a reply by November 9, 2026.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: September 1, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster, and Schultz.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2026–18420 Filed 9–9–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–5578]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: International Role of the Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 7, 2026. The collection involves questioning, via email, telephone or other means, foreign entities to determine what collaborative opportunities exist. The information to be collected is necessary to accomplish the statutory requirements of Title 49 United States Code (49 U.S.C.) § 40104 to ''provide technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.'' The information collection will also inform the FAA's International Strategy, which is the agency's mechanism for fulfilling its international role. The information collection directly supports the International Strategy by enabling the FAA to adapt and strengthen its longstanding international presence in response to emerging opportunities and risks facing the U.S. aerospace industry from abroad.

DATES: Written comments should be submitted by October 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nicholas DeLotell by email at: *9-APL-API-Resources@faa.gov;* phone: (202) 710–1163.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0818.

Title: Agency Information Collection Activities: Requests for Comments;

Clearance of a Renewed Approval of Information Collection: International Role of the Federal Aviation Administration

Form Numbers: FAA Form 1240–6.

Type of Review: Clearance of a renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 7, 2026 (91 FR 41729). 49 U.S.C. 40104 requires ''the Administrator to promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by engaging with foreign counterparts, in the International Civil Aviation Organization (ICAO) and its subsidiary organizations, and other international organizations and fora, and with the private sector.'' The statute further requires the Administrator to engage bilaterally and multilaterally on an ongoing basis to bolster international collaboration and to harmonize international aviation safety requirements, and to expand the technical assistance provided by the FAA in support of enhancing international aviation safety.

This information collection specifically facilitates work and training arrangements with foreign counterparts, ICAO and its subsidiary organizations, other international organizations and fora, and with private entities around the world; it identifies opportunities and unexpected changes; and it ultimately contributes to the fulfillment of the FAA's mission to provide the safest, most efficient aerospace system in the world.

Foreign affairs specialists assigned to the FAA Office of International Affairs will collect information from respondents (foreign counterparts, ICAO and its subsidiary organizations, other international organizations and fora, or from private foreign entities) verbally, in-person or telephonically, or in writing via letter, email, or other electronic means.

Respondents: Information is collected from approximately 195 affected entities. Respondents are representatives from the FAA's counterpart Civil Aviation Authorities and other aviation-related international organizations.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 0.5 hours (rounded up from 0.4103).

Estimated Total Annual Burden: 80 hours.

Issued in Washington, DC.

David S. Burkholder,

Acting Executive Director, Office of International Affairs.

[FR Doc. 2026–18474 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–0991]

Agency Information Collection Activities: Request for Comments for a New Information Collection; Correction

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice; correction.

SUMMARY: The FHWA is correcting the notice, ''Agency Information Collection Activities: Request for Comments for a New Information Collection,'' published in the **Federal Register** on September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Melissa Maiefski, *melissa.maiefski@dot.gov,* (402) 326–7960, Office of Competitive Grants and Workforce Programs, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: FHWA is correcting the notice published in the **Federal Register** on September 4, 2026, at 91 FR 56941 (FR Number 2026–0091).

Issued On: September 8, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–18485 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0045]

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 seven 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 13, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0045 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0045) 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–2026–0045), 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-2026-0045.* 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–2026–0045) 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 seven 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

Teresa Collingwood

Teresa Collingwood is a 55-year-old regular driver's license holder in Indiana. She has a history of epilepsy and has been seizure free since April 2022. She takes an anti-seizure medication with the dosage and frequency remaining the same since April 2022. Her physician states that they are supportive of her receiving an exemption.

Candice Evans

Candice Evans is a 44-year-old class A commercial driver license (CDL) holder

[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.*

in Tennessee. She has a history of epilepsy and has been seizure free since April 9, 2022. She takes an anti-seizure medication with the dosage and frequency remaining the same since April 9, 2024. Her physician states that they are supportive of her receiving an exemption.

Kristopher Ficks

Kristopher Ficks is a 38-year-old class A CDL holder in Pennsylvania. He has a history of epilepsy and has been seizure free since April 26, 2024. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 26, 2024. His physician states that they are supportive of him receiving an exemption.

Dwight MacVane, Jr.

Dwight MacVane, Jr. is a 60-year-old class A CDL holder in Maine. He has a history of focal epilepsy and has been seizure free since October 17, 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 29, 2020. His physician states that they are supportive of him receiving an exemption.

Parker Ormsby

Parker Ormsby is a 23-year-old class O license holder in Michigan. He has a history of epilepsy and has been seizure free since December 2018. He discontinued all anti-seizure medication in Spring of 2023. His physician states that they are supportive of him receiving an exemption.

Cody Robertson

Cody Robertson is a 44-year-old class A3 CDL holder in South Dakota. He has a history of epilepsy and has been seizure free since November 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 2025. His physician states that they are supportive of him receiving an exemption.

Enrique Rosales, IV

Enrique Rosales, IV is a 38-year-old class D license holder in New Mexico. He has a history of epilepsy and has been seizure free since November 2019. He takes an anti-seizure medication with the dosage and frequency remaining the same since November 2019. 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. 2026–18436 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0109; FMCSA–2022–0044; FMCSA–2024–0019; FMCSA–2024–0022; FMCSA–2024–0024]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for nine 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 September 16, 2026. The exemptions expire on September 16, 2028. Comments must be received on or before October 13, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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 of 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 from 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–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024), 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 *www.regulations.gov,* insert the docket number (FMCSA–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first 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–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024) 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.

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 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.

The nine individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the nine applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The nine 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

[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.*

driving record from their State Driver 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.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of September and are discussed below.

As of September 16, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Dean Burkholder (PA)
David P. Crowe (VA)
Edward Eskridge (IN)
Bradley Fullmer (UT)
Jonathan Heaps (UT)
Dale Koehler (CO)
Justin McGinnis (KS)
Michael Modica, III (FL)
Jessica Schmit (PA)

The drivers were included in docket numbers FMCSA–2013–0109, FMCSA–2022–0044, FMCSA–2024–0019, FMCSA–2024–0022, or FMCSA–2024–0024. Their exemptions are applicable as of September 16, 2026, and will expire on September 16, 2028.

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 or change in treatment regimen, 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 their 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 nine exemption renewal applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). 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; (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. 2026–18445 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1454]

Request for Comments on the Renewal of a Previously Approved Information Collection: Application To Participate in the Voluntary Tanker Agreement

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: MARAD invites public comments on its intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0505 (Application to Participate in the Voluntary Tanker Agreement) is used to determine capacity commitments by participants in the event the Agreement is activated to meet the essential need for the transportation of petroleum and petroleum products in bulk by sea. Minor changes are being made to the form for this collection to improve clarity and ensure consistency with program operations. MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before November 9, 2026.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2026–1454 through one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information

collection; and (d) ways that the burden could be lessened without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Richard Wanerman, 202–366–2306, Office of Sealift Support, Maritime Administration, 1200 New Jersey Avenue SE, MAR–620.2, Mail Stop 1, Washington, DC 20590, *Richard.Wanerman@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application to Participate in the Voluntary Tanker Agreement.

OMB Control Number: 2133–0505.

Type of Request: Extension with change of a currently approved collection.

Abstract: The Voluntary Tanker Agreement provides the United States with guaranteed, assured access to product tankers for the transportation of fuels for use by the armed forces of the United States in times of conflict or national emergency. MARAD personnel will use the collected information to evaluate tanker capacity and develop plans for the use of this capability to meet national emergency requirements and establish overall contingency plans, in coordination with United States Transportation Command. The contingency plans and associated tanker data are considered classified national security information and are thus unavailable to the general public.

Respondents: Owners and operators of United States-registered product tankers.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 15.

Estimated Number of Responses: 15.

Estimated Hours per Response: 1.

Annual Estimated Total Annual Burden Hours: 15.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–18438 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1354]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Uniform Tire Quality Grading Standard

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

ACTION: Notice and request for comments on a request for reinstatement with modification of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This document describes a collection of information for which NHTSA intends to seek OMB approval for reinstatement, with modification, of the Uniform Tire Quality Grading Standards (UTQGS) requirements under 49 CFR 575.104. *A* **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 8, 2026 (91 FR 17828). No comments were received.

DATES: Comments must be submitted on or before October 13, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Mr. Walter Lysenko (*walter.lysenko@dot.gov*). Address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Mr. Lysenko's telephone number is (202) 366–1810. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from 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. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

Title: 49 CFR part 575.104; Uniform Tire Quality Grading Standard (UTQGS).

OMB Control Number: 2127–0519.

Form Number(s): N/A.

Type of Request: Request for reinstatement with modification of a previously approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from approval date.

Summary of the Collection of Information: Under 49 U.S.C. 30123(b) and 49 CFR 575.104, tire manufacturers and tire brand name owners are required to grade passenger car tire lines for treadwear, traction, and temperature resistance and to provide this information to consumers and to NHTSA. Respondents must:

1. Grade tires for treadwear, traction, and temperature resistance;

2. Mold the assigned grades into the tire sidewall;

3. Affix a paper tread label to new replacement tires that includes the grades and an explanation of the grading system;

4. Provide prospective purchasers, at each point of sale, access to grading information for each tire offered for sale;

5. Ensure that vehicle manufacturers include the applicable grade information in the owner's manual for vehicles equipped with graded tires; and

6. Submit grading information to NHTSA for public compilation and dissemination.

NHTSA compiles grading information for all manufacturers' tire lines and makes the information available to the public by publication on NHTSA's website. The information collection ensures that consumers can readily compare tire quality across brands and tire lines and supports NHTSA's program administration and enforcement activities.

Description of the Need for the Information and Proposed Use: This collection supports NHTSA's work to ensure consumers receive clear, comparable information about tire performance. Mandatory requirements such as sidewall labeling, tread labels, brochures, and periodic reporting are

essential for ensuring that consumers have access to the information needed to make well-informed tire purchase decisions. NHTSA uses the submitted information to maintain public databases, ensure accuracy of consumer disclosures, and perform compliance and enforcement activities.

60-Day Notice: A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on April 8, 2026 (91 FR 17828). No comments were received.

Affected Public: Passenger car tire manufacturers and brand name owners offering passenger car tires for sale in the United States.

Estimated Number of Respondents: Approximately 160 tire brand names are subject to UTQGS requirements. However, due to industry consolidation, manufacturers typically submit required information on behalf of multiple brand names. NHTSA estimates that approximately 45 tire manufacturers serve as the actual respondents submitting information annually.

Frequency: Intermittent. Sidewall molding and paper labeling: Continuous/ongoing. Brochure preparation/updating: Annual. Annual Reporting to NHTSA: Annual, with electronic submissions accepted.

Estimated Number of Responses: 45.

Estimated Total Annual Burden Hours: 69,888 hours.

Burden activity	Annual hours
Affixing paper tread labels to tires	52,778
Engraving tire molds (sidewall grading)	10,000
Preparing or updating brochures	6,750
Compiling & Submitting information to NHTSA	360
Total	69,888

Estimated Total Annual Burden Cost: Approximately $35.1 million.

NHTSA estimates total annual non-labor respondent costs of approximately $35.1 million, primarily attributable to testing, printing of paper tread labels, and printing of consumer information brochures. The largest portion of the cost burden imposed by the UTQGS program arises from the testing necessary to determine the grades that should be assigned to the tires. The cost burden is broken into its components as follows.

ANNUAL NON-LABOR COST COMPONENTS

Cost component	Annual cost
Treadwear testing	$2,520,000
Traction testing	157,500
Temperature testing	778,610
Printing paper tread labels	28,500,000
Printing brochures	3,163,500
Total	35,120,000

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Shashi Kuppa,

Acting Associate Administrator, Rulemaking.

[FR Doc. 2026–18467 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–0776; PD–41(R)]

Hazardous Materials: California's Reusability Mandate for Propane Cylinders

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of administrative determination of preemption.

SUMMARY: The Federal Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 5101 *et seq.,* preempts California's reusability mandate for propane cylinders in California Public Resources Code, Sections 42395–42395.2. The reusability mandate imposes localized design and manufacturing requirements on a container that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material—specifically, propane—that are not substantively the same as the requirements in the HMR. The reusability mandate is also an obstacle to accomplishing and carrying out the HMTA. By banning a federally authorized, safety-compliant packaging based on localized waste management preferences, California creates a fragmented regulatory patchwork that undermines the primacy and uniformity of the Federal transportation safety framework.

FOR FURTHER INFORMATION CONTACT: Samantha Vrscak, 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; Facsimile No. 202–366–7041.

SUPPLEMENTARY INFORMATION:

I. Background

Worthington Enterprises, Inc. (Worthington) applied for a determination as to whether the HMTA, 49 U.S.C. 5101 *et seq.,* and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–80, preempts a new reusability mandate for propane cylinders in California Public Resources Code, Cal. Pub. Res. Code §§ 42395–42395.2. The reusability mandate generally provides that, on or after January 1, 2028, all propane cylinders sold or offered for sale in California must be reusable or refillable. The reusability mandate does not apply to cylinders customarily designed for use in the construction industry with a capacity of less than 15 ounces, to cylinders with an overall product height-to-width ratio of 3.55 to 1 or greater, or to cylinders offered to a State or local government agency for purchase pursuant to the U.S. General Services Administration's State and Local Disaster Purchasing Program or its successor. *See* Cal. Pub. Res. Code §§ 42395–42395.1.

Worthington designs and manufactures certain non-reusable and non-refillable propane cylinders that are subject to the California reusability mandate. These cylinders are also subject to the requirements in the HMR for specification 39 non-reusable (non-refillable) cylinders (DOT–39 cylinders).[1] A cylinder is a type of

[1] Under the HMR, a DOT–39 cylinder is a non-reusable and non-refillable seamless, welded, or brazed cylinder made of steel or aluminum with size limitations dependent on the service pressure

''packaging'' or ''container'' regulated under the HMR.[2] Section 178.65 of the HMR prescribes detailed design and manufacturing requirements for the non-reusable and non-refillable DOT–39 cylinders that are the subject of this preemption determination. DOT–39 cylinders are also authorized packagings that can be used to transport propane, a Division 2.1 flammable gas, in commerce.[3]

Citing the Federal preemption provision in the HMTA, Worthington filed an application on August 18, 2025 asking PHMSA to issue an administrative determination that the California reusability mandate is unlawful for two reasons: (1) because it is not substantively the same as Federal regulations governing the design, manufacture, and maintenance of cylinders used in transportation of hazardous materials; and (2) because it is an obstacle to the Federal hazardous material transportation legal and regulatory regime.

PHMSA published notice of Worthington's application in the **Federal Register** on January 9, 2026 (Docket No. PHMSA–2025–0776) and invited interested parties to submit comments.[4] The initial comment period closed on February 9, 2026, followed by a rebuttal comment period that remained open until March 10, 2026. PHMSA received a total of seventeen comments, including a Congressional letter, in response to the notice. These comments are summarized in Part IV below.

II. Preemption Under Federal Hazardous Material Transportation Law

The HMTA contains an express preemption provision in 49 U.S.C. 5125. That provision is intended to ensure uniformity in the regulation of hazardous materials transportation.[5] Section 5125(a) authorizes two forms of preemption that have long been recognized under Federal law. The first is commonly known as dual compliance preemption. The second is commonly known as obstacle preemption.[6] In addition, Section 5125(b)(1) preempts State laws about certain subjects that are not ''substantively the same'' as Federal law.

Dual Compliance and Obstacle Preemption

Section 5125(a) provides that 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 the U.S Department of Transportation (Department or DOT) grants a waiver of preemption under Section 5125(e)—if:

(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security is not possible; or

(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.

Covered Subject Preemption

Section 5125(b)(1) further 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:

(A) the designation, description, and classification of hazardous material.

(B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.

(D) 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.

(E) the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.[7]

Administrative Preemption Determinations

The HMTA allows any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or Indian tribe to apply to the Secretary of Transportation for an administrative preemption determination.[8] The Secretary of Transportation has delegated his authority to make such determinations to PHMSA, except with respect to matters concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration).[9] Alternatively, a person may seek a judicial decision on preemption from a court of competent jurisdiction.[10] However, once an application is filed with PHMSA, an applicant may not seek judicial relief with respect to the same, or substantially the same issue, until the agency has taken final action on the application or 180 days after filing the application.[11]

Section 5125(d)(1) requires the Secretary to publish notice of an application for a preemption determination in the **Federal Register**. Following the receipt and consideration

and requirements for manufacturing, cylinder wall thickness, openings and attachments on the cylinder head, and pressure and flattening testing. *See* 49 CFR 178.65. Subsection 178.65(i) requires specific markings on the cylinder, such as the specification number, service and test pressure, the registration number of the manufacturer, date of manufacture, ''NRC'' for ''non-reusable container,'' and the statement, ''Federal law forbids transportation if refilled'' with a statement of the maximum civil and criminal penalties applicable at the date of manufacture.

[2] *See* 49 U.S.C. 5103(b)(1)(A)(iii); 49 CFR 171.8 (''packaging'' is defined as ''a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of [the HMR]'' and ''package'' is defined as ''a packaging plus its contents''); 49 CFR 178.35 (general requirements for DOT specification cylinders); 49 CFR 178.65 (requirements for DOT–39 non-reusable (non-refillable) cylinders).

[3] *See* 49 CFR 172.101 (Hazardous Materials Table); 49 CFR 173.301(a)(1) (general requirements for shipment of compressed gases and other hazardous materials in cylinders; includes DOT–39 cylinders as an authorized packaging for compressed gases); and § 173.304 (requirements for filling of cylinders with liquefied compressed gases).

[4] 91 FR 1029 (Jan. 9, 2026).

[5] S. Rep. No. 1192, 93rd Cong. 2nd Sess. 37 (1974) (stating that 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''); *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991) (characterizing uniformity as the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials).

[6] *See Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield Co.,* 435 U.S. 151 (1978).

[7] To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.'' 49 CFR 107.202(d).

[8] 49 U.S.C. 5125(d)(1).

[9] 49 CFR 1.97(b).

[10] 49 U.S.C. 5125(d)(3).

[11] 49 U.S.C. 5125(d)(1); 49 CFR 107.203(d).

of written comments, PHMSA publishes its determination in the **Federal Register**.[12]

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132 (E.O. 13132) and the President's May 20, 2009 Memorandum on Preemption.[13] Section 4(a) of E.O. 13132 authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. Here, Section 5125 contains express preemption provisions. The President's May 20, 2009 Memorandum sets forth the policy ''that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.'' [14]

III. The California Reusability Mandate for Propane Cylinders

As enacted by Section 42395.1 of the California Public Resources Code, ''[o]n or after January 1, 2028, only reusable or refillable propane cylinders shall be sold or offered for sale in [California].'' [15] Section 42395(a) of the California Public Resources Code provides that:

> For the purposes of this chapter, ''reusable'' or ''refillable'' or ''reuse'' or ''refill,'' in regard to propane cylinders means a cylinder that satisfies all of the following:
>
> (1) Explicitly designed and marketed to be utilized multiple times for the same product.
>
> (2) Designed for durability to function properly in its original condition for multiple uses.
>
> (3) Supported by adequate infrastructure to ensure the cylinders can be conveniently and safety reused for multiple cycles.

Section 42395(b) further states that ''[f]or the purposes of this chapter, 'propane cylinder' does not include any of the following:

> (1) Cylinders that are customarily designed for use in the construction industry and when full, contain less than 15 ounces of fuel, whether filled solely with propane or not.
>
> (2) Cylinders that have an overall product height-to-width of 3.55 to 1 or greater.
>
> (3) Cylinders that are offered to a State or local government purchasing agency pursuant to the United States General Services Administration's State and Local Disaster Purchasing Program, or a successor program.

The State Department of Resources Recycling and Recovery is required to ''adopt regulations to implement [the law] with an effective date of January 1, 2028.'' [16]

IV. Public Comments

PHMSA received a total of seventeen comments responding to Worthington's application for an administrative preemption determination on the California reusability mandate for propane cylinders. Nine commenters expressed their support for the application, and eight commenters expressed their opposition. Additional information about the comments is provided below.

A. Comments Supporting Preemption

Goal and Purpose of HMTA

Nearly all commenters in favor of preemption argue that California's reusability mandate for propane cylinders obstructs the purpose of the HMTA. The National Propane Gas Association (NPGA), a national trade organization representing the propane industry, states that the California reusability mandate would disrupt national uniformity and undermine safety.[17] Noting that the purpose of the HMTA is to create one set of rules for transportation, safety, equipment, and operations, NPGA observes that differing State requirements for propane cylinders undermine that purpose by creating a patchwork of manufacturing and safety standards.[18] NPGA further states that the refillable propane cylinders required by the California reusability mandate do not yet have an established safety and operational record comparable to DOT–39 cylinders.[19]

Cleveland-Cliffs Inc., a producer of flat-rolled steel in North America and a supplier of steel used by U.S. manufacturers of non-reusable propane cylinders, argues that the California reusability mandate undermines national standards for the use and regulation of propane cylinders that have been established through industry guidance and practice.[20] Cleveland-Cliffs notes that the HMR explicitly allow non-refillable propane cylinders, and echoes NPGA's claim that the California reusability mandate requires the use of refillable propane cylinders that do not have the same established safety and operations record as DOT–39 cylinders.[21]

A group of nonprofit organizations dedicated to wildlife conservation (collectively known as Wildlife Conservation Organizations) argue that DOT–39 propane cylinders are the national standard ''because they are safe, convenient, and affordable,'' particularly for outdoor recreationists.[22] The Wildlife Conservation Organizations further state that imposing a State-specific design requirement ''disrupts national uniformity, increases safety hazard potential, and places burdens on commerce,'' frustrating the purpose of a uniform regulatory framework as intended by the HMTA.[23] The Wildlife Conservation Organizations note that ''[m]any of their members recreate in multiple states,'' and that the requirements in the California reusability mandate ''w[ould] create confusion and practical compliance challenges'' for the rest of the country.[24]

The Attorneys General of Kansas and Ohio argue that ''[t]he [HMTA] ensures safe packaging and transportation of hazardous materials.'' [25] The State Attorneys General emphasize that ''uniformity and certainty matter'' because ''packaging, transporting, and using compressed gas is dangerous.'' [26] They argue that the California reusability mandate is an obstacle to promoting the HMTA's objectives of promoting safety and minimizing burdens on commerce by prohibiting ''the sale of safe, *tried-and-true* propane cylinders.'' [27] The State Attorneys General assert that reusable or refillable cylinders can be dangerous for untrained consumers who may inadvertently overfill the cylinders, use worn or damaged cylinders, cause leaks, or transport cylinders unsafely.[28] They argue that it is important for consumers, including those from out of State, to ''have the opportunity to buy safe and reliable single-use cylinder[s].'' [29] They also argue manufacturers will be forced

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[12] 49 CFR 107.209(c).

[13] E.O. 13132, *Federalism,* 64 FR 43255 (Aug. 10, 1999); *Memorandum on Preemption,* 74 FR 24693 (May 22, 2009).

[14] 74 FR at 24693.

[15] Cal. Pub. Res. Code § 42395.1.

[16] Cal. Pub. Res. Code § 42395.2. *See also* 2024 Cal. Legis. Serv. Ch. 466 (S.B. 1280).

[17] National Propane Gas Association (NPGA), Comment, Docket ID PHMSA–2025–0776–0004 (Feb. 6, 2026).

[18] *Id.* at 2.

[19] *Id.* at 1.

[20] Cleveland-Cliffs Inc., Comment, Docket ID PHMSA–2025–0776–0009 (Feb. 6, 2026).

[21] *See id.*

[22] Wildlife Conservation Organizations, Comment, Docket ID PHMSA–2025–0776–0001 at 1 (Feb. 9, 2026).

[23] *Id.* at 2.

[24] *Id.*

[25] Attorneys General of Kansas & Ohio, Comment, Docket ID PHMSA–2025–0776–0008 at 1 (Feb. 6, 2026).

[26] *Id.*

[27] *Id.* at 2.

[28] *Id.*

[29] *Id.*

to ''shift significant resources'' to continue operating in the market, which will drive up costs and cause further economic harm.[30] The International Association of Machinists and Aerospace Workers Union (IAM), District 10, also emphasize that the California reusability mandate presents an obstacle to maintaining compliance with the national hazmat transportation regulatory scheme.[31] Requiring a unique product to be used in California places an unreasonable burden on commerce.

Not Substantively the Same

The Attorneys General of Kansas and Ohio argue that the California reusability mandate must be preempted because it is about the designing and manufacturing of propane cylinders and requires that the cylinders at issue be designed and manufactured to California's specifications, *i.e.,* the cylinders must be reusable or refillable.[32] By having its own design and manufacturing requirements, the California reusability mandate is in conflict with 49 U.S.C. 5125(b)(1)(E). IAM, District 10, also claims the California reusability mandate is preempted as pertaining to a covered subject area, *i.e.,* the designing, manufacturing, and fabricating of a container used to transport hazardous materials, and requiring a different cylinder design than one authorized by the HMTA to be sold or offered for sale in California.[33] The Wildlife Conservation Organizations similarly argue that California is imposing a State-specific design mandate that is not substantially the same as Federal requirements.[34] They note that California is mandating a different product design than what is otherwise allowed in every other State.[35]

Economic Burdens

Several commenters argue that the California reusability mandate would impose unreasonable economic burdens on commerce. In a joint comment, the State Attorneys General of Kansas and Ohio note that single-use cylinders have been manufactured in Kansas for decades and that Ohio-based Worthington Enterprises is the only American manufacturer of DOT–39 cylinders.[36] They argue that the California reusability mandate threatens jobs, impedes commerce, creates confusion for manufacturers and for retailers, and undermines affordability and safety for all consumers.[37] Relatedly, NPGA claims that compliance with a patchwork of different State requirements would be costly and confusing for propane companies operating interstate.[38]

Cleveland-Cliffs notes that the current market for non-reusable propane cylinders is served entirely by domestically produced steel, whereas refillable cylinders are currently made overseas with foreign materials, raising both economic and safety concerns.[39] IAM, District 10, a union representing workers in a manufacturing facility where non-refillable propane cylinders are produced, notes that 255 workers are employed at that facility.[40] They argue that if California's ban on nonreusable cylinders goes into effect, it will reduce consumer demand for those products and likely reduce the need for those jobs.[41] In addition, the Wildlife Conservation Organizations argue that from a consumer standpoint, reusable or refillable cylinder alternatives can impose significantly higher costs and may require users to transport larger tanks or travel long distances to locate a refill retailer, placing significant burdens on backcountry and remote-use activities.[42]

B. Comments Opposing Preemption

Regulates Waste Management, Not Hazmat Transportation

Most of the comments opposing preemption emphasize that the California reusability mandate relates to waste management and public safety, matters falling within the reach of the State's traditional police powers. Solid Waste Association of North America (SWANA), an advocacy organization focused on the advancement of solid waste management to resource management, argues that the reusability requirement advances waste management worker and facility safety and reduces the amount of waste and disposal costs associated with single-use cylinders.[43] SWANA elaborates that improperly discarded propane cylinders are a safety risk.[44] Single-use cylinders that enter collection vehicles or processing facilities ''can retain residual gas or pressure and may explode when compacted, crushed, or otherwise handled during normal waste management operations.'' [45] SWANA asserts that such incidents endanger workers and increase costs on local governments and waste management facility operators through insurance, maintenance, and repairs.[46] SWANA cites a September 23, 2024 press release from California State Senator John Laird, author of California Senate Bill 1280 (SB 1280), from which Cal. Pub. Res. Code §§ 42395–42395.2 is codified.[47] In the press release, Senator Laird explained the law was enacted for a ''cleaner and safer California,'' due to the burden of improperly disposed cylinders on park systems, beaches, waste management facilities, and local governments.[48]

The California Product Stewardship Council (CPSC) and Rural County Representatives of California (RCRC), in a joint comment, argue that the California reusability mandate is a waste management law that falls within the State's traditional police powers.[49] Citing to the President's May 20, 2009 Memorandum on Preemption and E.O. No. 13132, CPSC and RCRC argue that PHMSA should limit the impact its preemption determination would have on California's exercise of its police powers to address issues outside the scope of the HMTA, *i.e.,* waste management, product stewardship, and environmental protection.[50] Echoing arguments made by SWANA, CPSC and RCRC state that the California reusability mandate addresses waste management challenges associated with single-use propane cylinders, primarily the disposal of single-use cylinders that are landfilled or illegally dumped and rarely properly recycled due to residual gas and infrastructure gaps, and that are known to cause fires, explosions, and injuries at waste handling facilities.[51]

[30] *Id.*

[31] International Association of Machinists and Aerospace Workers (IAM), District 10, Comment, Docket ID PHMSA–2025–0776–0010 at 1 (Jan. 21, 2026).

[32] Attorneys General of Kansas & Ohio, Comment, Docket ID PHMSA–2025–0776–0008 at 2.

[33] IAM, District 10, Comment, Docket ID PHMSA–2025–0776–0010 at 1.

[34] Wildlife Conservation Organizations, Comment, Docket ID PHMSA–2025–0776–0001 at 1.

[35] *Id.*

[36] Attorneys General of Kansas & Ohio, Comment, Docket ID PHMSA–2025–0776–0008 at 1.

[37] *Id.*

[38] NPGA, Comment, Docket ID PHMSA–2025–0776–0004 at 2.

[39] Cleveland-Cliffs Inc., Comment, Docket ID PHMSA–2025–0776–0009.

[40] IAM, District 10, Comment, Docket ID PHMSA–2025–0776–0010 at 1.

[41] *Id.*

[42] Wildlife Conservation Organizations, Comment, Docket ID PHMSA–2025–0776–0001 at 1.

[43] Solid Waste Association of North America (SWANA), Comment, Docket ID PHMSA–2025–0776–0005 at 2 (Feb. 9, 2026).

[44] *Id.*

[45] *Id.* at 3.

[46] *Id.*

[47] *Id.* at 2.

[48] *Id.*

[49] Cal. Prod. Stewardship Council (CPSC) & Rural Cnty. Representatives of Cal. (RCRC), Comment, Docket ID PHMSA–2025–0776–0012 at 1 (Feb. 6, 2026).

[50] *Id.* at 1–2.

[51] *Id.* at 2.

They argue that California enacted the reusability mandate after legislative findings showing the risks to sanitation workers and firefighters, the ineffectiveness of voluntary recycling programs, and the lack of Federal action addressing the harms associated with improper disposal of non-reusable propane cylinders.[52] CPSC and RCRC urge PHMSA to consider California's legitimate interests in addressing a waste management problem and avoid a preemption determination undermining California's ''legitimate exercise of its police powers.'' [53]

Does Not Present an Obstacle to the HMTA

The majority of commenters opposing preemption argue that the California reusability mandate does not present an obstacle to carrying out the HMTA. SWANA argues California's reusability requirement is not an obstacle so long as the refillable cylinders meet DOT standards.[54] SWANA notes that there is precedent for the use of refillable propane cylinders, such as 20-pound refillable cylinders used for barbeques.[55] SWANA also argues that ''other states have laws that support refillable cylinders, such as Connecticut's [Extended Producer Responsibility] law for gas cylinders (Public Act No. 24–133),'' though does not elaborate in what manner Connecticut had done so.[56]

CPSC and RCRC argue that the California reusability mandate does not create an obstacle to Federal laws regarding the transportation of hazardous materials, specifying that the law does not prohibit propane use, does not interfere with Federal transportation or handling requirements, and does not require the redesign of cylinders already compliant with Federal law.[57] They assert that DOT–39 cylinders may still be transported in commerce in California for sale to consumers in other States, thus ''avoiding any impact on interstate commerce.'' [58] Special Waste Associates (SWA), who provides consulting services to local and State governments about managing household hazardous waste, asserts that the California reusability mandate is not an obstacle to the HMTA because other manufacturers have sold small refillable propane cylinders for consumer use.[59] SWA further asserts that Worthington has the ability to manufacture refillable one-pound propane cylinders and has simply ''chosen not to do so.'' [60]

Does Not Pertain to a Covered Subject

The majority of the commenters opposed to preemption also argue that the California reusability mandate does not pertain to a covered subject and therefore is not required to be ''substantively the same as'' a provision of the HMTA or the HMR. SWANA claims that the ''substantively the same'' provision relates to transportation, and that the California reusability mandate ''does not speak to the transportation of . . . cylinders.'' [61] CPSC and RCRC argue SB 1280 is not a safety standard regulating the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repairing, or testing of packagings or containers that are represented, marked, certified, or sold as qualified for use in transporting hazmat.[62] They also argue that the California reusability mandate does not impose new design specifications or transportation requirements on propane cylinders or prohibits the use of propane.[63] Instead, they claim that the reusability mandate relies upon cylinder specifications already established by DOT; specifically, the DOT 4BA specification for reusable and refillable welded or brazed steel cylinders.[64] They argue that even if the California reusability mandate relates to the design, manufacture, or fabrication of containers used to transport hazmat, its ''implicit reliance'' on the DOT 4BA cylinder specification means that it is complementary to, and thus ''substantively the same as,'' Federal hazardous material transportation law and regulations.[65]

SWA further argues California's law is not preempted because propane cylinders are not a ''packaging'' under the HMR.[66] SWA claims the one-pound cylinders are instead the ''product being contained in the packaging,'' and that the box used to ship the cylinder was the ''packaging.'' [67] SWA further asserts the outer packaging must conform with the HMR's packaging requirements, ''not the materials inside the packaging.'' [68]

Dual Compliance Is Possible

CPSC and RCRC argue that the California reusability mandate does not make compliance with both State and Federal law impossible, and noted that reusable DOT 4BA cylinders would be permitted.[69] They also argue that the reusability mandate does not prohibit the manufacturing of single-use cylinders; it merely prohibits their sale to consumers in California.[70]

C. Rebuttal Comments

Rebuttal Comments in Support of Preemption

The rebuttal comments in favor of preemption largely echo those submitted during the initial comment period. In a joint letter, Representatives Troy Balderson, Ron Estes, and Tony Wied express concern that the California reusability mandate threatens manufacturing jobs in their States and argue that domestic manufacturers of cylinders rely on a uniform regulatory framework to produce safe cylinders.[71] They note that millions of Americans use non-refillable propane cylinders in emergency situations and for outdoor activities.[72] They argue the California reusability mandate reduces safety by creating a haphazard and inconsistent regulatory environment, noting that DOT–39 cylinders are the national standard for portable fuel and have been rigorously designed and tested.[73]

California Grocers Association (CGA), a nonprofit statewide trade association for the grocery and retail industry in California, agrees that the California reusability mandate is an obstacle to maintaining compliance with a uniform scheme of Federal regulation meant to promote safety and will impose an unreasonable burden on commerce.[74] CGA estimates that managing a California-specific distribution for propane cylinders would cost California grocers millions of dollars.[75] CGA also argues the California reusability mandate should be preempted under the covered subject provision in the HMTA,

[52] *Id.* at 3.

[53] *Id.* at 4.

[54] SWANA, Comment, Docket ID PHMSA–2025–0776–0005 at 2.

[55] *Id.*

[56] *Id.*

[57] CPSC & RCRC, Comment, Docket ID PHMSA–2025–0776–0012 at 2–3.

[58] *Id.* at 3.

[59] Special Waste Associates (SWA), Comment, Docket ID PHMSA–2025–0776–0011 at 2 (Feb. 9, 2026).

[60] *Id.*

[61] SWANA, Comment, Docket ID PHMSA–2025–0776–0005 at 2.

[62] CPSC & RCRC, Comment, Docket ID PHMSA–2025–0776–0012 at 1.

[63] *Id.*

[64] *Id.*

[65] *Id.*

[66] SWA, Comment, Docket ID PHMSA–2025–0776–0011 at 2.

[67] *Id.*

[68] *Id.*

[69] CPSC & RCRC, Comment, Docket ID PHMSA–2025–0776–0012 at 2–3.

[70] *Id.*

[71] Reps. Balderson, Estes, & Wied, Comment, Docket ID PHMSA–2025–0776–0015 (Feb. 27, 2026).

[72] *Id.* at 1.

[73] *Id.* at 1–2.

[74] California Grocers Association (CGA), Comment, Docket ID PHMSA–2025–0776–0014 (Feb. 19, 2026).

[75] *Id.* at 1.

because the HMR authorizes non-refillable propane cylinders, and the reusability mandate will prevent its members from transporting non-refillable propane cylinders to consumers despite being ''available to all other consumers in the U.S.'' [76]

James Hunter Poole, Executive Chairman and Chief Executive Officer of Obelisk Tech Systems, Inc., argues the California reusability mandate should be preempted on economic grounds because imposing disproportionate burdens on small propane cylinder manufacturers as well as consumers in rural households, who rely on single-use propane cylinders as a primary emergency energy source in natural disasters.[77] Mr. Poole reasons that small rural propane distributors would be forced to increase costs as a result of California pulling out of the market, and that fragmenting the national market would reduce availability during natural disasters.[78] Mr. Poole asserts the California reusability mandate will obstruct the HMTA's purpose of national uniformity.[79] He elaborates that a manufacturer supplying propane cylinders must either manufacture two different cylinder types, one for California and one for the rest of the country, ''creating exactly the non-uniform patchwork the HMTA was designed to prevent.'' [80] Alternatively, those manufacturers must redesign their product lines to meet California's requirements, imposing California's policy preferences on the entire market.[81] In response to previous commenters, Mr. Poole notes that while California's concern about waste and disposable are legitimate environmental objectives, they are not hazardous materials transportation safety objectives.[82]

Worthington, in its rebuttal, agrees with commenters expressing support for preemption and argues that those comments confirm that preemption is both legally appropriate and in the public interest by ensuring the free flow of commerce, preserving jobs, advancing safety, and protecting consumer choice and affordability.[83] Worthington argues that opposition commenters cannot support their view because the California reusability mandate clearly imposes design requirements and HMTA preemption encompasses restrictions on containers holding hazmat, such as cylinders, not just the outer packaging or the transportation of hazmat.[84] Worthington asserts that the California reusability mandate is ''not complementary to the uniform regulatory scheme'' and that the federalism concerns raised by other commenters do not apply because there is no presumption against preemption where the statute contains an express preemption clause, such as in the HMTA.[85]

Worthington reiterates that the HMTA preempts California's non-reusable cylinder ban because it pertains to an enumerated subject matter in 49 U.S.C. 5125(b)(1) and 49 CFR 107.202(a)(5)—specifically, the designing, manufacturing, fabricating, etc. of a packaging, container, or packaging component—and is not substantively the same as the Federal requirements.[86] Contrary to the assertions of CPSC and RCRC, Worthington argues that the California reusability mandate imposes design specifications on propane cylinders, as it defines cylinders that are reusable or refillable as those ''explicitly designed and marketed to be utilized multiple times for the same product.'' [87] Worthington further argues that CPSC and RCRC misunderstand the HMTA's preemption provision in stating that the reusability mandate does not regulate the design or manufacture of propane cylinders because it does not prohibit propane use and does not impose specific requirements as to cylinder pressure, valves, or materials.[88] Worthington states that a law prohibiting propane use has no bearing on whether it imposes a propane cylinder design requirement, and a regulation imposing a legal duty of reusability imposes a design requirement because it bars the selection of a federally approved cylinder design.[89]

Worthington further argues that HMTA preemption is not limited to outer ''packaging,'' as suggested by some of the commenters, because it is about the design or manufacture of a package, container, or packaging component used for transporting hazmat, and that DOT–39 cylinders are containers with specific regulatory requirements.[90] Rejecting CAW and SWANA's assertions that preemption only applies to State requirements related to transportation, Worthington claims the covered subject provision about designing and manufacturing containers does not require a particular connection to transportation, only that such containers are qualified for use in transporting hazmat, which includes DOT–39 cylinders.[91] Worthington further asserts that California's reusability mandate is not complementary to Federal law because mandating a specific cylinder design to the exclusion of others ''is not substantively the same as a provision permitting that design among other designs,'' as there is no Federal provision requiring cylinders to be reusable such as DOT 4BA cylinders.[92]

Worthington emphasizes that California's reusability mandate creates an obstacle to the HMTA and HMR's objectives to ''promote uniformity of hazmat regulation, safety, and cost-effective commerce.'' [93] Further, preemption is in the public interest because it would promote uniform regulatory standards that are safer, ensure consumer choice and affordability, and promote American jobs and industry.[94] Worthington expresses skepticism that waste management and environmental concerns would be addressed by the reusability mandate, claiming that enhanced recycling programs and infrastructure are more appropriate methods.[95] Worthington reasons that consumers have indicated a preference for nonreusable cylinders for affordability and convenience.[96] If forced to buy a reusable or refillable cylinder, consumers are just as likely to purchase a new one instead of refilling an existing one.[97]

Worthington notes consumers have expressed discomfort with refillable options, citing to a presentation at the 2025 U.S. Product Stewardship Forum in which Little Kamper, a company operating a cylinder exchange program, reported at most a 60 percent exchange rate at their best performing retail location.[98] Worthington further argues that California's reusability mandate disregards safety because DOT–39 cylinders have to meet certain regulatory standards and testing, whereas reusable one-pound cylinders

[76] *Id.* at 2.

[77] Obelisk Tech Systems, Inc., Comment, Docket ID PHMSA–2025–0776–0016 at Doc. 9, 11, & 12 (Mar. 10, 2026).

[78] *Id.*

[79] *Id.* at Doc. 9.

[80] *Id.*

[81] *Id.*

[82] *Id.* at Doc. 10.

[83] Worthington Enterprises, Inc., Comment, Docket ID PHMSA–2025–0776–0018 at 1 (Mar. 10, 2026).

[84] *Id.* at 2.

[85] *Id.*

[86] *Id.*

[87] *Id.* at 3 (quoting Cal. Pub. Res. Code § 42395).

[88] *Id.*

[89] *Id.*

[90] *Id.* at 3–5.

[91] *Id.*

[92] *Id.* at 6–7.

[93] *Id.* at 5.

[94] *Id.* at 7–8.

[95] *Id.* at 8.

[96] *Id.*

[97] *Id.*

[98] *Id.*

on the market encourage untrained consumers to refill using unregulated fill kits.[99] Worthington states that banning a safe type of cylinder does not promote safety in the waste stream because every type of propane cylinder bears the same risks, and the safety threat to consumers refilling cylinders themselves and not requalifying cylinders at appropriate intervals outweighs the risks to safety in the waste stream.[100]

Rebuttal Comments Opposed to Preemption

The rebuttal comments opposed to preemption mostly reiterate points made during the initial comment period. Californians Against Waste (CAW), a statewide nonprofit organization representing local governments, waste management professionals and recyclers, and environmental advocates, emphasizes that the reusability mandate is a waste prevention and product stewardship statute that falls within California's traditional police powers.[101] CAW asserts the mandate addresses the sale of a product that is uniquely hazardous once discarded, posing an explosion and fire risk in waste management operations.[102] It argues Congress had preserved State authority in the areas of waste prevention, product stewardship, and post-consumer safety and that nothing in the HMTA ''evidences an intent to displace State action addressing downstream environmental and infrastructure harms.'' [103] CAW also asserts California's reusability requirement does not present an obstacle to the HMTA because the reusability requirement did not interfere with the HMTA's safety objectives or undermine national uniformity, did not restrict the transportation of propane, prohibit authorized cylinder designs from being shipped in interstate commerce, or impose conflicting operational requirements on carriers.[104] CAW reiterates SWA's claim that the one-pound propane cylinders are ''the product'' and not packaging as regulated under the HMR, and that the outer packaging is regulated by PHMSA as a packaging, not the cylinders themselves.[105]

Billy Puk, a former hazmat and waste regulator and an illegal waste dumping investigator in California, similarly argues that it is within California's traditional police powers to manage waste and public safety.[106] Mr. Puk claims that improper propane cylinder disposal is a crisis, with only 25 percent of such cylinders recovered through household hazardous waste programs and are instead regularly commingled with municipal waste, where they can cause flash fires and explosions from being compacted or at waste facilities.[107] He asserts SB 1280 is not preempted as an obstacle to the HMTA because numerous manufacturers already produce DOT specification one-pound refillable cylinders, and that California should be permitted to choose between existing federally approved cylinders ''to solve a local waste and safety crisis.'' [108]

The Attorney General of California, in rebuttal, argues the California reusability mandate protects public safety, particularly workers in municipal waste and recycling facilities from the dangers of improperly disposed propane cylinders, and thus falls within California's traditional police powers and is entitled to a presumption against preemption.[109] Referencing SWANA's comment, the California Attorney General notes that, while California State law requires propane cylinders to be disposed of as hazardous waste, an estimated three to four million end up in municipal landfills not certified to receive hazardous waste, and those cylinders contain residual gas and may explode when damaged or crushed during disposal or recycling.[110] The California Attorney General further asserts that, even when properly disposed, the processes required for safe handling of non-refillable propane cylinders impose significant costs on local facilities, and the reusability mandate addresses these safety and cost issues.[111] The California Attorney General also argues that, in all preemption cases, it is presumed that the ''historic police powers of the State'' are not supplanted by Federal law ''unless that was the clear and manifest purpose of Congress.'' [112] The California Attorney General asserts that because a primary purpose in enacting SB 1280 was to protect landfill workers, PHMSA should ''incorporate the presumption against a finding of preemption'' for California's propane cylinder reusability mandate as falling within California's historic police powers.[113]

The California Attorney General rejects the contention that the reusability mandate is not substantively the same as comparable Federal requirements.[114] Assuming that cylinders are a ''package'' under the HMTA, and therefore that any State requirement regarding their ''designing, manufacturing, fabricating. . . . or testing'' must be substantively the same, the California Attorney General asserts there are no requirements in the California mandate that are not substantively the same as those under the HMR.[115] The California Attorney General states that the HMR specifies cylinder designs in 49 CFR part 178, which includes non-refillable cylinders, but the regulations do not prohibit the design of refillable or reusable cylinders.[116] Rather, the HMR provides that cylinders may be designed for repeated use.[117] The California Attorney General notes that DOT–4BA reusable cylinders are authorized for propane and that there are numerous one-pound reusable cylinder options for sale as well as refill kits at major retailers.[118]

The California Attorney General further argues there is no preemption under the obstacle test because the reusability mandate does not present an obstacle to accomplishing and carrying out the HMTA or the HMR.[119] The California Attorney General elaborates that the HMTA's purpose is to promote safety in hazardous materials transportation through uniform regulation, and that the reusability mandate does not create an obstacle to that purpose, but rather furthers an interest in safety by reducing the number of improperly disposed propane cylinders in municipal landfills.[120] The California Attorney General argues that, while some commenters raised concerns about the effect of the mandate on jobs, commerce, and consumer costs, none of those concerns relate to the safe transportation of hazmat.[121] The California Attorney General also argues there is no preemption under the dual compliance test because the HMR authorizes reusable cylinders and does not require propane cylinders to be

[99] *Id.* at 9.

[100] *Id.*

[101] Californians Against Waste (CAW), Comment, Docket ID PHMSA–2025–0776–0013 at 1 (Feb. 9, 2026).

[102] *Id.*

[103] *Id.* at 2.

[104] *Id.*

[105] *Id.*

[106] Billy Puk, Comment, Docket ID PHMSA–2025–0776–0017 at 1 (Mar. 10, 2026).

[107] *Id.* at 1–2.

[108] *Id.* at 4.

[109] Attorney General of California, Comment, Docket ID PHMSA–2025–0776–0019 at 1 (Mar. 10, 2026).

[110] *Id.* at 2.

[111] *Id.* at 3.

[112] *Id.* at 4 (quoting *Wyeth* v. *Levine,* 555 U.S. 555, 565 (2009)).

[113] *Id.*

[114] *Id.* at 5.

[115] *Id*

[116] *Id.*

[117] *Id.*

[118] *Id.*

[119] *Id.* at 6.

[120] *Id.*

[121] *Id.*

nonreusable, and thus it is not impossible to comply with both the reusability mandate and the HMR.[122]

V. Discussion

PHMSA finds that California's reusability mandate for propane cylinders is preempted. The mandate concerns the ''designing, manufacturing, fabricating, inspecting, marking, [or] maintaining'' of a packaging or container used in the transportation of hazardous materials in commerce and is not ''substantively the same'' as the Federal regulations. In addition, California's reusability mandate is also an obstacle to accomplishing and carrying out the HMTA and the HMR. Accordingly, the reusability mandate is preempted under 49 U.S.C. 5125(a)(2) and (b)(1)(E).

A. Covered Subject Preemption

Section 5125(b)(1) generally provides that a non-Federal requirement concerning certain covered subjects is preempted if that non-Federal requirement is not ''substantively the same'' as a regulation prescribed in the HMR.[123] The California reusability mandate falls squarely within the reach of this provision for two reasons. First, the mandate is a non-Federal requirement that relates to a covered subject, *i.e.,* the designing, manufacturing, fabricating, inspecting, marking, and maintaining of propane cylinders, which are packagings or containers qualified for use in transporting hazardous materials in commerce. Second, the mandate imposes non-Federal requirements on propane cylinders that are not substantively the same as the requirements in the HMR, which expressly authorize DOT–39 cylinders to be designed and manufactured as single-use, *i.e.,* as ''*non-reusable (non-refillable),*'' packagings or containers. The California reusability mandate is therefore preempted under section 5125(b)(1)(E).

At to the first issue, the California reusability mandate clearly relates to a covered subject. The HMR prescribes detailed requirements for the design and manufacture of specification cylinders generally and DOT–39 specification cylinders specifically.[124] The general requirements for specification cylinders include provisions for construction and fabrication standards, safety device standards, marking requirements, and certification and inspection requirements. Moreover, the specific requirements for DOT–39 cylinders include provisions for size, service pressure, and test pressure; authorized materials; manufacturing standards; minimum wall thickness standards; openings and attachments; testing and inspection requirements; and required markings.[125]

Of particular significance for the issues presented here, the HMR expressly authorizes DOT–39 cylinders to be designed, manufactured, and fabricated as non-reusable (non-refillable) propane cylinders. That is confirmed by the general requirements in the HMR for specification cylinders, which have a specific provision for inspecting non-refillable cylinders,[126] and by the specific requirements in the HMR for ''Specification 39 *non-refillable (non-reusable)* cylinders.'' [127] Indeed, the latter requirements expressly forbid the use of refillable DOT–39 cylinders and require that such cylinders be marked with the following statement: ''Federal law forbids transportation if refilled-penalty up to $500,000 fine and 5 years imprisonment (49 U.S.C. 5124).'' [128]

As to the second issue, the California reusability mandate clearly imposes requirements that are not substantively the same as the HMR. The HMR expressly authorizes the design, manufacture, and fabrication of non-refillable (non-reusable) cylinders as packagings or containers qualified for use in transporting propane in commerce. The HMR also expressly forbids the use in transportation of DOT–39 cylinders that are refilled with propane. The California reusability mandate is not substantively the same as these requirements; indeed, it is in direct conflict with them. Further, the mandate imposes additional inspection, marking, and maintenance requirements, given that DOT–39 cylinder have different inspection and marking requirements from refillable cylinders, and reusable cylinders must be requalified at specific intervals for continued use.[129] As such, the mandate is preempted under the covered subject provision in Section 5125(b)(1)(E).

The contrary arguments presented by the commenters are unpersuasive. As a threshold matter, the preemption provision in the HMTA is not limited to State requirements directly relating to the transportation of packagings or containers for hazardous materials. The provision applies to a packaging or container qualified for the use in transporting hazardous materials, regardless of whether it is in ''transportation.'' [130] Nor does the California reusability mandate enjoy a presumption against preemption as a waste management statute enacted pursuant to the State's traditional police powers. There is no presumption against preemption when a statute contains an express preemption clause, such as in the HMTA.[131]

Section 5125(b)(1) of the HMTA is an express preemption clause ''because it 'expressly directs that State law be ousted' if certain conditions are satisfied.'' [132] As noted by the Third Circuit in *Roth,* Section 5125(b)(1) is ''an expansive preemption provision,'' and there was ''nothing in the HTMA'' to indicate Congress did not intend to preempt State requirements about the covered subjects listed within.[133] Rather, the HMTA's preemption provision was ''the linchpin of Congress' efforts to impose nationwide regulatory uniformity.'' [134] Congress's

[122] *Id.*

[123] 49 U.S.C. 5125(b)(1)(E).

[125] *See* 49 CFR 178.65.

[126] 49 CFR 178.35(c)(3).

[127] 49 CFR 178.65 (italics added).

[128] 49 CFR 178.65(i)(2)(ii) & (i)(2)(viii).

[129] *See* 49 CFR 178.35(c)(3) (inspection requirements for DOT–39 cylinders); § 178.65(i)(2)(viii) (marking requirements for DOT–39 cylinders); *see also* § 180.205 (general requirements for requalification of specification cylinders).

[130] *Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage,* 68 FR 61906, 61908 (Oct. 30, 2003). In this final rule, PHMSA emphasized that the DOT or UN specification markings on packagings qualified for use in transportation of hazardous materials in commerce ''certify that the packaging has been designed, tested, and maintained in conformance with all applicable HMR requirements,'' and that the requirements of the HMR apply regardless of ''whether or not [the packaging] is in transportation in commerce at any particular time.'' *See also Roth* v. *Norfalco LLC,* 651 F.3d. 367, 379–80 (3d Cir. 2011) (finding Section 5125(b)(1) ''expressly preempts'' differing requirements about the ''design'' of a tank car qualified for use in transporting hazardous materials even when the tank car was not in transportation under the HMTA or HMR).

[131] *See Buono* v. *Tyco Fire Products, LP,* 78 F.4th 490, 495 (2d Cir. 2023) (citing *Puerto Rico* v. *Franklin Cal. Tax-Free Tr.,* 579 U.S. 115, 125 (2016)). In *Buono,* the Second Circuit Court of Appeals 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.'' *Id.* at 493.

[132] *Id.* at 496 (citing *Association of Int'l Auto. Mfrs.* v. *Abrams,* 84 F.3d 602, 607 (2d. Cir. 1996)). The ''plain wording of the clause'' is the ''best evidence of Congress' preemptive intent.'' *Id.* at 495 (citing *Chamber of Com. of U.S.* v. *Whiting,* 563 U.S. 582, 594 (2011)).

[133] *Roth,* 651 F.3d at 376, 378–80. 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).'' *Id.* at 375.

[134] *Id.* at 378 (citing *Harmon,* 951 F.2d at 1581). *Cf. Monsanto Company* v. *Durnell,* 146 S. Ct. 2001, 2009–12 (2026) (holding that the Federal Insecticide, Fungicide, and Rodenticide Act

Continued

preemptive intent of the HMTA is obvious from the plain language of Section 5125(b)(1), as well as in the Federal hazardous materials transportation law's legislative history.[135]

California's Attorney General asserts that the reusability requirement for propane cylinders is substantively the same as the HMR, specifying that the HMR does not prohibit the design of refillable or reusable cylinders, and that other DOT specification cylinders that are refillable or reusable, such as DOT 4BA cylinders, have been authorized for transporting propane. PHMSA disagrees with this assertion. While the HMR does permit the design of refillable or reusable cylinders, it also expressly permits single-use, non-refillable cylinders. California seeks to impose design and manufacturing requirements, namely that they must be reusable and refillable, for all propane cylinders offered for sale with few exceptions, which is not substantively the same as the HMR. On its face, California's mandate may only reasonably be interpreted to impose design and manufacturing requirements on packagings or containers, particularly, DOT–39 cylinders, that are qualified for use in transporting hazmat in commerce.[136]

In conclusion, a non-Federal requirement is not ''substantively the same'' unless it ''conforms in every significant aspect to the Federal requirement.'' [137] Accordingly, California's law imposes additional, different requirements regarding the design and manufacture of cylinders qualified for use in the transportation of propane, a hazardous material. Thus, California's reusability requirement for propane cylinders is preempted under 49 U.S.C. 5125(b)(1)(E).

B. Obstacle Preemption

Section 5125(a)(2) generally provides that a non-Federal requirement is preempted if complying with that requirement ''is an obstacle to accomplishing and carrying out'' the HMTA or ''a regulation prescribed under'' the HMTA.[138] California's reusability mandate is a non-Federal requirement that satisfies the obstacle criteria laid out in this provision. It is therefore preempted under 49 U.S.C. 5125(a)(2).

In enacting the HMTA, Congress made findings relating to the transportation of hazardous materials and the importance of uniform regulations governing hazmat transportation.[139] Congress noted many States and localities had enacted laws and regulations that varied from Federal law relating to hazmat transportation, creating the potential for unreasonable hazards in other jurisdictions and confusion for shippers and carriers attempting to comply with multiple and conflicting regulatory requirements.[140] Further, because of the potential risks associated with unintentional releases of hazardous materials, Congress found that consistency in laws and regulations governing hazmat transportation was ''necessary and desirable,'' and that Federal standards regulating hazmat transportation in intrastate, interstate, and foreign commerce were necessary to ''achieve greater uniformity and to promote the public health, welfare, and safety at all levels.'' [141]

As previously noted, a non-Federal requirement is preempted if it is an obstacle to accomplishing the ''goals and purposes'' of the HMTA.[142] And the HMTA's goal of regulatory uniformity in the transportation of hazardous materials is undermined when State and local governments impose requirements that conflict with activities that are otherwise authorized under Federal law, such as by functionally banning the use of DOT–39 cylinders for propane. State and local requirements that restrict or delay the transportation of hazardous materials in accordance with Federal requirements are inconsistent with the HMTA and the HMR.[143]

PHMSA has prescribed extensive regulations governing the safe transportation of hazardous materials, including propane, as well as the specifications of packagings authorized for use in the transportation of propane, along with requirements for the safe use and maintenance of those packagings. Each type of cylinder authorized for hazmat transportation has specific design, manufacturing, testing, and maintenance requirements that ensure it is safe for use, including DOT–39 cylinders. Specification 39 cylinders are subject to strict manufacturing standards and must undergo rigorous testing in order to be qualified for use in transporting hazardous materials.[144] Moreover, the DOT–39 cylinder has been an approved DOT cylinder specification for the transportation of propane for years. PHMSA continually reviews and updates requirements for DOT–39 cylinders, along with all other types of approved hazmat packagings, through rulemakings, and has done so as recently as 2020.[145] In short, PHMSA has established a comprehensive regulatory scheme addressing the safety of DOT–39 cylinders and their suitability in transporting hazardous materials such as propane. A State requirement forbidding the sale of such authorized hazardous materials packagings is an obstacle to the accomplishment and execution of the objectives of the HMTA and HMR.

Accordingly, California's reusability mandate for propane cylinders undermines the HMTA's goal and purpose of uniformity and is the type of patchwork State requirement Congress

(FIRFA)'s preemption clause entitled ''Uniformity'' expressly preempted State-law labeling requirements, such as cancer warning labels not required by EPA, that were different from the Federal labeling requirements under FIRFA based on the ''textually stated objective of'' uniformity in labeling in FIRFA's preemption clause).

[135] *See* Public Law 101–615, 104 Stat. 3244, 3247–49 (1990); H.R. Rep. No. 101–444, pt. 1, at 33–35 (1990). In amending the HMTA in 1990, the House of Representatives Committee on Energy and Commerce found ''there is a compelling need for standardized requirements relating to certain areas of the transportation of hazardous materials. Conflicting Federal, State, and local requirements pose potentially serious threats to the safe transportation of hazardous materials.'' H.R. Rep. No. 101–444, pt. 1, at 33–34. The Committee specified that one such area concerned the ''[d]esign, manufacturing, marking, maintenance, reconditioning, repairing, or testing of hazardous materials packaging,'' noting that ''[c]onflicting requirements'' may reduce the effectiveness of such packagings and impose ''needless economic burdens.'' *Id.* at 35. As a result of the Committee's findings that uniformity in the ''designing, manufacturing, and testing'' of hazardous materials packages and containers ''will enhance the safe transportation of hazardous materials,'' Congress amended the Federal hazardous materials transportation law to include the ''substantively the same'' preemption standard. *See* Public Law 101–615, 104 Stat. at 3247–49.

[136] As explained *supra,* the HMR authorize DOT–39 cylinders as qualified packagings for use in the transportation of propane in commerce. *See* 49 CFR 173.301(a).

[137] 49 CFR 107.202(d).

[138] 49 U.S.C. 5125(a)(2).

[139] *Harmon,* 951 F.2d at 1580.

[140] *Id.* (citing Pub. L. 101–615, 104 Stat. at 3245).

[141] *Id.*

[142] *Id.*

[143] *See Southern Pac. Transp. Co.* v. *Public Service Comm'n of Nevada,* 909 F.2d 352, 358 (9th Cir. 1990) (finding additional State shipping documentation and permitting requirements for hazmat transportation created a ''separate regulatory regime'' that frustrated Congress's goal of regulatory uniformity and were both burdensome and redundant). Further, such hazmat transportation is presumptively safe, and additional State or local requirements on areas covered by Federal law or regulation ''are neither necessary nor appropriate.'' *See* Preemption Determination No. PD–40(R), FR 29511, 29526 (May 15, 2020). *See generally,* Preemption Determination No. PD–6(R), 59 FR 6186 (Feb. 9, 1994); Preemption Determination No. PD–7(R), 59 FR 28913 (June 3, 1994), decision on appeal, 60 FR 10419 (Feb. 24, 1995); Inconsistency Ruling (IR)–8, 49 FR 46637 (Nov. 27, 1984), decision on appeal, 52 FR 13000 (Apr. 20, 1987); IR–19, 52 FR 24404 (June 30, 1987), decision on appeal, 53 FR 11600, affirmed in IR–19(A) and *Southern Pac. Transp. Co.,* 909 F.2d 352 (reversing No.CV–N–86–444–BRT (D. Nev. 1988)).

[144] *See* 49 CFR 178.65.

[145] *See Miscellaneous Amendments Pertaining to DOT-Specification Cylinders,* 85 FR 85380 (Dec. 28, 2020).

sought to avoid through the HMTA. California's mandate sets a precedent for other jurisdictions to ban or place impermissible restrictions on approved hazmat packagings under the guise of waste management. These conflicting requirements would undermine the Federal regulatory scheme of hazardous materials transportation uniformity and create confusion and uncertainty for manufacturers and offerors of such packagings and the hazmat contained therein. Allowing one State to ban the sale of non-reusable or non-refillable propane cylinders would impose an unreasonable burden on manufacturers and shippers by requiring them to redesign their product to meet a specific State's requirements, or pull out of that market entirely. It would also impose an unreasonable burden on consumers by removing a safe and affordable option for transporting propane.

More importantly, California's reusability mandate would more than likely have the unintended effect of creating additional safety hazards for consumers, further frustrating the intent of the HMTA and HMR. Filling cylinders with propane, a flammable gas, poses a safety risk, and that risk is increased if untrained consumers attempt to refill these propane cylinders themselves. The refillable cylinders, such as the DOT 4BA cylinders, touted by those opposed to preemption must also be inspected and retested at regular intervals to qualify for reuse.[146] Though some consumers may timely reinspect and retest their smaller propane cylinders, it is likely that many would keep using their cylinders past the requalifying date, creating an additional safety hazard. And while proponents of California's law insist the reusability requirement would keep smaller propane cylinders from being disposed of improperly at waste management facilities or landfills, reusable propane cylinders may still be discarded improperly, creating the same risks from improper disposal that California's law purports to solve.

For these reasons, PHMSA finds California's reusability mandate for most propane cylinders is an obstacle to carrying out the HMTA and HMR's goal of uniformity in the regulation of hazardous materials and impedes the transportation of hazardous materials. The mandate is therefore preempted under 49 U.S.C. 5125(a)(2).

VI. Ruling

PHMSA finds that California's reusability mandate for propane cylinders is a non-Federal requirement relating to a covered subject that is not substantively the same as the requirements in the HMR. PHMSA further finds that California's reusability mandate is an obstacle to accomplishing and carrying out the HMTA and HMR. Accordingly, California's reusability mandate for propane cylinders is preempted under 49 U.S.C. 5125(b)(1)(E) and (a)(2).

VII. Petition for Reconsideration/ Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this determination may file a petition for reconsideration. The petition for reconsideration must be filed within 20 days of publication of this determination in the **Federal Register**. If a petition for reconsideration is filed within 20 days of publication in the **Federal Register**, the decision by PHMSA's Chief Counsel on the petition for reconsideration becomes PHMSA's final agency action with respect to the person requesting reconsideration.[147]

If a person does not request reconsideration in a timely fashion, then this determination is PHMSA's final agency action as to that person, as of the date of publication 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) by filing a petition for review in an appropriate United States Court of Appeals within 60 days after publication of this determination in the **Federal Register**.[148] 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 7, 2026.

Keith J. Coyle,

Chief Counsel.

[FR Doc. 2026–18501 Filed 9–9–26; 8:45 am]

BILLING CODE 4910–60–P

[146] *See* 49 CFR 180.209.

[147] *See* 49 CFR 107.211(d).

[148] *See* 49 U.S.C. 5127(a).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY or virtually via Microsoft Teams. The entire meeting will be closed.

DATES: The meeting will begin at 10:00 a.m. Eastern Time. The meeting will be held September 16, 2026.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square New York, NY 10007–1823 or virtually via *Microsoft Teams.*

FOR FURTHER INFORMATION CONTACT: Valeria B. Farr, 1835 Assembly Street, Columbia, SC 29201. Telephone (803) 312–7828 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1009, that a closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square, New York, NY 10007 or virtually via *Microsoft Teams.*

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Spencer W. Clark,

Committee Management Officer, US Department of the Treasury.

[FR Doc. 2026–18483 Filed 9–9–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0205]

Agency Information Collection Activity Under OMB Review: Title 38 Health Care Positions—Trainee Application and Appraisal

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA),

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 13, 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. 2900–0205.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*

SUPPLEMENTARY INFORMATION:

Title: Title 38 Health Care Positions—Trainee Application and Appraisal (VA Forms 10–2850d and 10–2850e).

OMB Control Number: 2900–0205. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: The collection of this information is authorized by Title 38 United States Code (U.S.C.) Section 7403, which provides that appointments of Title 38 positions will be made only after qualifications have been satisfactorily verified in accordance with regulations prescribed by the Secretary. Occupations listed in 38 U.S.C. 7401(1) and 7401(3) are appointed at a grade and step rate or an assignment based on careful evaluation of the trainee's education and experience. Title 38 U.S.C. 7302 requires VA to assist in the training of health professionals for the agency's own needs and for those of the nation. All health position trainee applicants must provide information concerning their background, training, and education, as well as previously held licenses/registrations, to determine if they meet requirements.

VA Form 10–2850d is used to collect appropriate information to support the qualifications for each trainee participating in accredited educational programs with VA. Trainee applicants participating in accredited educational programs must complete and submit the 10–2850d form.

VA Form 10–2850e is the pre-employment reference form used to elicit information concerning the prior education and/or performance of the Title 38 trainee applicant. The information provided is used to determine if the applicant meets the requirements for employment. VA sends the 10–2850e form to the educational institutions, organizations, and individuals indicated by the applicant on the employment application form.

The forms have been updated with required PRA language. There is a decrease in the total estimated number of responses and burden hours for this collection based upon program data since the last PRA clearance, including the discontinuance and removal of three forms. This information collection is only for VA health position trainee applicants.

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 39163, June 29, 2026.

Total Annual Number of Responses = 171,820.

Total Annual Time Burden = 85,910 hours.

VA Form 10–2850d:

Affected Public: Individuals or Households.

Estimated Annual Burden: 60,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Responses: 121,000.

VA Form 10–2850e:

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,410 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Responses: 50,820.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information and Technology, Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18444 Filed 9–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0920]

Agency Information Collection Activity Under OMB Review: Copayment Exemption for Indian Veterans—Documentation of Indian or Urban Indian Status

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), 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 13, 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. 2900–0920.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Copayment Exemption for Indian Veterans—Documentation of Indian or Urban Indian Status, VA Form 10–334.

OMB Control Number: 2900–0920. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: VA previously amended its medical regulations to implement a statute exempting Indian and urban Indian veterans from copays for the receipt of hospital care or medical services under laws administered by VA. Public Law (PL) 116–315, sec. 3002 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (signed

January 5, 2021) amended section 1730A of title 38 U.S.C. to eliminate copays for the receipt of hospital care or medical services under laws administered by VA for veterans who are either Indian or urban Indian, as those terms are defined in section 4 of the Indian Health Care Improvement Act. Section 4 is codified at 25 U.S.C. 1603, and the definitions for Indian and urban Indian are located in paragraphs 13 and 28, respectively, of section 1603.

To demonstrate that a veteran meets the definition of Indian or urban Indian, as defined in 25 U.S.C. 1603(13) or (28), VA may ask the veteran to submit documentation to VA. The veteran should use VA Form 10–334 as a cover sheet for submission of documentation requested by VA. There is a decrease in the estimated annual respondents and burden hours based upon data since the last PRA clearance.

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 39164, June 29, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 750 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 3,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information and Technology, Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18447 Filed 9–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0648]

Agency Information Collection Activity: Foreign Medical Program (FMP) Veteran and Provider Forms

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: Foreign Medical Program (FMP) Veteran and Provider Forms (VA Forms 10–488, 10–489 and 10–7959f–2).

OMB Control Number: 2900–0648. *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: Revision of a currently approved collection.

Abstract: The Foreign Medical Program (FMP) is a federal health benefits program for Veterans, which is administered by the Department of Veterans Affairs (VA) Veterans Health Administration (VHA). FMP is a Fee for Service (indemnity plan) program and provides payment/reimbursement for VA adjudicated service-connected conditions. Title 38 U.S.C. 1724 and 38 CFR 17.35 authorize VA to provide coverage for a Veteran with a service-connected disability when the Veteran is residing or traveling overseas. Title 31 U.S.C. 3332 and 31 CFR 210 establish requirements for direct deposits of Federal payments. The information collected in the forms allows VA to expedite claim payments via direct deposit, which will alleviate delays in payment being received by both the Veteran and provider, prevent payment information from being lost, and ensure a secure payment methodology.

VA is introducing two new forms for this collection—VA Form 10–488 will be used by Veterans and VA Form 10–489 will be used by providers to register for direct deposit payment/reimbursement for foreign medical services. VA Form 10–7959f–1 is discontinued and removed from this collection because 10–488 replaces it as the registration form for Veterans. VA Form 10–7959f–2 will continue to be used as a cover sheet for submitting claims to FMP. The 10–7959f–2 form streamlines the claims submission process for claimants and providers while also reducing the time spent by VA on processing FMP claims.

a. VA Form 10–488—International Direct Deposit Enrollment (Veteran): This form collects relevant information that is used to register Veterans in the FMP who have service-connected disabilities and are living or traveling overseas.

b. VA Form 10–489—Foreign Medical Provider—International Direct Deposit Enrollment: This form collects relevant direct deposit enrollment information from the provider, which is used to pay for medical services rendered to eligible Veterans while they are overseas.

c. VA Form 10–7959f–2—Foreign Medical Program Claim Cover Sheet: This form is used for submitting claims for payment or reimbursement of medical expenses related to Veterans who are overseas and have a service-connected disability. The form outlines the basic information necessary for the consideration of claims and processing of payments.

Total hours = 25,000 hours.

Total responses = 123,000.

VA Form 10–488

Affected Public: Individuals or Households.

Estimated Annual Burden: 7,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 21,000.

VA Form 10–489

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,000.

VA Form 10–7959f–2

Affected Public: Individuals or Households.

Estimated Annual Burden: 16,000 hours.

Estimated Average Burden per Respondent: 11 minutes.

Frequency of Response: 12 times per year.

Estimated Number of Respondents: 96,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information and Technology, Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–18446 Filed 9–9–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Thursday,
No. 174 September 10, 2026

Part II

Securities and Exchange Commission

17 CFR Part 275
Political Contributions by Certain Investment Advisers; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 275

[Release No. IA–6994; File No. S7–2026–31]

RIN 3235–AN65

Political Contributions by Certain Investment Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; rescission.

SUMMARY: The Securities and Exchange Commission (the ''Commission'' or the ''SEC'') is proposing to rescind the political contribution rule under the Investment Advisers Act of 1940 (the ''Advisers Act''), which prohibits investment advisers from providing investment advisory services for compensation to a government client for two years after an adviser or any covered associate of the adviser makes a contribution to certain categories of elected officials or candidates, among other prohibitions. In the more than fifteen years since the rule was adopted, implementation challenges associated with the political contribution rule have resulted in a range of significant unintended consequences, including compliance practices among some investment advisers that may have had the effect of restricting all political contributions by the investment advisers and their employees. Market participants also have stated that the political contribution rule is burdensome, complex, and both lacks clarity and creates a *de facto* strict liability standard. The Commission is of the view that other existing requirements of the Advisers Act and its associated rules, including prohibitions on fraud, fiduciary duty requirements, the compliance rule, and the code of ethics rule (defined below), are likely sufficient to address pay-to-play practices while allowing an adviser the flexibility to implement an approach that is more appropriately tailored to its particular risks, rendering the political contribution rule unnecessary. The Commission also is proposing to amend the rule under the Advisers Act pertaining to books and records consistent with the proposed rescission.

DATES: This proposal was published in the **Federal Register** on September 10, 2026. Comments should be received on or before November 9, 2026.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/comments/s7-2026-31/political-contributions-certain-investment-advisers*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–2026–31 on the subject line.

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–2026–31. 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 of submission. The Commission will post all comments on the Commission's website (*https://www.sec.gov/rules-regulations/public-comments/s7-2026-31*). Do not include personally identifiable information in submissions; you should submit only information that you wish to make available publicly. The Commission may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at www.*sec.gov* to receive notifications by email.

A summary of the proposal of not more than 100 words is posted on the Commission's website (*https://www.sec.gov/rules-regulations/2026/09/s7-2026-31*).

FOR FURTHER INFORMATION CONTACT: Janet Jun, Lawrence Pace, and Mark Stewart, Senior Counsels, Sirimal R. Mukerjee, Senior Special Counsel, or Robert Holowka, Assistant Director, Investment Adviser Regulation Office, at (202) 551–6787, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The Commission is proposing to rescind 17 CFR 275.206(4)–5 (''rule 206(4)–5'' or the ''political contribution rule'') and make related amendments to 17 CFR 275.204–2 (''rule 204–2'' or the ''recordkeeping rule'') under the Advisers Act.

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I. Introduction

Investment advisers play a vital role in helping governments responsibly manage public funds and honor commitments to their taxpayers, public-sector employees and retirees, and retirement benefit plan participants. In 2010, the Commission adopted the political contribution rule with respect to investment advisers, which was intended to reduce the possibility that

campaign contributions and other support of elected officials and candidates for public office by investment advisers and covered associates would result in fraudulent activity.[1]

We propose to rescind the political contribution rule in its entirety based on our experience administering the rule since its adoption (informed by feedback from market participants), including our observations that the rule:

- Has led to significant unintended consequences, including prohibitions by some investment advisers on any and all political contributions made by the investment adviser and its employees at the State and local level, which affects core political speech protected by the First Amendment; [2]
- Is operationally challenging for investment advisers to implement;
- May impose significant burdens that may not be justified by its benefits; and
- Lacks clarity and creates a *de facto* strict liability standard, which can lead to situations where small donations or ''foot faults'' potentially trigger substantial prohibitions.

We are of the view that rescinding the current rule in its entirety and instead relying on other existing requirements of the Advisers Act and associated rules, including prohibitions on fraud, fiduciary duty requirements, 17 CFR 275.206(4)–7 (''rule 206(4)–7'' or the ''compliance rule''), and 17 CFR 275.204A–1 (''rule 204A–1'' or the ''code of ethics rule''), as well as other existing Federal, State and local requirements, could avoid many of the issues and unintended consequences associated with the political contribution rule and lead to more appropriate measures by investment advisers to address pay-to-play practices. In addition, our experience with the current rule has underscored the inherent difficulty of designing specific objective criteria for a rule expressly designed to address pay-to-play practices without unintended adverse effects on investment adviser contributions, employee hiring, investment advisory services, and political speech, as well as overall significant compliance burdens that may not be justified by the benefits.

We therefore are of the view that rescinding the political contribution rule and permitting investment advisers to address their pay-to-play risks in a principles-based manner consistent with other existing obligations under the Advisers Act would be appropriate. That is, other existing requirements of the Advisers Act and its associated rules operate to require investment advisers to address pay-to-play practices, but with the flexibility to design tailored compliance policies and procedures and codes of ethics in accordance with their own business models and risk profiles.[3] The rescission of the political contribution rule also may lead to government entities being able to select from a larger pool of investment advisers as well as lower prices for the provision of investment advisory services to public pension plans.

A rescission of the Commission's political contribution rule would not curtail any other existing criminal and civil laws against public sector corruption. Other Federal, State, and local laws and regulations regarding the public procurement process (including the awarding of investment advisory mandates) exist independently of the political contribution rule and would not be limited or otherwise impacted by its rescission.[4]

Similarly, the Commission's ability to bring cases against investment advisers for fraudulent practices and violations of fiduciary duty for engaging in pay-to-play practices would remain unchanged. Investment advisers' fiduciary duty obligations and the broad anti-fraud provisions under the Federal securities laws would continue to apply following the proposed rescission of the political contribution rule.

A. Background

State and local government assets, including nearly $6 trillion of public pension plan assets,[5] are administered by government employees and elected officials.[6] Some of these government employees and elected officials are directly or indirectly responsible for selecting the individual investment advisers entrusted with managing these assets on a discretionary basis, providing other investment advisory services, and allowing State and local government entities to invest in funds managed or advised by such advisers.

Contributions made to a candidate for political office are a form of speech that is protected by the First Amendment, and the prevention of quid pro quo corruption or its appearance is the only permissible ground for restricting or limiting such speech.[7] In the context of providing or seeking to provide investment advisory services to State and local governments, in some instances, investment advisers have engaged in pay-to-play practices that embody such quid pro quo corruption or highlight the risk of it.[8] These practices (''pay-to-play practices'') arise when:

- Political contributions influence the selection of an adviser to provide investment advisory services to State and local governments, including by constituting a prerequisite to competing for an advisory role; or
- Investment advisers seek to influence an elected official's award of advisory contracts by making or soliciting contributions to that official.

Contributions made pursuant to a pay-to-play arrangement may take a variety of forms, including an adviser's direct contributions to government officials, contributions to an election committee for government officials, solicitation of third parties to make contributions or payments to government officials or political parties in the State or locality where an adviser seeks to provide services, and payments to third parties to solicit government business.[9]

When contributions influence the award of these advisory roles, including by constituting a prerequisite to competing for an advisory role, the process by which government officials select investment advisers can be

[1] *See* Political Contributions by Certain Investment Advisers, Investment Advisers Act Release No. 3043 (July 1, 2010) [75 FR 41018 (July 14, 2010)] (the ''2010 Adopting Release'') (stating that the Commission believed ''rule 206(4)–5 is a necessary and appropriate measure to prevent fraudulent acts and practices in the market for the provision of investment advisory services to government entities by prohibiting investment advisers from engaging in pay to play practices'').

[2] *See* 2024 Investment Management Compliance Testing Survey (2024) (the ''2024 Investment Management Compliance Testing Survey''), *available at https://www.investmentadviser.org/wp-content/uploads/2024/07/2024_IMCT-Survey.pdf* (stating that 12.41 percent of investment advisers which responded to the survey prohibit all political contributions).

[3] *See infra* section I.A (describing what constitutes pay-to-play practices in more detail).

[4] *See infra* footnotes 48 through 51 and accompanying text for examples of such Federal, State and local laws and regulations designed to prevent pay-to-play practices.

[5] The term ''public pension plan'' is used interchangeably with ''government client'' and ''government entity'' in this proposing release. However, rule 206(4)–5 applies broadly to investment advisory activities for government clients, regardless of whether they are pension plans.

[6] *See* Census Bureau Releases 2024 Annual Survey of Public Pensions (May 29, 2025) (the ''2024 Annual Survey of Public Pensions''), *available at https://www.census.gov/newsroom/press-releases/2025/2024-annual-survey-public-pensions.html.*

[7] *See FEC* v. *Ted Cruz for Senate,* 596 U.S. 289, 305 (2022).

[8] *See* 2010 Adopting Release, *supra* footnote 1, at section I (discussing pay-to-play practices that the political contribution rule is designed to address). *See also N.Y. Republican State Comm.* v. *Sec. & Exch. Comm'n,* 927 F.3d 499, 500–02 (D.C. Cir. 2019).

[9] *Id.*

transformed into one in which contributions to a government entity official, rather than the competence and cost of investment advisers, drive the award of contracts.[10] Because such actions may result in public pension plans not being managed by the best available investment advisers or paying higher fees,[11] investment advisers engaging in pay-to-play practices have a conflict of interest with, and compromise their fiduciary duties to, the public pension plan clients they advise and can defraud those plans, other prospective pension plan clients, and public pension plan investors.[12] These practices can harm retirees that rely on these public pension plans and the taxpayers of the State and municipal governments that must honor these plan obligations.[13]

Pay-to-play practices therefore are inconsistent with an adviser's role as a fiduciary under the Advisers Act and constitute fraud under the Federal securities laws.[14] In this regard, while government corruption and procurement fraud matters generally come under the jurisdiction of Federal, State, and municipal authorities, investment advisers also are subject to the Advisers Act and other Federal securities laws and regulations, which further restrict pay-to-play practices and other fraudulent conduct and provide for penalties and bans relating to such conduct.

B. Existing Regulatory Framework

In 2010, the Commission adopted the political contribution rule.[15] The rule sets forth a detailed, prescriptive framework that generally provides for the following:

Prohibitions. The political contribution rule provides for certain express prohibitions:

• *Ban on compensation and two-year lookback.* The political contribution rule generally makes it unlawful for an adviser [16] to receive compensation for providing investment advisory services to a government entity for a two-year period after the adviser or any of its covered associates [17] (including a person who becomes a covered associate within two years after making a contribution) makes a contribution to an official [18] of a government entity or candidate for such office, whose office is in a position to influence the award of advisory business. The two-year time out was intended to discourage investment advisers from engaging in pay-to-play practices by requiring a ''cooling-off period'' during which the effects of a political contribution on the selection process can be expected to dissipate.[19]

• *Ban on solicitation.* The political contribution rule generally prohibits advisers from paying persons to solicit government entities for advisory business, unless such persons are (1) regulated persons or (2) an executive officer, general partner, managing member (or, in each case, a person with a similar status or function), or employee of the adviser.[20] The restriction on solicitors or ''placement agents'' was intended to prevent advisers from circumventing the political contribution rule.[21] The rule also prohibits indirect payments, because the rule includes a provision that makes it unlawful for an adviser or any of its covered associates to do anything indirectly which, if done directly, would result in a violation of the rule.[22] A regulated person under the rule is a registered investment adviser, a registered broker-dealer, or a registered municipal advisor, in each case itself subject to pay-to-play restrictions.[23]

• *Covered investment pools.* An investment adviser to a covered investment pool in which a government entity invests or is solicited to invest is treated as though the adviser is providing or seeking to provide investment advisory services directly to the government entity.[24]

• *Ban on coordination.* The political contribution rule makes it unlawful for an adviser or any of its covered associates to coordinate, or to solicit any person or political action committee to make, any (1) contributions to an official of a government entity to which the investment adviser is providing or seeking to provide investment advisory services; or (2) payments to a political party of a State or locality where the investment adviser is providing or seeking to provide investment advisory services to a government entity.[25]

Exceptions. The political contribution rule includes exceptions for *de minimis* contributions, new covered associates, and certain returned contributions: [26]

[10] *See New York Republican State Comm.,* 927 F.3d at 505, *supra* footnote 8.

[11] *See id.*

[12] *See* 2010 Adopting Release, *supra* footnote 1, at section II.A. *See also infra* section II.A (describing in more detail how pay-to-play practices constitute fraud).

[13] *See* 2024 Annual Survey of Public Pensions, *supra* footnote 6 (stating that ''36 million people (including inactive employees not currently contributing to pensions but eligible for future benefits) participated in state and local retirement plans in 2024'').

[14] *See* 2010 Adopting Release, *supra* footnote 1, at section II.A (stating that '' 'pay to play' arrangements are inconsistent with an adviser's fiduciary obligations'' and ''payments to state officials as a *quid pro quo* for obtaining advisory business as well as other forms of 'pay to play' violate the antifraud provisions of section 206 of the Advisers Act'').

[15] Several enforcement actions related to pay-to-play schemes were brought under sections 206(1) or (2) of the Advisers Act [15 U.S.C. 80b–6(1) and (2)] prior to the rule's adoption. *See, e.g., SEC* v. *Henry Morris, et al.,* Litigation Release No. 21036 (May 12, 2009); *SEC* v. *Paul J. Silvester, et al.,* Litigation Release No. 16759 (Oct. 10, 2000); Litigation Release No. 20027 (Mar. 2, 2007); Litigation Release No. 19583 (Mar. 1, 2006); Litigation Release No. 18461 (Nov. 17, 2003); Litigation Release No. 16834 (Dec. 19, 2000); *SEC* v. *DiBella,* 587 F.3d 553 (2nd Cir. 2009) (affirming liability for aiding and abetting violations of section 206(2)); *In the Matter of Thayer Capital Partners, TC Equity Partners IV, L.L.C., TC Management Partners IV, L.L.C., and Frederick V. Malek,* Investment Advisers Act Release No. 2276 (Aug. 12, 2004) (settled matter); *In the Matter of Frederick W. McCarthy,* Investment Advisers Act Release No. 2218 (Mar. 5, 2004) (settled matter). Certain of these enforcement actions were also brought under section 10(b) of the Securities Exchange Act of 1934 (the ''Exchange Act'') and section 17(a) of the Securities Act of 1933 [15 U.S.C. 78j(b) and 77q(a)].

[16] Rule 206(4)–5 applies to any investment adviser that is registered (or required to be registered) with the Commission, or that is (1) an adviser unregistered in reliance on the exemption available under section 203(b)(3) of the Advisers Act [15 U.S.C. 80b–3(b)(3)] (''foreign private advisers'') or (2) an exempt reporting adviser as defined in rule 204–4(a) under the Advisers Act. Rule 206(4)–5(a)(1). Section 203(b)(3) of the Advisers Act was amended in 2010 to remove the exemption for an adviser that does not hold itself out to the public as an investment adviser and that has fewer than 15 clients during the last 12 months, and in its place to insert the current exemption for foreign private advisers. *See* 15 U.S.C. 80b–3(b)(3).

[17] A ''covered associate'' of an investment adviser is defined as: (1) any general partner, managing member or executive officer, or other individual with a similar status or function; (2) any employee who solicits a government entity for the investment adviser and any person who supervises, directly or indirectly, such employee; and (3) any political action committee controlled by the investment adviser or by any of its covered associates. Rule 206(4)–5(f)(2). Under the rule, an ''executive officer'' of an adviser includes the president, any vice president in charge of a principal business unit, division or function, other officers with policy-making functions, and other persons who perform similar policy-making functions for the adviser. Rule 206(4)–5(f)(4).

[18] An ''official'' is any person (including any election committee for the person) who was, at the time of the contribution, an incumbent, candidate, or successful candidate for elective office of a government entity if the office is directly or indirectly responsible for, or can influence the outcome of, the hiring of an investment adviser by a government entity or has the authority to appoint any person who is directly or indirectly responsible for, or can influence the outcome of, the hiring of an investment adviser by a government entity. *See* rule 206(4)–5(f)(6).

[19] *See* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(a).

[20] *See* rule 206(4)–5(a)(2).

[21] *See* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(b).

[22] *See* rule 206(4)–5(d).

[23] *See* rule 206(4)–5(f)(9) (describing the meaning of ''regulated person'' under the rule).

[24] *See* rule 206(4)–5(c); rule 206(4)–5(f)(3) (defining ''covered investment pool'').

[25] *See* rule 206(4)–5(a)(2)(ii).

[26] *See* rule 206(4)–5(b).

• *De minimis.* Under the *de minimis* exception, individuals are permitted to make aggregate contributions without triggering the two-year time out of up to $350, per election, to an elected official or candidate for whom the individual is entitled to vote, and up to $150, per election, to an elected official or candidate for whom the individual is not entitled to vote.[27] The *de minimis* exception is available only for contributions by individual covered associates, not the investment adviser itself.

• *New covered associates.* Under the exception for a new covered associate, the two-year time out is not triggered by a contribution made by a natural person more than six months prior to becoming a covered associate, unless he or she solicits clients after becoming a covered associate.[28] As a result, the two-year look back only applies to covered associates who solicit for the investment adviser.

• *Returned contributions.* The exception for certain returned contributions provides an adviser with a limited ability to cure the consequences of an inadvertent contribution to an official for whom the covered associate was not entitled to vote.[29] This exception is for contributions that in the aggregate do not exceed $350 to any one official per election, and the adviser must have discovered the contribution within four months of the date of such contribution.[30] Additionally, within 60 days of learning of the triggering contribution, the contributor must obtain the return of the contribution.

Exemptions. An investment adviser may apply to the Commission for an order exempting it from the two-year compensation ban.[31] The rule sets forth certain factors the Commission will consider in determining whether to grant such an exemption. The Commission takes into account the relevant facts and circumstances of each application in determining whether to grant an exemption.[32]

In addition to the political contribution rule, the recordkeeping rule includes several provisions that require registered investment advisers to make and keep certain books and records relating to compliance with the political contribution rule in order to aid the Commission in examining for compliance with it.[33]

C. The Political Contribution Rule Since Adoption

Since the Commission adopted the political contribution rule in 2010, we have observed numerous challenges associated with the rule's complexity and how broadly investment advisers have applied the rule. Market participants [34] also have stated, among other issues, that the rule is burdensome, complex, and both lacks clarity and creates a *de facto* strict liability standard.[35] Based on these observations and feedback from market participants, the Commission understands that the political contribution rule has resulted in the following outcomes, which, in certain instances, were not intended or anticipated: [36]

• The monetary losses associated with the two-year ban on receiving compensation for providing investment advisory services to a government client seem excessive, particularly given that the ban can be triggered by contributions of as little as $150.[37]

• The two-year ban on compensation (which is automatically triggered by the underlying contribution) creates a *de facto* strict liability standard that does not permit consideration of the complexities of the case outside of the exemptive process or the rule's limited remedial provisions. This can lead to situations where small donations or ''foot faults'' potentially trigger substantial prohibitions under the rule.

• Advisers may be prevented from hiring or promoting qualified individuals into roles where they would be considered a ''covered associate'' for either six months or two years following an individual's contribution, despite the contribution potentially having an attenuated relationship or no relationship to pay-to-play practices. Whether the time period is two years or six months depends on whether the person who becomes a covered associate solicits clients on behalf of the investment adviser; if the employee does not solicit clients, the shorter six-month time period applies.[38] This means that if an existing employee is promoted or transferred into a covered associate role, under the rule the firm must review the employee's political contributions from the previous six months or two years, as applicable. A contribution during that time exceeding the *de minimis* threshold made to an official of a government entity could lead to a two-year ban on receiving compensation from that government entity, even though the individual was not a covered associate at the time of the contribution. A similar result can occur in situations where a person makes a contribution while employed by a different adviser or company but subsequently applies to a covered associate role at an adviser within six months or two years (as applicable) following the contribution. This could prevent an adviser from hiring a top candidate if the person's past political

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[27] *See* rule 206(4)–5(b)(1).

[28] *See* rule 206(4)–5(b)(2).

[29] *See* rule 206(4)–5(b)(3). This exception also includes limitations on the number of times an adviser can rely on the exception. *See* rule 206(4)–5(b)(3)(ii) and (iii).

[30] *See* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(a)(7).

[31] *See* rule 206(4)–5(e).

[32] *See* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(f); *see, e.g.,* True Venture Mgmt., L.L.C., Investment Advisers Act Release Nos. 6932 (Dec. 11, 2025) (notice) and 6937 (Jan. 8, 2026) (order) and related application; J.P. Morgan Investment Mgmt. Inc., Investment Advisers Act Release Nos. 6244 (Feb. 16, 2023) (notice) and 6261 (Mar. 14, 2023) (order) and related application; AEW Capital Mgmt., L.P., Investment Advisers Act Release Nos. 6224 (Jan. 24, 2023) (notice) and 6245 (Feb. 22, 2023) (order) and related application; Davidson Kempner Capital Mgmt. LLC, Investment Advisers Act Release Nos. 3693 (Oct. 17, 2013) (notice) and 3715 (Nov. 13, 2013) (order) and related application.

[33] *See* rule 204–2(a)(18) (describing the books and records that advisers must retain).

[34] For purposes of this Release, unless otherwise noted, we refer to market participants, industry interest groups, and others who have discussed with us or submitted comments to us as ''market participants.''

[35] *See, e.g.,* Benjamin Neaderland & Thomas Bredar, *It's Time To Fix The SEC's Pay-To-Play Rule,* Law360 (Mar. 17, 2025), *available at https://www.law360.com/articles/2310410;* Benjamin Neaderland & Thomas Bredar, *Recent Exemptions From Rule 206(4)–5 Demonstrate the Importance of Strong Compliance Policies and Quick Corrective Action,* WilmerHale (Mar. 16, 2025), *available at https://www.wilmerhale.com/en/insights/client-alerts/20230316-recent-exemptions-from-rule-20645-demonstrate-the-importance-of-strong-compliance-policies-and-quick-corrective-action;* Investment Adviser Association Letter to Chairman Atkins Re: Regulation of Registered Investment Advisers (May 1, 2025), *available at https://www.investmentadviser.org/resources/iaa-letter-to-sec-chairman-atkins/;* Investment Adviser Association Letter to Chairman Clayton Re: Regulation of Registered Investment Advisers (May 10, 2017), *available at https://higherlogicdownload.s3.amazonaws.com/INVESTMENTADVISER/aa03843e-7981-46b2-aa49-c572f2ddb7e8/UploadedImages/publications/170510cmnt.pdf;* Investment Adviser Association Letter to Secretary Countryman Re: List of Rules to be Reviewed Pursuant to the Regulatory Flexibility Act (Aug. 9, 2019), *available at https://www.sec.gov/comments/s7-10-19/s71019-5947271-189129.pdf;* Managed Funds Association Letter to Chairman Clayton Re: Managed Funds Association Regulatory Priorities (May 18, 2017), *available at https://www.mfaalts.org/wp-content/uploads/2017/05/MFA-Regulatory-Priorities-Letter-to-SEC-Chairman-Clayton.pdf; Private Fund Sponsor Pay-to-Play Restrictions for Upcoming U.S. Election Cycle,* Kirkland & Ellis, Kirkland AIM (Aug. 7, 2024), *available at https://www.kirkland.com/publications/kirkland-aim/2024/08/private-fund-sponsor-pay-to-play-restrictions-for-upcoming-us-election-cycle.*

[36] *See also infra* section III.B.1 for a discussion of practices that investment advisers have adopted to address pay-to-play risks.

[37] *See* rule 206(4)–5(b)(1).

[38] *See* rule 206(4)–5(a)(1); rule 206(4)–5(b)(2).

contributions could trigger the rule's two-year time out period on receiving compensation from an existing government client of the adviser even if such past contributions do not present a material risk of engaging in a pay-to-play practice.

• Public pension plans may be unable to hire the most qualified or cost-effective advisers or may ultimately lose the services of an existing adviser with institutional knowledge of the public pension plan's investment strategy and composition because of contributions by the adviser's covered associates during the two-year lookback period that do not present a material risk of engaging in a pay-to-play practice.

• It can be difficult for an adviser to identify which persons fall within the definition of an ''official'' who is ''indirectly responsible for, or can influence the outcome of, the hiring of an investment adviser by a government entity.'' [39] Making the determination could require analysis of government entity oversight structures, an official's appointment authority, or the scope of duties of a State government employee, for which in each case there may be little publicly available information. The ''indirect'' element of the definition may also encompass a chain of influence among government officials that might be attenuated from pay-to-play practices, potentially capturing contributions to officials who may have no practical involvement in or knowledge of specific investment contracts. As a result, advisers may be unable to determine conclusively who is an official under the rule or an adviser's employees may be deterred from making contributions that pose little or no pay-to-play risks. If an adviser is unable to make a conclusive determination, the rule may encourage the adviser to implement blanket contribution bans. In that situation, the rule may unintentionally result in a greater restriction on political speech by advisers than is necessary to serve the objectives of the rule.

• The definition of ''covered associate'' can be difficult to interpret and may have been applied more broadly than intended, with employees whose contributions are unlikely to be related to pay-to-play practices being subjected to restrictive policies. For example, the definition of covered associate can equate to a significant number of employees and be difficult to apply because the definition's supervisory prong picks up adviser personnel that ''supervises, directly or indirectly,'' an employee who solicits a government entity for an investment adviser and it can be difficult to determine whether an individual ''indirectly'' supervises an employee who solicits government entities.[40] Additionally, employees that are not covered associates but are supervised by one could also trigger a prohibition due to rule 206(4)–5(d). Any contributions by such employees could be attributed to the covered associate supervisor as an indirect contribution and would make such employees subject to the rule's prohibitions. The definition also could be considered overly expansive when applied because the definition of ''executive officer'' of the investment adviser [41] includes, among other persons, any vice president in charge of a principal business unit, division or function,[42] irrespective of whether such person's role involves soliciting government entities for the investment adviser or if the employee has a direct economic stake in the firm's business relationship with a government client which could implicate pay-to-play concerns. The ''covered associate'' definition also could be construed to inappropriately capture independent contractors with whom the adviser has only an attenuated connection because the definition of employee in the rule could include consultants and advisors.[43]

• The dollar amounts in the *de minimis* exceptions have not been updated for inflation since the adoption of the rule 16 years ago. Some contributions above the $150 (for officials for whom the covered associate is not entitled to vote at the time of the contribution) and $350 (for officials for whom the covered associate was entitled to vote at the time of the contribution) contribution ceilings are likely small enough that they would not meaningfully influence the adviser selection process but still trigger the prohibitions of the rule.[44] Indeed, these limits are significantly lower than the contribution limits imposed under federal campaign finance laws.[45]

• The exception for returned contributions requires that the contributor obtain the return of a contribution within 60 calendar days of the date of discovery of such contribution by the investment adviser, which means that advisers must rely on the third party that received the contribution to satisfy the exception; this may not be feasible if the funds have been spent.[46] Consequently, an adviser may not be able to satisfy the exception despite robust efforts to obtain the contribution's return.

• The exemptive process through which the Commission may, upon application, conditionally or unconditionally exempt an investment adviser from the prohibitions of the rule may be costly and time-consuming to pursue.

Due to such interpretive difficulties and related operational and implementation challenges, the political contribution rule has resulted in significant unintended consequences. For example, the rule's substantial consequence for a contribution (a two-year ban on compensation) and its potential to scope in activities that carry a relatively low risk of leading to pay-to-play practices may result—and often has resulted—in an adviser prohibiting contributions outright, which may chill political speech protected by the First Amendment that does not lead even to the appearance of corruption. As another example, and as discussed above, we have observed that advisers have been prevented from hiring or promoting qualified managers because of past contributions by such individuals that may in fact pose little if any risk of constituting pay-to-play practices.

Additionally, because the specific objective criteria of the rule apply to an adviser regardless of its pay-to-play risk profile—including conditions whose application may prove onerous or inappropriate for a low risk adviser—and pay-to-play considerations can be unique to each adviser, an adviser with a lower pay-to-play risk profile may nonetheless be required to design and implement compliance policies and procedures which result in unintended adverse effects that may not be justified by its risk of engaging in pay-to-play practices.

More than fifteen years of complying with the political contribution rule have provided existing investment advisers with experience in understanding a complicated political contribution landscape, assessing whether and how contributions have the potential to

[39] *See* rule 206(4)–5(f)(6).

[40] *See* rule 206(4)–5(f)(2)(ii).

[41] *See* rule 206(4)–5(f)(2)(i).

[42] *See* rule 206(4)–5(f)(4).

[43] The term ''employee'' is not defined in the Advisers Act.

[44] *See* rule 206(4)–5(b)(1).

[45] *See, e.g.,* 2 U.S.C. 441a(a) (establishing contribution limits under the Federal Election Campaign Act, which increase based on price index); *Contribution limits for 2025–2026 federal elections,* Federal Elections Commission of the United States (Aug. 31, 2026), available at *https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/* (setting an individual contribution limit of $3,500 per election to candidates).

[46] *See* rule 206(4)–5(b)(3).

influence the award of advisory contracts, formulating tailored policies, and developing tracking and attestation systems. Separately, investment advisers have developed experience complying with a variety of State and local laws, as well as other Federal laws, that may subject them to restrictions designed to prevent pay-to-play practices.[47]

For example, a Rhode Island law requires a State vendor that has entered into a contract costing $5,000 or more with a State agency to execute and file an affidavit if it has also contributed over $250 in a calendar year to any general officer, candidate for general office, general assembly member, general assembly candidate, or political party within the 24 months preceding the date of the contract.[48] As another example, South Carolina law prevents any person who has been awarded a contract with the State or local government through non-competitive bidding practices from making a contribution after the awarding of the contract or investing in a financial venture in which a public official has an interest if that official was in a position to act on the contract's award.[49] At the local level, the city of Philadelphia requires that the contractor for every non-competitively bid contract disclose (during the term of such contract and for one year thereafter) any contribution of money or in-kind assistance the contractor has made during such time period to certain city officeholders and candidates for city office, as well as associations organized in support of such persons.[50] Though the burdens of accommodating these various and diverse State and local restrictions may result in some advisers implementing blanket contribution bans, other advisers may utilize a fact-and-circumstances based analysis to determine when and how such statutes apply.

Furthermore, investment advisers and their employees in certain cases also must comply with other Federal laws that establish criminal or civil penalties for bribery or fraudulent *quid pro quo* schemes.[51] As with State and local laws, though the variability of other Federal laws may result in some advisers implementing an outright ban on contributions, it may result in advisers utilizing a fact-and-circumstances-based analysis to determine when and how such statutes apply. To the extent that State, local, and other Federal laws apply, such statutes, in addition to the regulatory framework under the Advisers Act discussed below, likely address some pay-to-play practices notwithstanding a rescission of the political contribution rule.[52]

II. Discussion

A. Proposed Rescission of Rule 206(4)–5 Under the Advisers Act

We propose to rescind rule 206(4)–5 in its entirety. The political contribution rule takes a prescriptive approach to deterring pay-to-play practices that, based on our experience administering the rule and feedback from market participants:

- Creates operational challenges for investment advisers to implement due to the rule's complexity and the breadth of its application;
- Captures activity that may not warrant a two-year compensation ban;
- Imposes significant burdens that may not be justified in connection with what the rule is designed to prevent (including preventing advisers from hiring or promoting qualified personnel due to past contributions that do not present a material risk of engaging in a pay-to-play practice); and
- Results in advisers prohibiting contributions outright, which affects core political speech protected by the First Amendment.[53]

In view of the challenges we have observed that have resulted from the political contribution rule, we are of the view that its goals may be better achieved through a principles-based approach to prevent fraud and that other existing laws and regulations (including the compliance rule and the code of ethics rule) provide a sufficient framework to support such an approach. Accordingly, we propose to rescind the political contribution rule in its entirety.

1. Basis for the Rescission of the Political Contribution Rule

As a fundamental matter (and separate and apart from the political contribution rule), investment advisers engaging in pay-to-play practices violate the U.S. securities laws, including the antifraud provisions of the Advisers Act. In upholding this long-established principle, the Commission has brought numerous enforcement actions under the antifraud provisions of the Advisers Act, as well as other Federal securities laws, involving pay-to-play practices.[54]

Specifically, section 206 of the Advisers Act establishes Federal fiduciary standards that govern the conduct of investment advisers.[55] Sections 206(1), (2), and (4) of the Advisers Act make it unlawful for any investment adviser to employ any ''device, scheme, or artifice to defraud any client or prospective client,'' ''to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client,'' or ''to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative,'' respectively.

Pay-to-play practices are prohibited by the Advisers Act and may violate other Federal securities laws (for example, certain enforcement actions have also been brought under section 10(b) of the Exchange Act and section 17(a) of the Securities Act of 1933).[56] The Commission has specifically stated that payments to State officials as a *quid pro quo* for obtaining advisory business, as well as other forms of ''pay-to-play,'' violate the antifraud provisions of section 206 of the Advisers Act.[57] As an example, with respect to pooled investment vehicles, the Commission has previously stated that an adviser that makes contributions to an official of a government entity to steer assets to a pooled investment vehicle it manages facilitates fraud by implementing a government official's *quid pro quo* scheme.[58] Furthermore, under section

[47] *See also infra* section III.C.2 for discussion of how improvements in data dissemination and new requirements in some jurisdictions for increased transparency regarding, among other things, advisory fees and plan investments, have made it easier to identify anomalous investment patterns that may reflect improper influence.

[48] *See* R.I. Gen. Laws § 17–27–2 (2026).

[49] *See* S.C. Code § 8–13–1342 (2026).

[50] *See* Phila., Pa., Code § 17–1402 (2026).

[51] *See, e.g.,* 18 U.S.C. 201 and 18 U.S.C. 666; *see also* Adam Wright, *Corruption as Contract: Taking Quid Pro Quo Seriously,* 77 Baylor L. Rev. 1 (2025), *available at* https://law.baylor.edu/sites/g/files/ecbvkj1546/files/2025-04/07%20Wright.pdf; Lauren Garcia, *Curbing Corruption or Campaign Contributions? The Ambiguous Prosecution Of ''Implicit'' Quid Pro Quos Under the Federal Funds Bribery Statute,* 65 Rutgers L. Rev. 1 (2012), *available at* https://www.rutgerslawreview.com/wp-content/uploads/archive/vol65/issue1/Garcia.pdf.

[52] *See infra* section II.A.3 for request for comment on whether State and local pay-to-play requirements as well as any antibribery and other applicable Federal laws and regulations address pay-to-play practices.

[53] For a more detailed discussion of the operational and scoping challenges of the political contribution rule, *see supra* section I.C.

[54] *See supra* footnote 15.

[55] *See* Commission Interpretation Regarding Standard of Conduct for Investment Advisers, Investment Advisers Act Release No. 5248 (June 5, 2019), [84 FR 33669 (July 12, 2019)]; *Transamerica Mortgage Advisors, Inc.* v. *Lewis,* 444 U.S. 11, 17 (1979).

[56] *See supra* footnotes 8 through 9 and accompanying text describing what we refer to as ''pay-to-play practices'' in this release. *See also supra* footnote 15 for reference to certain enforcement actions of the Commission for pay-to-play practices.

[57] *See* 2010 Adopting Release, *supra* footnote 1, at section II.A.

[58] *See* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(e); *SEC* v. *DiBella,* 587 F.3d 553, 568 (2d Cir. 2009).

203 of the Advisers Act [15 U.S.C. 80b–3], if advisory personnel engage in pay-to-play practices, the Commission may charge the adviser and its individual supervisors for failure to reasonably supervise.[59]

Pay-to-play practices also involve conflicts of interest. Public pension plan beneficiaries are harmed when a government official violates the public trust, for example, by failing to disclose that the government official has directed the investment of the plan's assets into a pooled investment vehicle not because of the adviser's qualifications or competency or the vehicle's financial merits but rather because the official has received a contribution. By engaging in such conduct with the government official, the adviser creates a conflict of interest with the plan and engages in a scheme to defraud the government plan or program. Additionally, an adviser to a pooled investment vehicle that is an investment option in a government plan or program may prepare information about the pooled investment vehicle that may be used by plan officials to evaluate the vehicle and by pension plan beneficiaries to decide whether to allocate assets to the vehicle. Such an adviser engages in or facilitates an act, practice, or course of business which is fraudulent, deceptive, or manipulative when the adviser does not disclose that it made a contribution that induces government officials to make an investment and that the government officials sponsoring the plan chose the vehicle as an investment option for beneficiaries not solely on the basis of its merits, but rather as the consequence of improper *quid pro quo* payments. Further, as discussed above, when government officials select investment advisers based on their contributions rather than the competence of and fees charged by the adviser, public pension plans are more likely to be managed by less qualified investment advisers and to pay higher fees, to the detriment of the plan, and potentially, the plan's beneficiaries and taxpayers.[60]

In addition to substantive securities law provisions that prohibit pay-to-play practices, a registered investment adviser already is subject to other existing Advisers Act requirements that, in our view and given the experiences described above with the political contribution rule, establish a sufficient principles-based framework through which advisers commonly prophylactically address its risk of engaging in pay-to-play practices. For example, the compliance rule requires investment advisers to adopt and implement written policies and procedures reasonably designed to prevent violation, by the adviser and its supervised persons, of the Advisers Act and the rules thereunder, and to review, no less frequently than annually, the adequacy of those policies and procedures and the effectiveness of their implementation.[61] Further, the compliance rule requires an adviser to consider its fiduciary and regulatory obligations under the Advisers Act and to formalize policies and procedures to address them.[62] The compliance rule is designed to permit the Commission to address the failure of an adviser to have in place adequate compliance controls, *before* that failure has a chance to harm clients or investors.[63] Accordingly, upon any rescission of the political contribution rule, a registered investment adviser would still be required to have policies and procedures reasonably designed to prevent fraudulent practices, including pay-to-play practices, though the adviser would have the flexibility to either tailor those policies in a manner that differs from the specific prescriptive requirements of the political contribution rule or maintain those polices consistent with the compliance rule.

Advisers have for over twenty years implemented systems of controls to comply with rule 206(4)–7 that help protect the interests of clients while being tailored to advisers' particular businesses. The compliance rule relates to a variety of investment adviser compliance activities because it requires written policies and procedures reasonably designed to prevent violation of the Advisers Act and the rules thereunder. For example, the Commission has stated that it expects that an adviser's compliance rule policies and procedures, at a minimum, should address certain areas to the extent that they are relevant to that adviser.[64] Based on our experience with the political contribution rule, an adviser's risk of engaging in pay-to-play practices would be mitigated by the adviser assessing its particular pay-to-play risks, taking into account its particular business, and developing policies and procedures addressing those risks under the more principles-based and time-tested framework of the compliance rule.

In addition to the Advisers Act prohibitions on fraud, fiduciary duty requirements, and the compliance rule, a registered investment adviser is also required to adopt a code of ethics under the code of ethics rule. The rule requires that the code of ethics, in part, set forth the standard of business conduct that the adviser requires of all of its supervised persons, and the standard chosen must reflect the adviser's fiduciary obligations and those of its supervised persons, and must require compliance with Federal securities laws.[65] Thus, an adviser, in addition to assessing whether its compliance policies and procedures address its particular pay-to-play risks, generally should assess its code of ethics to ''reinforc[e] fiduciary principles that must govern the conduct of [the adviser and its] personnel'' in the context of its pay-to-play risks.[66] Advisers, for example, could scope out of their code of ethics low risk behaviors in accordance with their own business models and structure.

Providing an adviser additional flexibility to adapt its policies and procedures and code of ethics to its specific business and risks instead of basing them on the specific prescriptive requirements of the political contribution rule would permit the adviser to address its pay-to-play risks more holistically consistent with its obligations under the Advisers Act. It would, at the same time, allow the adviser to better balance its individual pay-to-play risk and the burden associated with mitigating such risk relative to what we have observed under the political contribution rule. Furthermore, to the extent that the compliance costs of mitigating risk under the political contribution rule exceed the compliance costs an adviser would bear if it determines to adjust its code of ethics and compliance policies and procedures to address its particular pay-to-play risks, these cost savings may ultimately benefit the adviser's public pension plan clients and potentially other clients as well (*e.g.,* by allowing the adviser to allocate more money to portfolio research or more resources to

[59] *See* section 203(e)(6) of the Advisers Act; section 203(f) of the Advisers Act.

[60] *See supra* section I.A; *New York Republican State Committee,* 927 F.3d at 505.

[61] *See* rule 206(4)–7. *See also* Compliance Programs of Investment Companies and Investment Advisers, Investment Advisers Act Release No. 2204 (Dec. 17, 2003) [68 FR 74714 (Dec. 24, 2003)] (the ''Compliance Rule Adopting Release'').

[62] *See* Compliance Rule Adopting Release, *supra* footnote 61, at section II.A.1.

[63] *Id.*

[64] *See id* (for example, trading practices, personal trading activities of supervised persons, custody, and marketing and solicitation activities).

[65] *See* rule 204A–1(a)(1) through (2); Investment Adviser Codes of Ethics, Investment Advisers Act Release No. 2256 (July 2, 2004) [69 FR 41696 (July 9, 2004)] (the ''Code of Ethics Adopting Release'').

[66] *See* Investment Adviser Codes of Ethics, Investment Advisers Act Release No. 2209 (Jan. 20, 2004) [69 FR 4040 (Jan. 27, 2004)].

provide investment advice). In addition, the proposal could help an adviser fulfill its fiduciary duty. For example, when an adviser to a closed-end fund is subject to a two-year fee timeout for a political contribution violation involving a pension plan investor in the fund, all investors in the fund may be negatively impacted if the resulting loss of fee revenue reduces the adviser's operational resources and impairs its ability to execute the fund's strategy and fulfill its fiduciary duties. Rescinding the political contribution rule, as proposed, could conversely increase the resources available to the adviser and help the adviser better exercise its fiduciary duty to the benefit of the fund's investors.

Finally, the rescission of the political contribution rule will allow advisers and their personnel greater freedom to make political contributions and to exercise their constitutional right to political speech. The First Amendment's protection of free speech has its '' 'fullest and most urgent application precisely to the conduct of campaigns for political office.' ''[67] ''[T]he First Amendment safeguards an individual's right to participate in the public debate through political expression and political association,'' and when an ''individual contributes money to a candidate, he exercises both of those rights.'' [68] While ''Congress may regulate campaign contributions to protect against corruption or the appearance of corruption,'' [69] some advisers have chosen to go beyond the rule and preclude all employees from contribution to all candidates, including those with no authority to award advisory contracts. Rescission of the rule would reopen these avenues for political speech and fulfillment of First Amendment rights without additional limitation (beyond those that already exist under federal and state law).

The proposal to rescind the political contribution rule could also lead to increased competition for public pension plan investment mandates.[70] For example, investment advisers who would have been prohibited from receiving compensation for investment advisory services under the political contribution rule may be able to compete for public pension plan clients after the proposed rescission without being subject to any additional requirements beyond complying with the various applicable principles-based rules discussed below. This increased competition may lead to more favorable investment terms. Further, this increased competition also could ultimately benefit the retirees that rely on these plans and the taxpayers of the State and municipal governments that must honor these plans' obligations.[71] Additionally, public pension plans with a greater number of advisers to choose from may be able to select advisers that can provide advice better tailored to the needs of the particular public pension plan and potentially at a lower cost to the plan.

While the compliance rule and the code of ethics rule apply only to investment advisers registered or required to be registered under section 203 of the Advisers Act (unlike the political contribution rule, which applies to exempt reporting advisers and foreign private advisers as well as registered investment advisers), we understand that registered investment advisers manage a significant amount of public pension plan assets or other public funds and, therefore, represent the highest risk of engaging in pay-to-play practices.[72] We also note that *all* investment advisers (including exempt reporting advisers and foreign private advisers) are subject to section 206 of the Advisers Act, and all investment advisers subject to section 204 of the Advisers Act (including exempt reporting advisers) are subject to section 204A of the Advisers Act.[73] Further, an adviser registered or required to be registered must provide each of its supervised persons with a copy of its code of ethics and any amendments, and its supervised persons must provide the adviser with a written acknowledgement of their receipt of the code and any amendments.[74]

We acknowledge that, before adopting the political contribution rule, the Commission previously discussed policies and procedures as being insufficient for preventing pay-to-play practices. In adopting the political contribution rule, the Commission stated that (1) codes of ethics or compliance procedures alone may not be adequate to stop pay-to-play practices;[75] (2) ''policies and procedures alone, without critical objective criteria, such as obtaining a return of the contribution, are insufficient in our view to justify an exception to our prophylactic rule''; and (3) ''voluntary actions are insufficient to deter pay to play, which may yield lucrative management contracts.'' [76] The Commission in 2010, however, apparently did not anticipate the unintended consequences of the political contribution rule. Our experience administering the political contribution rule for over a decade and the difficulty in designing specific objective criteria for such a rule without unintended adverse effects on adviser contributions, employee hiring, and investment advisory services as well as significant compliance burdens that may not be justified by the benefits (as discussed above), has caused us to reconsider those previously-stated views.[77] Given that experience, we now believe that rescinding the political contribution rule and taking a more principles-based approach, permitting advisers to tailor their compliance policies and procedures and codes of ethics in accordance with their own business models and risk profiles to address their pay-to-play risks, would be appropriate. As indicated above, we are of the view that the existing Advisers Act framework, including prohibitions on fraud and fiduciary duty requirements along with the compliance

[67] *See Nat'l Republican Senatorial Comm.* v. *FEC,* 146 S. Ct. 2404, 2415 (2026), quoting *Cruz,* 596 U.S. at 302.

[68] *See McCutcheon* v. *FEC,* 572 U.S. 185, 203 (2014); s*ee also Buckley* v. *Valeo,* 424 U.S. 1, 15–22 (1976).

[69] *See McCutcheon,* 572 U.S. at 191.

[70] *See infra* section III.D.2 for further discussion of how the rescission of the political contribution rule could affect competition in the investment adviser market for State and local government clients.

[71] *See* 2024 Annual Survey of Public Pensions, *supra* footnote 6 (stating that ''36 million people (including inactive employees not currently contributing to pensions but eligible for future benefits) participated in state and local retirement plans in 2024'').

[72] *See* rule 206(4)–5(a)(1) and rule 206(4)–5(a)(2); *supra* footnote 16.

[73] An investment adviser to a pooled investment vehicle is also subject to rule 206(4)–8, which prohibits the making of false or misleading statements of material fact to current or prospective investors in the pooled investment vehicle, or otherwise engaging in any fraudulent, deceptive, or manipulative conduct with respect to those investors.

[74] *See* rule 204A–1(a)(5).

[75] *See also* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(a) (noting that violations of codes of ethics or compliance procedures do not themselves establish violations of the Federal securities laws, and senior officers of an adviser that have the greatest incentives to engage in pay-to-play and therefore are most likely to make contributions, would themselves ultimately be responsible for enforcing their own compliance with the adviser's code of ethics or compliance procedures).

[76] *See, e.g.,* 2010 Adopting Release, *supra* footnote 1, at section II.B.2(b). Further, the Commission also articulated in the 2010 Adopting Release that disclosure of political contributions would be insufficient to address the concerns the political contribution rule is designed to address.

[77] In addition, our experience has emphasized the challenge in designing a rule that is not also operationally complex, which in turn could result in significant compliance burdens that may not be justified by the benefits. For example, a rule that cross references State and local contribution limits or is premised on constituting a *de minimis* portion of total campaign spending could be challenging to develop and implement given widely varying State and local laws and continuously evolving campaign spending.

rule and code of ethics rule, is likely sufficient to avoid many of the issues discussed above regarding the political contribution rule and would lead to appropriate measures to address pay-to-play practices.[78] Additionally, the Commission brought enforcement actions involving pay-to-play practices prior to the adoption of the political contribution rule; any withdrawal of the rule would accordingly not prevent the Commission from continuing to pursue fraudulent cases involving pay-to-play practices.[79]

The rescission of the political contribution rule in its entirety would also result in the rescission of the prohibition under the current rule on an adviser from paying a third party that is not a ''regulated person'' (*i.e.,* a registered investment adviser, registered broker-dealer, or registered municipal advisor) to solicit government entities for investment advisory services.[80] For the reasons discussed in this proposal with respect to the political contribution rule more broadly, we believe that it would be more appropriate to address the risk of fraud arising from the use of persons for solicitation activities through a principles-based approach that would allow an adviser to tailor its policies and procedures to the specific pay-to-play risks faced by the adviser.[81] However, advisers may still face restrictions on using certain persons for purposes of soliciting government entities to the extent that other rules and regulations that govern the use of solicitors, including the MSRB Political Contribution Rule, FINRA Rule 2030, and Exchange Act rule 15Fh–6 (because, for example, those advisers are dually registered as investment advisers and broker-dealers, or as investment advisers and municipal advisors), or State and local laws regulating the use of placement agents, apply to advisers.[82]

2. Compliance Policies and Procedures and Codes of Ethics

By rescinding the political contribution rule, we would better enable advisers who provide or seek to provide investment advisory services to State or local governments to tailor their compliance policies and procedures and the standard of business conduct contained in their code of ethics to address their particular pay-to-play risks. The compliance rule does not enumerate specific elements that an adviser must include in its policies and procedures.[83] Rather, it provides an adviser with flexibility to apply the rule in a manner best suited to its organization. The Commission has stated, however, that ''in designing its policies and procedures, [an adviser] should first identify conflicts and other compliance factors creating risk exposure for the firm and its clients in light of the firm's particular operations, and then design policies and procedures that address those risks.'' [84]

If the political contribution rule is ultimately rescinded, some investment advisers who provide or seek to provide investment advisory services to State or local governments may determine, after assessing their pay-to-play risks, to update their compliance policies and procedures to replace policies and procedures that were established pursuant to the prescriptive nature of the political contribution rule with policies and procedures that are tailored to address the risks of pay-to-play practices to their organization. Other investment advisers, however, may determine, after assessing their pay-to-play risks, to maintain policies and procedures established pursuant to the political contribution rule as a component of their compliance policies and procedures addressing the risks of pay-to-play practices to their organization.

Following any rescission of the political contribution rule, to the extent an adviser provides or seeks to provide investment advisory services to State or local governments and determines to update its compliance policies and procedures, identifying factors creating pay-to-play risk exposure particular to the adviser and its clients in light of its particular business needs, organizational structure, and the exact nature of its business, would be relevant to making this update. Leveraging the compliance framework that it already has in place, such adviser would then design and implement policies and procedures that address those risks and tailor them as appropriate to reflect the adviser's unique characteristics that are relevant to preventing pay-to-play practices.

Below are several factors to consider in completing this assessment, and the extent to which any of these considerations apply would depend on the individual facts and circumstances and pay-to-play risks of each adviser:

- *Compliance with applicable law.* The adviser's policies and procedures would need to address pay-to-play practices that violate the Advisers Act and the rules thereunder. For purposes of efficiency and cohesiveness of internal policies, the adviser could leverage these policies and procedures to also consider addressing its compliance with political donation and other relevant anti-corruption laws and regulations (including any State or local laws and regulations or other applicable Federal laws and regulations) governing the adviser's existing and/or prospective public pension plan clients.
- *Risk identification.* The adviser's policies and procedures would need to identify and assess the risk of the adviser or its personnel engaging in pay-to-play practices (including by making contributions to government officials, political parties and political action committees) that violate the Advisers Act and the rules thereunder, and may consider identifying and assessing those risks that violate other applicable laws in connection with an award or retention of investment advisory services (including through an investment in the adviser's advised funds). Pay-to-play risks may vary substantially across different types of advisers and across the industry generally and the adviser's policies and procedures would need to take into account these risks (*e.g.,* organization

[78] In addition, technological advancements and increased data dissemination could facilitate the detection of pay-to-play practices. *See infra* section III.C.2 (discussing improvements in data dissemination and increased transparency in certain jurisdictions related to advisory fees, plan investments, and information related to other relevant concerns that may have made it easier to identify anomalous investment patterns that may reflect improper influence).

[79] *See supra* footnote 15 for Commission enforcement actions addressing pay-to-play schemes. In addition, since the political contribution rule was adopted in 2010, the Commission has established the SEC Whistleblower Program, including a system and form regarding tips, complaints, and referrals. *See* SEC Whistleblower Program, *available at https://www.sec.gov/enforcement-litigation/whistleblower-program*; Form TCR, *available at https://www.sec.gov/files/formtcr.pdf.* The SEC Whistleblower Program was established to incentivize whistleblowers to report specific, timely, and credible information about possible federal securities laws violations and, accordingly, may provide the Commission with information regarding fraud, including pay-to-play practices.

[80] *See* current rule 206(4)–5(a)(2)(i). *See also supra* section I.B.

[81] Rule 204–2 under the Advisers Act would also continue to require an investment adviser to maintain all written agreements entered into by the investment adviser with government entity clients, third-party solicitors and placement agents, which would be available for the Commission to review upon examination. *See* current rule 204–2(a)(10); *infra* section II.B for discussion of the proposed amendments to rule 204–2.

[82] *See, e.g.,* Section 424–A of the New York Retirement & Social Security Law (prohibiting the New York State Common Retirement Fund (''CRF'') from investing with an outside investment manager that is using the services of a placement agent or other intermediary to assist the investment manager in obtaining investments by the CRF).

[83] *But see* Compliance Rule Adopting Release, *supra* footnote 61, at section II.A.1 (stating that the Commission expects that an adviser's policies and procedures, at a minimum, should address certain issues to the extent that they are relevant to that adviser).

[84] *See id.*

specific factors such as the size of the adviser's investment and business development teams; indirect conduct such as structuring transactions in a manner intended to hide the true purpose of a contribution or payment using third-parties, such as consultants, attorneys, family members, friends or companies affiliated with the adviser, to hide the true source of the donation). Factors that might affect the adviser's risk assessment include:

- *Governmental relationships.* Whether the adviser has an existing relationship with one or more government entities or government entity officials or whether the adviser is seeking to, or has begun the process of, providing investment advisory services to such government entities or officials and, if so, whether any contributions or related activities should be analyzed to assess the adviser's risk.
- *Personnel.* The nature of the position of any personnel making a contribution (*e.g.,* advisory, senior level decision makers, or business development personnel, on the one hand, or back-office, administrative, or clerical employees, on the other hand) and the associated risk (*e.g.,* contributions by personnel in positions involving client solicitation may carry heightened pay-to-play risks) and whether any personnel carry heightened pay-to-play risks for other reasons (*e.g.,* some personnel may carry heightened pay-to-play risks due to their history of contributions).
- *Pre-clearance.* The adviser could consider incorporating into its policies and procedures a process of pre-clearance of contributions by the adviser or its personnel to officials of government entities depending on its risk assessment, the nature of its business, and its particular facts and circumstances. As part of any such process, the adviser could consider whether to maintain reports documenting contributions by personnel to help better identify pay-to-play risk depending on its risk assessment, the nature of its business, and its particular facts and circumstances, which could also aid the adviser in performing the required annual review of its overall compliance program (including any policies and procedures specific to pay to play). An adviser with a small number of employees could determine that it does not need a formalized pre-clearance program. Alternatively, a large adviser with multiple advisory contracts with several public pension plans could determine that it is appropriate to have an electronic pre-clearance system for contributions similar to what typically is used for pre-clearing personal securities transactions.
- *Risk mitigators.* After identifying conflicts and other compliance factors creating pay-to-play risk, the adviser would need to design policies and procedures to address those risks. Those policies and procedures would vary by adviser depending on the nature of the adviser's business and its particular facts and circumstances. For example, an adviser's policies and procedures could provide that the adviser or its personnel be able to make contributions during a particular window that the adviser determines to have low pay-to-play risk. As another example, the policies and procedures could set forth contribution thresholds, including where contributions falling under such a threshold would not be subject to all or certain elements of the adviser's policies and procedures pertaining to pay-to-play (*e.g.,* not subject to pre-clearance, if such a protocol were to be adopted).
- *Third-party solicitors.* To the extent an adviser uses third-party solicitors, the adviser would need to address in its policies and procedures the unique pay-to-play risks associated with such practices. For example, the adviser could consider limitations such as requiring engagements to be approved by the adviser's Chief Compliance Officer or requiring any third-party solicitating government business on behalf of the adviser to be a registered investment adviser, registered broker-dealer, security-based swap dealer, or registered municipal adviser who has not made a political contribution to the government entity it is soliciting.
- *Periodic monitoring.* The adviser's policies and procedures could incorporate a process for more frequent periodic monitoring of compliance with and the effectiveness of any elements it has included with respect to pay-to-play conduct, as part of its overall review of the effectiveness of the implementation of its policies and procedures under the compliance rule.[85] Periodic monitoring could include periodic audits of pre-clearance requests against a report documenting contributions by personnel to ensure compliance with its pre-clearance process, and/or other required protocols the adviser has adopted as part of its policies and procedures.
- *Remedial steps.* The adviser would need to include in its policies and procedures steps or a framework to address contributions that are inconsistent with the policies and procedures. For example, the policies could require seeking the return of contributions within a specific timeframe or potential disciplinary or other appropriate actions against employees that violate the policies and procedures.

Likewise, the code of ethics rule does not require an adviser to adopt a particular standard of business conduct. Instead, it requires that the standard an adviser chooses reflect its fiduciary obligations and those of its supervised persons and require compliance with the Federal securities laws.[86] Accordingly, in choosing a standard of business conduct, an adviser who provides or seeks to provide investment advisory services to State or local governments would need to review and, if necessary, adjust its code of ethics to include a standard of business conduct that aligns with any policies and procedures the adviser adopts under the compliance rule in the context of its pay-to-play risks. For example, if the adviser restricts certain types of contributions as part of its policies and procedures, the adviser should consider amending its code of ethics to reference that restriction. Further, an adviser is required in its Form ADV Part 2A (Item 11) to briefly describe its code of ethics and to explain that it will provide a copy of the code of ethics to any client or prospective client upon request.[87]

3. Request for Comment

We request comment on all aspects of the proposal to rescind the political contribution rule, including the following:

1. Should the Commission rescind rule 206(4)–5 in its entirety, as proposed? Why or why not?

2. Do commenters agree with our observation that the political contribution rule has generally resulted in unintended consequences and a broader application of the rule than intended such as some advisers' policies and procedures outright prohibiting political contributions altogether? Do commenters believe that the proposed rescission of the political contribution rule would encourage more political speech by way of increased political contributions in circumstances that do not generate pay-to-play risk?

3. Does the political contribution rule raise significant questions under the First Amendment?

[85] *See* rule 206(4)–7(b) (requiring a registered investment adviser to review, no less frequently than annually, the adequacy of the policies and procedures and the effectiveness of their implementation).

[86] *See* Code of Ethics Adopting Release, *supra* footnote 65.

[87] *See* Part 2A of Form ADV: Firm Brochure, Item 11.

4. Would an adviser's policies and procedures adopted under the compliance rule be a more appropriate means of addressing the risks associated with pay-to-play practices? Would such an approach reduce burdens for the adviser relative to the burdens incurred with compliance with rule 206(4)–5 or otherwise avoid the challenges associated with the current rule? Would an adviser's adoption of a standard of business conduct under the code of ethics rule that addresses an adviser's particular pay-to-play risks help prevent fraudulent pay-to-play conduct?

5. If the political contribution rule is rescinded, would other existing requirements under the Advisers Act and the rules thereunder sufficiently address pay-to-play practices? Would rescinding the political contribution rule increase the likelihood of pay-to-play practices? Why or why not? If so, would keeping the rule or adopting some other alternative be preferable?

6. Should the Commission amend the political contribution rule to provide for some specific standards within a more principles-based framework? If so, describe what framework should be provided. For example, would an amended, more principles-based rule under the Advisers Act specific to pay-to-play practices help an adviser develop policies and procedures and codes of ethics sufficiently robust to prevent pay-to-play practices (*e.g.,* addressing pay-to-play practices that may arise from the use of political action committees (''PACs'') or third-party solicitors)?

7. Should the Commission amend the rule to require an adviser to adopt and implement policies and procedures tailored to its pay-to-play risks taking into account its particular business, but also prescribe certain elements in the policies and procedures? If so, what elements and why? For instance, should any such policies and procedures be required to expressly include (1) a risk identification and assessment element that would require an adviser to identify and assess the adviser's or its covered personnel's risk of making contributions to officials of government entities that could result in the award or retention of investment advisory services or the decision to invest or maintain an investment in an investment pool advised by the investment adviser; (2) a political contributions guidelines element that would require an adviser to establish firm-wide guidelines that would identify covered personnel and certain prohibited conduct and establish contribution limits and protocols with respect to contributions (*e.g.,* pre-clearance, periodic monitoring, and a report documenting contributions made); or (3) an annual review and report element that would require an adviser to review at least annually the adequacy of the policies and procedures and the effectiveness of their implementation and prepare a written report describing the review, its results, and any material changes made to the policies and procedures resulting from any deficiencies identified and any actions taken in response to any violations of the policies and procedures or guidelines? Would such a rule lead to different results than what an adviser would institute under the compliance rule and the code of ethics rule, and if so how?

8. As an alternative to the proposed rescission, should the Commission instead modify specific provisions of the political contribution rule? If so, which provisions and why? For example, should the Commission modify (1) the *de minimis* exception to increase the dollar amounts to $3,500 or another amount; (2) the two-year timeout and the lookback provisions to eliminate, or reduce the time periods (*e.g.,* one calendar year, one fiscal quarter) contained in, the provisions; (3) certain definitions to simplify compliance by eliminating the ''indirect'' concept in the definitions of ''official'' and ''covered associate''; and/or (4) the exemptive process set forth in rule 206(4)–5(e) to expand the bases for relief? If a partial rescission of the rule or targeted modifications is a preferable approach, how specifically should the Commission amend the rule to address market participants' concerns about complexity, breadth, and burden?

9. Should the Commission further clarify application of the compliance rule with respect to pay-to-pay practices, or otherwise provide additional guidance to assist advisers in updating and tailoring their policies and procedures and codes of ethics if the political contribution rule is rescinded as proposed? If so, what clarification or guidance would be helpful?

10. Should the Commission adopt enhanced disclosure obligations (*e.g.,* Form ADV disclosures to provide an alternative means of transparency) if the rule is rescinded as proposed? If so, what should the disclosures be and why? For example, should the Commission require advisers to briefly disclose how their policies and procedures address pay-to-play risk? Would such a requirement result in different disclosure than advisers would provide under Item 11 of Form ADV Part 2 in describing their code of ethics if the political contribution rule were rescinded? Would enhanced disclosure regarding an adviser's policies and procedures addressing pay-to-play risk help to reduce instances of pay-to-play practices? Why or why not?

11. Do State and local pay-to-play requirements as well as any anti-bribery and other applicable laws and regulations including Federal laws and regulations regarding the procurement process (while not all targeted at investment advisers specifically and not consistent across or present in all jurisdictions) diminish the need for rule 206(4)–5? Why or why not? Alternatively, is having a Federal rule addressing pay-to-play practices necessary given the variability among State and local pay-to-play laws and the complex analyses required to determine whether these regulations are applicable? Why or why not?

12. Would the proposed rescission of the political contribution rule affect the application of other rules or regulations (including, but not limited to, the MSRB Political Contribution Rule, FINRA Rule 2030, and Exchange Act rule 15Fh–6) applicable to pay-to-play conduct by registered broker-dealers, registered municipal advisers, security-based swap dealers, or any other registered firms? Why or why not? If so, which rules and how? For example, if the political contribution rule were rescinded as proposed, would limitations on the use of solicitors under other rules and regulations continue to apply to advisers? Why or why not? Additionally, what impact (*e.g.,* compliance burdens or otherwise) would the proposed rescission have on dually registered investment advisers and broker-dealers? Is our understanding accurate that most advisers that provide investment advisory services to government clients (or seek to do so) and, therefore, that present the greatest pay-to-play risk, are investment advisers registered with the Commission?

13. Do commenters believe that the proposed rescission of the political contribution rule would increase pay-to-play risk for exempt reporting advisers and foreign private advisers given that these advisers are not subject to the code of ethics rule or the compliance rule? Why or why not?

B. Proposed Amendments to Rule 204–2 Under the Advisers Act

The proposal would amend the recordkeeping rule to eliminate the provisions requiring a registered investment adviser to make and keep certain records in connection with the

political contribution rule.[88] Paragraph (a)(18) of rule 204–2 requires an adviser to make and keep records containing a list or record of its covered associates, government entity clients, contributions to officials, State political parties and PACs, and payments to regulated persons soliciting government business on the adviser's behalf. Because the proposal would rescind rule 206(4)–5 in its entirety, we propose to eliminate paragraph (a)(18) of rule 204–2.

As discussed above, however, an adviser must manage the risk of engaging in pay-to-play practices, including by adopting policies and procedures under the compliance rule and a code of ethics under rule 204A–1 as appropriate.[89] Rule 204–2 requires an adviser to maintain a copy of its policies and procedures and records documenting the adviser's annual review of those policies and procedures.[90] Further, the rule requires an adviser to maintain a copy of its code of ethics and a record of any violation of that code along with actions taken as a result of the violation, and copies of its supervised persons' written acknowledgment of receipt of the code.[91] An adviser must also maintain records of all written agreements with any client or otherwise relating to the business of the adviser, which would include written agreements with its government entity clients.[92] Thus, notwithstanding any rescission of the political contribution rule as proposed, rule 204–2 would continue to require an adviser to maintain these records, including any portion relating to preventing pay-to-play practices. These records would be available for the Commission to review upon examination.

We request comment on all aspects of the proposed amendments relating to the recordkeeping rule, including the following:

14. Should the recordkeeping rule be amended to eliminate all the current political contribution recordkeeping requirements, as proposed?

15. Alternatively, should we retain certain recordkeeping requirements within rule 204–2(a)(18)? If so, which requirements and why? Are there any additional recordkeeping requirements related to pay-to-play practices that we should require? If so, what requirements and why? For example, are there specific records that we should require an adviser to maintain that would assist the Commission in identifying fraudulent pay-to-play practices?

III. Economic Analysis

A. Introduction

We are mindful of the costs imposed by, and the benefits obtained from, our rules. Section 202(c) of the Advisers Act[93] provides that when the Commission is engaging in rulemaking under the Advisers Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider whether the action will promote efficiency, competition, and capital formation, in addition to the protection of investors. The following analysis considers, in detail, the likely significant economic effects that may result from the rescission of rule 206(4)–5, including the benefits and costs to investors and other market participants as well as the broader implications of the proposed rule amendments for efficiency, competition, and capital formation.

Pay-to-play practices in investment adviser markets, when they occur, can impose significant losses on public investment systems and, historically, have not been fully corrected by market forces.[94] Government officials have legal obligations to government fund beneficiaries. However, such officials can receive private benefits that incentivize them to diverge from their obligations to government fund beneficiaries. This behavior can be checked by law enforcement or by public scrutiny. However, pay-to-play practices are rarely explicit; it may be difficult to prove that an adviser (or one of its executives or employees) made political contributions for the purpose of obtaining the government business, or that it engaged a solicitor for his or her political influence rather than substantive expertise.[95] Further, the public often lacks insight into the adviser selection process.

These problems can persist as a type of collective action problem.[96] Investment advisers may be locked out from the market for government contracts if they do not make contributions, and the expected financial return on contributions can make participation individually rational despite its collective cost. Meanwhile, government officials benefit from the arrangement so long as they retain authority to decide which investment advisers are granted government contracts, and candidates that wish to campaign against pay-to-pay practices could see their campaigns financially handicapped by the loss of contributions from advisers and officials who benefit from pay-to-play.

Pay-to-play practices transfer wealth from taxpayers and fund beneficiaries to investment advisers and government officials responsible for selecting them. For example, they undermine the fair competition for government contracts and can result in higher fees and lower performance for pension funds and other government investments. They could also force investment advisers to dedicate resources to unproductive activity (*i.e.,* spending time and money maintaining political connections) and away from productive activity. Finally, they could also result in the erosion of public trust in government officials and the distortion of capital markets.

The political contribution rule, rule 206(4)–5, was designed as a prophylactic measure to address pay-to-play practices before they occur. In practice, however, this rule has imposed unintended costs on investment advisers, their employees, their State and local government clients, and indirectly on other market participants.[97] Although the rule was not intended to discourage lawful political donations, some investment advisers have, possibly in response to the rule, enacted policies prohibiting their employees from making any political donations. Nor was the rule intended to affect investment adviser labor markets or disincentivize investment advisers from competing for government contracts. However, discussions with market participants lead us to believe that the rule may have distorted both markets.

The proposal would rescind the political contribution rule and thereby eliminate the compliance costs and unintended consequences associated with the rule. While rescinding the rule could increase the risk of pay-to-play practices in investment adviser markets, we believe that this risk would be mitigated by several regulatory

[88] Staff in the Division of Investment Management is reviewing certain of our staff's no action letters addressing the application of the recordkeeping rule to determine whether any such letters would need to be withdrawn in connection with a rescission of the political contribution rule. One letter being reviewed is the letter from the Investment Company Institute. *See* Investment Company Institute, SEC Staff No-Action Letter (Sept. 12, 2011).

[89] *See supra* section II.A.

[90] *See* rule 204–2(a)(17)(i) through (ii).

[91] *See* rule 204–2(a)(12)(i) through (iii).

[92] *See* rule 204–2(a)(10).

[93] *See* 15 U.S.C. 80b–2(c).

[94] *See supra* the history of enforcement actions taken by the Commission at footnote 15 and accompanying text.

[95] *See* 2010 Adopting Release, part II.

[96] *See Blount* v. *SEC,* 61 F.3d 938 (D.C. Cir. 1995), *cert. denied*, 517 U.S. 1119 (1996).

[97] The rule creates a *de facto* strict liability standard that can lead to situations where small donations or ''foot faults'' potentially trigger substantial prohibitions under the rule. *See supra* section I.C.

frameworks. Pay-to-play practices were unlawful under various anti-bribery laws and the Advisers Act before the political contribution rule was promulgated and would continue to be unlawful if the rule is rescinded. The compliance rule would continue to require registered investment advisers to adopt and implement policies and procedures that are reasonably designed to prevent violation of the Advisers Act and the rules thereunder, including by tailoring their compliance policies and procedures in accordance with their own business models and risk profiles to address their pay-to-play risks. Advisers' fiduciary duties will continue to require them to assess and mitigate pay-to-play risks. The code of ethics rule will continue to require registered investment advisers to adopt a code of ethics that sets forth a standard of business conduct reflecting this fiduciary obligation.

B. Economic Baseline

The baseline against which the costs, benefits, and the effects on efficiency, competition, and capital formation of the proposed rule are measured consists of the current state of the investment adviser market, current practice as it relates to pay-to-play policies and procedures, and the current regulatory framework.[98]

1. Current Regulatory Framework and Market Practice

a. Regulatory Baseline

The antifraud provisions of the Advisers Act make it unlawful for an adviser to employ any device, scheme, or artifice to defraud any client or prospective client, to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client, or to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative.[99] Therefore, pay-to-play practices are prohibited by the Advisers Act and also may violate other provisions of the Federal securities laws.[100] In certain circumstances, pay-to-play schemes may also violate laws expressly prohibiting quid pro quo bribery schemes.

Further, the compliance rule under the Advisers Act requires an adviser that is registered, or required to be registered, to adopt and implement written policies and procedures reasonably designed to prevent violations, by the adviser and its supervised persons, of the Advisers Act and the rules that the Commission has adopted under the Advisers Act, which include requirements to prevent certain pay-to-play practices. The adviser must review these policies' adequacy and effectiveness on at least an annual basis.[101]

The political contribution rule acts as a prophylactic rule to prevent pay-to-play activity. The rule generally prohibits an investment adviser from providing investment advisory services for compensation to a government client for two years after the adviser or any of its covered associates makes a contribution to an elected official of a government entity, or candidate for such office, whose office is in a position to influence the selection of the adviser.[102] The rule provides for situations in which the Commission can provide exemptions from this prohibition. The rule also prohibits advisers from paying or agreeing to pay persons to solicit government entities on their behalf unless the persons are the advisers' own executive officers, general partners, managing members, or employees, or are certain regulated persons who are themselves subject to pay-to-play restrictions.[103] Under the rule, an adviser and its covered associates are further restricted from soliciting or coordinating contributions or payments to certain government officials or political parties related to the adviser's business and may also not do indirectly anything which, if done directly, would violate the rule.[104] Covered investment pools in which a government entity invests or is solicited to invest are treated as if they were the government entity for the purposes of the rule.[105] The political contribution rule includes *de minimis* exceptions (*i.e.,* contribution dollar thresholds below which the ban on contributions does not apply), an exception for new covered associates, and an exception for certain returned contributions.[106] The recordkeeping rule requires a registered investment adviser to make and keep certain records in connection with the political contribution rule.[107]

Exchange Act rule 15Fh–6 imposes political contribution restrictions on security-based swap dealers and their covered associates that are parallel to the political contribution rule's restrictions on investment advisers and their covered associates.[108] Rule 15Fh–6 might apply to investment advisers to the extent that they are dually registered as investment advisers and security-based swap dealers. Under the MSRB Political Contribution Rule (rule G–37), brokers, dealers, municipal securities dealers, and municipal advisors are subject to a two-year prohibition on engaging in municipal securities business or municipal advisory business, as applicable, if they made certain contributions to officials of municipal entities within the preceding two-year period, with a shorter six-month lookback period for certain personnel, and an exception for de minimis contributions. MSRB rule G–38 prohibits brokers, dealers, and municipal securities dealers from paying persons who are not affiliated persons for solicitation of municipal securities business on their behalf. The comparable requirements of rule 206(4)–5 were closely modeled on MSRB rules G–37 and G–38.[109] A registered municipal advisor subject to MSRB rule G–37 is a ''regulated person'' under rule 206(4)–5(f)(9) and as such, an investment adviser may pay the registered municipal advisor to solicit a government entity for investment advisory services.[110]

[98] *See, e.g., Nasdaq* v. *SEC*, 34 F.4th 1105, 1111–14 (D.C. Cir. 2022). This baseline approach also follows Commission staff guidance on economic analysis for rulemaking. *See* Current Guidance on Economic Analysis in SEC Rulemaking (Mar. 16, 2012), *available at https://www.sec.gov/divisions/riskfin/rsfi_guidance_econ_analy_secrulemaking.pdf* (''The economic consequences of proposed rules (potential costs and benefits including effects on efficiency, competition, and capital formation) should be measured against a baseline, which is the best assessment of how the world would look in the absence of the proposed action''); *Id.* at 7 (''The baseline includes both the economic attributes of the relevant market and the existing regulatory structure.''). Any staff statements cited herein represent the views of the staff. They are not a rule, regulation, or statement of the Commission. Furthermore, the Commission has neither approved nor disapproved their content. Any staff statements cited herein, like all staff statements, have no legal force or effect; they do not alter or amend applicable law; and they create no new or additional obligations for any person.

[99] *See* Advisers Act sections 206(1), (2), and (4).

[100] *See supra* section II.A.

[101] *See* rule 206(4)–7.

[102] *See* rule 206(4)–5(a)(1) and 206(4)–5(f)(6) (defining ''official''); *see also supra* section I.B. The investment advisers covered by the political contribution rule include advisers who are registered or required to be registered; advisers who are unregistered in reliance on the exemption available under section 203(b)(3) of the Advisers Act (for foreign private advisers); and exempt reporting advisers as defined in rule 204–4(a) (*i.e.,* certain venture capital fund advisers and private fund advisers). *See* rule 206(4)–5(a) and (d).

[103] *See* rule 206(4)–5(a)(2)(i).

[104] *See* rules 206(4)–5(a)(2)(ii), 206(4)–5(d).

[105] *See* rule 206(4)–5(c).

[106] *See* rule 206(4)–5(b).

[107] *See* rule 204–2(a)(18).

[108] *See* rules 15Fh–6(b)(1) (ban on compensation and two-year lookback); 15Fh–6(b)(3)(i) (ban on solicitation by other than regulated persons); 15Fh–6(b)(3)(ii) (ban on coordination); 15Fh–6(b)(2), (d), (e) (exceptions and exemptions).

[109] *See* 2010 Adopting Release, *supra* footnote 1, at sections I, II.B.2(a), IV.A.

[110] *See* rule 206(4)–5(a)(2)(i)(A); *see also* Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act

FINRA adopted rule 2030 and a related recordkeeping rule, rule 4580, to enable its member firms to continue to engage in distribution and solicitation activities for compensation with government entities on behalf of investment advisers following the adoption of rule 206(4)–5. The elements and terms used in rule 2030 are ''substantially equivalent'' to those in rule 206(4)–5, because one of the objectives of FINRA's proposal is to satisfy the ''regulated person'' definition in rule 206(4)–5(f)(9) so that an investment adviser may pay a FINRA member firm to solicit a government entity for investment advisory services.[111]

Some States and municipalities place similar restrictions on investment advisers subject to their jurisdiction or government entities that can contract with investment advisers, though there is significant variation in the individuals, firms, or entities to which these rules apply and how they are restricted. State and local restrictions vary considerably in their scope and approach. Some jurisdictions prohibit principals of investment advisory firms from contributing to campaigns or other organizations related to offices with discretion in the selection or compensation of an investment adviser.[112] Some jurisdictions require public disclosures of contributions for firms with procurement contracts with the State or its subdivisions.[113] Some jurisdictions disallow government entities in the State from contracting with investment advisers who have made contributions to campaigns for—or holders of—certain government offices, and restrict government contractors from making, soliciting, or pledging political campaign contributions.[114] Some jurisdictions prohibit the use of placement agents.[115] Some jurisdictions have no restrictions resembling those in the political contribution rule.

Pay-to-play practices are inconsistent with an adviser's role as a fiduciary under the Advisers Act and constitute fraud under the Federal securities laws.[116] In addition, the code of ethics rule requires an adviser that is registered, or required to be registered, to have a code of ethics that sets forth standards of business conduct for its supervised persons, which reflect the adviser's fiduciary obligations and those of its supervised persons, and, among other things, provisions requiring the adviser's supervised persons to comply with applicable Federal securities laws.[117] The Commission may also penalize an adviser for failing to reasonably supervise persons under its supervision who commit Federal securities law violations, including pay-to-play practices.[118] Rule 204–3 and Form ADV require a registered adviser to deliver a firm brochure to each client or prospective client describing, among other things, its code of ethics and explaining that the adviser will provide a copy of the code of ethics to any client or prospective client upon request.[119] The provisions collectively constitute a regulatory framework that governs pay-to-play risk in investment advisory markets independent from the political contribution rule.

b. Current Market Practice

To comply with rule 206(4)–5 and to otherwise ensure that an adviser is complying with the Advisers Act, we understand that advisers have enacted compliance frameworks to identify sources of pay-to-play risk, manage their covered associates, and document the activities of the advisers and their covered associates. Activities within this framework include: establishing pre-clearance procedures and/or annual certifications for political contributions; developing training programs to educate employees about the rule and its implications; maintaining records of employee contributions and other relevant activities; reviewing public contribution databases; and creating disciplinary protocols for associates who violate the adviser's policies.

According to an industry survey of investment advisers,[120] approximately 40 percent of advisers conduct periodic training of relevant personnel on pay-to-play issues, 31 percent require periodic reporting of all political contributions by covered associates, 31 percent require new personnel to be vetted for political contributions before being hired as a covered associate, 12 percent prohibit all political contributions, 9 percent review expense reports of relevant personnel for pay-to-play red flags, and 4 percent require periodic reporting of political contributions over $150. Some advisers also require associates to pre-clear contributions, with 27 percent reporting to require this for contributions over $150 and 13 percent reporting to require this for contributions over $350.[121]

According to the same survey, approximately 16 percent of investment advisers increased the type, scope, and/or frequency of pay-to-play-related compliance testing compared to the previous year. Additionally, 11 percent of surveyed advisers cited pay-to-play as an area of focus during their most recent SEC examination.

2. Affected Parties

As of December 2025, and incorporating filings received through April 30, 2026, there were 16,434 registered investment advisers, with roughly $166.0 trillion in total regulatory assets under management and approximately 1,110,000 employees. There were also 6,463 exempt reporting advisers with additional assets of approximately $7.5 trillion.[122] We do not currently have

Release No. 3221 (June 22, 2011) [76 FR 42950 (July 19, 2011)], at section II.D.1; Political Contributions by Certain Investment Advisers: Ban on Third-Party Solicitation; Order With Respect to MSRB Rule G–37, Investment Advisers Act Release No. 4531 (Sept. 20, 2016) [(81 FR 66526 (Sept. 28, 2016)].

[111] *See* Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change to Adopt FINRA Rule 2030 and FINRA Rule 4580 to Establish ''Pay-To-Play'' and Related Rules, Securities Exchange Act Release No. 78683 (Aug. 25, 2016) [81 FR 60051 (Aug. 31, 2016)]. The Commission subsequently determined that that FINRA Rule 2030 imposes substantially equivalent or more stringent restrictions on broker-dealers than the Commission's political contribution rule imposes on investment advisers and is consistent with the objectives of the political contribution rule. *See* Political Contributions by Certain Investment Advisers: Ban on Third-Party Solicitation; Order with Respect to FINRA Rule 2030, Investment Advisers Act Release No. 4532 (Sept. 20, 2016) [(81 FR 66526 (Sept. 28, 2016)].

[112] *See, e.g.,* Conn. Gen. Stat. § 9–612 (2026).

[113] *See, e.g.,* Md. Code Regs. 21.07.01.20 (2026).

[114] *See, e.g.,* N.J. Stat. Ann. § 19:44A–20.13 *et seq.* (2026).

[115] *See, e.g.,* Press Release, New York City Pension Funds Enact Placement Agent Ban (June 9, 2014), https://comptroller.nyc.gov/newsroom/new-york-city-pension-funds-enact-placement-agent-ban/(announcing joint resolution by the New York City Employees' Retirement System, Teachers' Retirement System, New York City Police Pension Fund, New York City Fire Department Pension Fund, and Board of Education Retirement System).

[116] *See supra* section I.A.

[117] *See* rule 204A–1.

[118] *See* Advisers Act section 203(e)(6).

[119] *See* rule 204–3(a) and (b); Part 2A of Form ADV: Firm Brochure, Item 11.

[120] *See* 2024 Investment Management Compliance Testing Survey, *supra* footnote2.

[121] Advisers completing the survey were allowed to select multiple possible answers for the question ''Which of the following policies have you adopted with regard to political contributions by 'Covered Associates' as defined within the Pay-to-Play Rule? *(Check all that apply).*'' While an adviser that has a policy requiring pre-clearance for contributions over $150 necessarily also has a policy requiring pre-clearance for contributions over $350, it is unclear how many of the 13 percent of advisers that selected that they require pre-clearance for contributions above $350 did so because they have this policy and not one for a $150 (or lower) threshold or because they have this policy by virtue of having a policy with a threshold of $150 (or lower).

[122] Exempt reporting advisers are not required to report their regulatory assets under management on Form ADV. Here we cite the total gross assets of these advisers' private funds.

data on the extent to which advisers use third parties to solicit government entities.

The rule also affects government entities that may use investment advisory services. In particular, State and local government retirement funds currently have $9.6 trillion in assets, representing 33 percent of all U.S. pension assets, and State-run qualified tuition plans currently manage $603 billion in assets.[123]

C. Benefits and Costs

1. Benefits of Rescinding the Political Contribution Rule

Rescinding the political contribution rule would likely lower the ongoing direct compliance costs for advisers to comply with the Advisers Act. The extent of the cost savings would vary with many factors. Notably, cost savings would vary with the extent to which an adviser would choose to modify its policies and procedures related to identifying pay-to-play risks and eliminating pay-to-play practices.

In particular, removing the prescriptive requirements of rule 206(4)–5 would allow investment advisers to tailor their policies and procedures to their specific pay-to-play risks, resulting in lower compliance costs for most advisers. For example, some advisers that currently vet the past political contributions of prospective employees or employees being considered for a transfer or a promotion may no longer do so or do so in fewer situations. These savings could free adviser employees for other tasks or reduce the need for dedicated compliance staff, or both. Advisers may pass these cost savings on to their government clients through lower fees or improved service quality.

Some advisers might change their policies and procedures to remove specific requirements designed to comply with rule 206(4)–5, while retaining the same or similar obligations as a matter of practice. An adviser might choose to retain a particular policy either because its State's regulations are already more stringent than an analogous policy imposed by the political contribution rule,[124] because the adviser is a dual-registered entity subject to rule 15Fh–6, or because the adviser has an affiliated broker or dealer that is required to comply with the MSRB Political Contribution Rule (rule G–37), MSRB Rule G–38, or FINRA Rule 2030. These rules have substantially similar prohibitions to those in the political contribution rule, and to the extent that compliance resources are shared between affiliated entities, it may not be cost effective for an adviser to tailor its specific advisory practices in response to a rescission of the political contribution rule. Likewise, an adviser might choose to retain some elements because after conducting its risk assessment, it may decide that such elements are appropriate to address its particular pay-to-play risks.[125]

Some advisers may choose not to change a policy, other than by removing specific requirements for complying with rule 206(4)–5 and related recordkeeping requirements, because the initial cost of changing policies is larger than the ongoing savings that would accrue from switching to a different policy.[126] Still other advisers would not be affected because they neither currently have nor intend to seek government entity clients.

The 2010 Adopting Release estimated the ongoing compliance costs related to the political contribution rule. These costs include ongoing monitoring of employee contributions, compliance training, recordkeeping, and related expenses.[127] Rescinding the rule would eliminate these costs. In aggregate, we expect that rescinding the political contribution rule would save annual, ongoing compliance expenses of approximately $3,750 per smaller firm,[128] $161,500 per medium firm,[129] and $323,000 per larger firm,[130] resulting in annual aggregate cost savings of approximately $416 million.[131]

Advisers that currently apply or consider applying for an exemption under the political contribution rule would also see reduced costs because they would no longer spend time and resources deliberating, preparing, or submitting applications for an exemption. We estimate that the reduction in costs related to advisers that would otherwise file for an exemption would result in $68,916.49 in savings in aggregate per year,[132] with potentially some additional savings in deliberative time for advisers that

[123] Pension plan data are as the end of the second quarter of 2025 and come from tables in *Financial Accounts of the United States—Z.1,* Bd. Of Governors of the Fed. Rsrv. Sy*https://www.federalreserve.gov/releases/z1/20250911/html/default.htm* (last updated Sept. 11, 2025). State and local government employee retirement funds have $9.6 trillion in total financial assets (Table L.120), while Federal government employee retirement funds have $4.9 trillion (Table L.119) and private pension funds have $14.2 trillion (Table L.118). 9.6/(9.6 + 4.9 + 14.2) = 33%. State-run qualified tuition plan data are as of December 31, 2025, as reported by the College Savings Plan Network. *See* Coll. Sav. Plan Network, 529 Plan Data (2025), *available at https://www.529network.org/wp-content/uploads/2026/06/CSPN-data-for-12.31.25.pdf.*

[124] For example, N.J. Admin. Code § 17:16–4.3 prohibits the engagement of, and requires the termination of, an investment management firm, if an investment management professional associated with the firm makes certain political contributions greater than $250 within the two-year period prior to and during the engagement.

[125] Some advisers already have policies in place (such as complete prohibitions on political donations) that are more stringent than those required by the political contribution rule, and may choose to retain these policies for the same reasons that they originally implemented these policies.

[126] We do not anticipate any substantive or material change in an adviser's code of ethics. *See infra* note 166.

[127] *See* 2010 Adopting Release, *supra* footnote 1, at section IV.B.1.

[128] The 2010 Adopting Release estimated ongoing costs of 10 hours of compliance manager time (this title was replaced by the term financial examiner—*see* infra footnote 240). 10 hours × $375 per hour = $3,750. Smaller firms are defined as those with fewer than five employees who perform investment advisory functions.

[129] The 2010 Adopting Release estimated ongoing costs of 375 hours of compliance manager time (this title was replaced by the term financial examiner—*see* infra footnote 240) and 125 hours of clerical time. 375 hours × $375 per hour + 125 hours × $167 per hour = $161,500. Medium firms are defined as those with between five and 15 employees who perform investment advisory functions.

[130] The 2010 Adopting Release estimated ongoing costs of 750 hours of compliance manager time (this title was replaced by the term financial examiner—*see* infra footnote 240) and 250 hours of clerical time. 750 hours × $375 per hour + 250 hours × $167 per hour = $323,000. Larger firms are defined as those with more than 15 employees who perform investment advisory functions.

[131] *See infra* footnote 183 for an explanation of how we estimated the total number of advisers affected by the rule (2,091). Of the 1,518 advisers who report having direct government clients on Form ADV, 358 (23.6%) are smaller firms, 460 (30.3%) are medium firms, and 700 (46.1%) are larger firms. Assuming that advisers who do not have direct government clients but do advise pools with government entity investors have the same size distribution, we estimate that there are 2,091 × 23.6% = 493 smaller firms affected by the rule, 2,091 × 30.3% = 634 medium firms affected by the rule, and 2,091 × 46.1% = 964 larger firms affected by the rule. $3,750 × 493 smaller firms + $161,500 × 634 medium firms + $323,000 × 964 larger firms = $415,611,750. Note that this estimate is for the savings accruing only to registered investment advisers because for other types of advisers we do not generally have data on their number of employees or whether they have government clients. Note also that, as described earlier in this section, some advisers may choose to retain some policies developed in response to the political contribution rule, and so may not fully realize these cost savings.

[132] According to the PRA analysis in Table 2, we estimate one fewer well-precedented application with an average external cost of $15,259.94, and one fewer medium complexity application with an average external cost of $51,948.56, for a total cost savings of $15,259.94 + $51,948.56 = $67,208.50. Additionally, each filing would save an hour of internal paralegal or legal assistant time, at a cost of $281/hour. $67,208.50 + $281/hour × 2 hours = $67,770.50.

considered but ultimately declined to file for exemptive applications.

Market participants have claimed that the political contribution rule has distorted investment adviser labor markets by causing advisers to screen candidates based on prior political contributions rather than professional qualifications. When these screenings remove personnel from consideration whose contributions pose no appreciable pay-to-play risk, they reduce the quality of advisory teams without providing any corresponding benefit. The rule may have further distorted labor markets if qualified individuals chose not to seek employment at certain investment advisers because of those firms' policies on political contributions. To the extent that rescission of the rule would result in advisers hiring employees with prior contributions that the adviser previously would have rejected despite posing no appreciable pay-to-play risks or qualified applicants becoming more likely to apply for these positions, the quality of investment management available to public pension plans may improve, which would directly benefit plan beneficiaries. The Commission does not have data on measures indicating the extent of adviser competition that would allow us to quantify the magnitude of any such distortions.

The political contribution rule may also have made government contracts less appealing, and so the rule may have disincentivized investment advisers from seeking such contracts: Some advisers might be reluctant to limit their employees' political contributions while others might fear the risks associated with unintended minor infractions of the political contribution rule by their covered associates, as this could lead to the loss of profits from a client over a two-year period. The compliance costs that advisers incur under the political contribution rule in order to compete for government contracts might also deter some advisers, particularly smaller advisers, from competing for government contracts. Similarly, some advisers may not compete for government contracts because of a prior contribution, despite a lack of any associated pay-to-play risk. To the extent that rescission expands the pool of advisers competing for government contracts, government clients may benefit from lower advisory fees or improved investment performance. State and local government retirement funds currently hold $9.6 trillion in assets.[133] Even modest improvements in net-of-fee returns resulting from increased competition could generate substantial benefits for the 36 million plan participants who depend on these funds.[134]

In some circumstances, the two-year compensation ban may have harmed the government clients and beneficiaries the rule was designed to protect. When an adviser loses the right to receive compensation from a government client, the loss of compensation could cause an adviser to reduce the resources available to service that client (*e.g.,* reducing research capacity, staffing, or execution quality), although many factors could affect the degree to which this occurs. In the case of non-listed closed-end funds or other structures where investors cannot redeem or trade their positions on a secondary market, beneficiaries cannot exit in response to deteriorating service quality, making them particularly vulnerable to this harm. The proposed rescission would ameliorate this outcome for government clients and their beneficiaries.

Market participants have also suggested that rule 206(4)–5 has made advisers to government clients and covered associates of these advisers less likely to make contributions to government officials. This is supported by survey data in which 12 percent of investment adviser respondents indicated that they have some type of blanket prohibition on political contributions for their employees.[135] The rule was not intended to discourage lawful political donations. To the extent that rescission leads advisers to modify their policies in ways that permit employees to make or increase the size of lawful political contributions, adviser personnel would benefit by regaining the ability to make lawful donations (*i.e.,* more political speech) that the rule may have discouraged.[136]

To the extent that the rule has reduced competition in the market for third-party solicitors by limiting such solicitors to certain regulated persons, and thus increased the price for such solicitation, rescinding the rule may also allow more advisers to use a greater variety of placement agents to solicit government clients. This could allow smaller advisers who do not have the internal resources to solicit government clients to compete for such contracts, which may increase competition in that market. However, this effect could be mitigated by applicable rules and regulations that govern the use of solicitors, including the applicable MSRB and FINRA rules, as well as other applicable State and local rules prohibiting third-party solicitation, to the extent they are relevant to the adviser and would still be in effect.[137]

2. Costs of Rescinding the Political Contribution Rule

All advisers would face a one-time cost in determining whether to modify their policies and procedures and code of ethics in response to a rescission of the political contribution rule. Advisers that choose to modify their practices would incur additional costs as a result. We estimate that this cost will be approximately $51 million in aggregate.[138] Transition costs are likely to be larger for advisers operating in States and municipalities that have their own pay-to-play restrictions. To the extent that specific requirements of the political contribution rule are currently more stringent than similar rules in other jurisdictions, these advisers would need to re-evaluate local rules when designing their policies and procedures. However, for many advisers, we expect that these costs would be small relative to the ongoing cost savings that they would achieve from tailoring their policies to their particular circumstances. In addition, for the reasons discussed above, some advisers might change their policies and

[133] *See supra* footnote 123.

[134] *See supra* footnote 13.

[135] *See* 2024 Investment Management Compliance Testing Survey, *supra* footnote 2; *see also supra* section III.B.1.b.

[136] *See supra* footnote 67 and accompanying text.

[137] *See supra* section III.B.1.a; *see also supra* footnote 82 and accompanying text.

[138] According to the PRA analysis (*see infra* footnote 235 and associated text) we estimate that, on average, smaller firms would spend 1.5 hours, medium firms would spend 50 hours, and larger firms would spend 125 hours modifying their policies and procedures in response to the proposed rescission. We estimate that the 1.5 hours by smaller firms would generally be from financial examiners (who have an average wage of $375/hour, *see infra* footnote 230 and associated text). For medium firms, we estimate that 37.5 hours would be from financial examiners with the remaining 12.5 hours from bookkeeping, accounting, and auditing clerks (who have an average wage of $167/hour, *see infra* footnote 241 and associated text). For larger firms, we estimate that 93.75 hours would be from a financial examiner with the remaining 31.25 hours from bookkeeping, accounting, and auditing clerks. The aggregate cost is therefore 493 smaller firms x 1.5 hours x $375/hour + 634 medium firms x (37.5 hours x $375/hour + 12.5 hours x $167/hour) + 964 larger firms x (93.75 hours x $375/hour + 31.25 hours x $167/hour) = $49,437,912.50. *See supra* footnote 131 for an explanation of the estimate of the number of firms. The PRA additionally estimates that all affected firms would spend, on average, two hours of financial examiner time updating their compliance policies and procedures. 2,091 x 2 hours x $375/hour = $1,568,250. In total, $49,437,912.50 + $1,568,250 = $51,006,162.50. Note that this estimate only accounts for costs accruing to registered investment advisers because for other types of advisers we do not generally have data on their number of employees or whether they have government clients.

procedures to remove requirements to comply with rule 206(4)–5, while retaining substantially similar obligations as a matter of practice. For example, some advisers are unlikely to make substantive modifications to their policies and procedures if doing so would ultimately lead to higher costs for the adviser or if an adviser's operations in a particular jurisdiction require them to adopt similar policies.

Rescinding the political contribution rule may increase the risk of pay-to-play practices by investment advisers. While we believe that this risk can be mitigated, as discussed in detail below, any pay-to-play activity that does occur comes with significant costs. Pay-to-play activities can result in the selection of one adviser over a more qualified adviser, potentially leading to diminished returns, higher costs, or other reductions in service quality (such as speed of execution or quality of communication and coordination) to pensions and other investments managed by governments. In addition, markets with pay-to-play dynamics create potentially large barriers to entry. If business contracts are preferentially awarded to providers who make political donations or pay third-party solicitors, then these costs become an expense to any adviser, or to the employees of that adviser, wishing to compete for these contracts. Either the provider bears these costs directly or the provider experiences a reduction in the likelihood of acquiring contracts, thereby decreasing the expected return from competing for that business. The increased cost or reduced gain of doing business in this market could lead to decreased competition in the market for investment advisory services and ultimately lower-quality services for government clients.

The academic literature provides evidence to suggest that campaign donations from financial institutions (*e.g.,* private equity funds) are associated with an increased likelihood of winning government contracts, including from government pensions and other government-run investment programs.[139] Similar academic research suggests that the financial rate of return on campaign contributions is quite large. One study estimated that, on average, each dollar contributed to a campaign was associated with a $400 increase in government contract revenue, although this analysis is based on aggregate evidence across all government contracts, of which advisory contracts are just one small part.[140] While these studies are not necessarily indicative of *quid pro quo* arrangements, they suggest that political contributions are correlated with the awarding of government contracts.

In support of the political contribution rule, the Commission cited a number of enforcement actions taken between 2000 and 2009 against investment advisers relating to alleged pay-to-play practices.[141] Since the rule's compliance date, no similar enforcement actions have been brought by the Commission. Although there are many possible explanations for the decline in enforcement actions relative to the pre-rule state, and it is unclear to what extent such decline in enforcement actions also reflects a decline in pay-to-play practices overall, it is possible that the political contributions rule has had some deterrent effect. However, it is also possible that the pre-rule enforcement actions, brought under the antifraud provisions of the Advisers Act, operated to deter pay-to-play practices. In that case, given that similar enforcement actions would continue to be possible after the political contributions rule is rescinded, any resulting change in deterrent effect from the rule's rescission may not be that significant.

Changes to the technological, political, and legal landscape since the political contribution rule was adopted in 2010 may also help explain the absence of SEC enforcement actions and suggest that the rule's rescission could have a more limited impact on the actual incidence of pay-to-play practices. For example, spending in political campaigns is significantly higher today than it was in 2010.[142] As a result, the value of each marginal dollar is likely smaller. Thus, there might be less incentive for candidates to reward investment advisers for the type of pay-to-play practices that would be enforced under the political contribution rule. In addition, there is evidence to suggest that public scrutiny of the relationship between government clients and investment advisers may have grown independent of Federal regulatory oversight.[143] Improvements in data dissemination and, in some jurisdictions, new requirements for increased transparency related to advisory fees, plan investments, and information related to other relevant concerns may have made it easier for beneficiaries, journalists, and oversight bodies to identify anomalous investment patterns that may reflect improper influence.[144] Increased transparency can deter pay-to-play practices by raising the likelihood that these practices would be detected and prosecuted. It can also create greater reputational costs, for both advisers and

[139] *See, e.g.,* Jaejin Lee, *How Political Connections Affect Public Pension Fund Investments? Evidence from Close State Elections* (Feb. 27, 2025), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4668018* (retrieved from SSRN Elsevier database); Alexsandar Andonov et al., *Political Representation and Governance: Evidence from the Investment Decisions of Public Pension Funds,* 73 J. Fin. 2041 (2018).

[140] *See* Nicholas Stephanopoulos, *Campaign Finance and ''Real'' Corruption,* in Campaign Finance and the First Amendment: Fifty Years of Supreme Court Decisions and Campaign Finance Reforms (Lee C. Bollinger & Geoffrey R. Stone eds., 2026), *available at https://ssrn.com/abstract=4822687* (retrieved from SSRN Elsevier database). While we do not have readily available data on State or local government contracts, and the proportions are likely to differ significantly from Federal contracts, Federal government contracts to investment advisers in fiscal year 2025 were approximately $120 million, compared to nearly $780 billion for Federal government contracts. Data for these estimates come from *www.usaspending.gov* using NAICS code 5239 as an estimate of contracts for investment advisory services. *See* U.S. Dep't of Treasury, Bureau of the Fiscal Serv., USAspending, *https://www.usaspending.gov/* (last visited July 9, 2026).

[141] A staff analysis of cases involving investment advisers in alleged pay-to-play misconduct identified these same thirteen cases, as well as two additional cases that occurred contemporaneously with the 2010 Adopting Release. It found no additional cases before those cited. For comparison, the Commission took at least 107 enforcement actions against investment advisers in fiscal year 2010 alone (*see* Table 2 from Select SEC and Market Data, Fiscal 2010, *available at https://www.sec.gov/about/secstats2010.pdf).*

[142] *See, e.g.,* Douglas M. Spencer & Abby K. Wood, *Citizens United, States Divided: An Empirical Analysis of Independent Political Spending,* 89 Ind. L.J. 315 (2014) (finding that independent expenditures in State campaigns increased following *Citizens United* v. *FEC,* 558 U.S. 310 (2010), with a significantly greater increase in States that had previously banned independent expenditures).

[143] For example, some academic research suggests that increased transparency in public pensions has led to investment managers receiving below-average compensation from these funds, and the hiring of lower-skill managers. *See* Alexander Dyck et al., *Outraged by Compensation: Implications for Public Pension Performance,* 35 Rev. Fin. Stud. 2928 (2022). The authors argue that, because investment managers generally receive compensation higher than that of the general public, ''pension trustees fear the triggering of public outrage if they compensate their investment managers at a market rate level.'' This could suggest that the public scrutinizes pension investment practices.

[144] *See, e.g.,* Cal. Gov't Code § 7514.7, Tex. Gov't Code Ann. §§ 801 and 802, and S.C. Code Ann. § 9–16–90. *See also, e.g.,* Public Plans Data, *https://publicplansdata.org* (last updated Nov. 17, 2025) (website of the Center for Retirement Research which, with partner organizations, publishes public pension plan data dating back to 2001). In general, the more net-of-fee performance information is available and comparable for a range of government funds, the more evidence the public will have to determine whether funds could be using an adviser for reasons other than net-of-fee performance. Similarly, these data may reveal that government clients are invested in funds managed by advisers with a history of campaign contributions or some other connection to a government official, or that an adviser charges fees abnormally high for the types of assets in which the client invests.

government officials, from even the appearance of impropriety.

Importantly, pay-to-play practices were unlawful under the Advisers Act and other State and Federal laws before rule 206(4)–5 was adopted and would remain unlawful following its rescission.[145] Registered investment advisers would continue to be required to maintain policies and procedures reasonably designed to prevent fraudulent pay-to-play practices, to satisfy their fiduciary obligations to assess and mitigate pay-to-play risks, to adopt codes of ethics reflecting those obligations, and to reasonably supervise persons under their supervision with a view to preventing violations. Accordingly, the deterrence attributable to the political contribution rule is limited to conduct that the existing legal framework would not otherwise deter. The Commission believes that the breadth of the antifraud provisions and the mandatory compliance rule framework applicable to registered advisers appropriately deters pay-to-play practices.[146] For exempt reporting advisers and foreign private advisers, who are not subject to the compliance rule or the code of the ethics rule, the reduction in pay-to-play deterrence from rescission could be greater than for registered advisers.

3. Costs and Benefits of Amending Rule 204–2

The proposal would amend the recordkeeping rule to eliminate the provisions requiring a registered (or required to be registered) investment adviser to make and keep certain records in connection with the political contribution rule. This revision would result in lower costs to advisers since it would reduce the number of records that are required to be maintained. In aggregate, we estimate that this revision would result in a lower burden of approximately $646,000.[147]

Apart from these cost savings, there would be no independent effects associated with this amendment beyond those that would arise in conjunction with the rescission of the political contribution rule. Importantly, advisers would continue to be required to maintain certain records of their policies and procedures associated with managing their pay-to-play risk.[148]

4. Aggregate Monetized Benefits and Costs

Throughout this economic analysis, we have estimated, as applicable, monetized benefits and costs per affected entity or filing. In this section, we present aggregate measures of these monetized effects across entities and time. These totals include only benefits and costs, as applicable, that are monetized in the economic analysis and thus do not encompass all of the proposed rule's benefits and costs. In addition, these estimates assume each entity will realize the full extent of possible benefits and costs as a result of the proposed rescission; actual benefits or costs may vary across entities depending on their existing practices and whether those practices continue after the adopted rule.

a. Initial and Annual Aggregate Monetized Benefits and Costs

Tables 1 and 2 report the benefits and costs, respectively, that are monetized in this economic analysis, aggregated across all affected entities and instances of filings. To aggregate these monetized effects we use estimates of the number of affected parties and filings [149] and burdens under the Paperwork Reduction Act in Section IV.

We estimate that the total aggregate initial monetized benefit is $0 and the total aggregate annual monetized benefit is $416,325,639.50.

TABLE 1—AGGREGATE MONETIZED BENEFITS

[2026 Dollars]

	Aggregate initial benefit (A)	Aggregate annual benefit (B)
Ongoing compliance costs under Rule 206(4)–5	$0	[a] $415,611,750.00
Exemption filings under Rule 0–4	0	[b] 67,770.50
Recordkeeping under Rule 204–2	0	[c] 646,119.00
Total	0	416,325,639.50

Notes:
[a] *See supra* footnote 141.
[b] *See supra* footnote 142.
[c] *See supra* footnote 157.

We estimate that the total aggregate initial monetized cost is $51,006,162.50 and the total aggregate annual monetized cost is $0.

[145] *See supra* sections II.A.1, III.B.1 (describing other Federal and State laws prohibiting and imposing civil or criminal liability for pay-to-play schemes).

[146] *See supra* section II.A.1.

[147] According to the PRA analysis in section IV, we estimate that 2,091 advisory firms have government clients and that, for these firms, the average annual burden per advisory firm would be reduced by 2 hours. These hours are a blend of clerks with an average wage of $154.50/hour (*see infra* footnote 189 and accompanying text). The aggregate savings is 2,091 firms x 2 hours/firm x $154.50/hour = $646,119. Note that the estimate of 2 hours per firm with government clients is equivalent to the estimate in the PRA estimate of .2545 hours per total firm (*see infra* footnote 192 and accompanying text) as 2 x 2,091/16,434 = .2545.

[148] *See* section II.B.

[149] *See supra* sections III.B.2, III.C.1 through III.C.3.

TABLE 2—AGGREGATE MONETIZED COSTS

[2026 Dollars]

	Aggregate initial cost (A)	Aggregate annual cost (B)
Modifying Policies and Procedures	[a] $51,006,162.50	$0
Total	51,006,162.50	0

Notes:
[a] *See supra* footnote 148.

b. Present Values and Annualized Values of Aggregate Monetized Benefits and Costs

Consistent with the requirements of Executive Order 12866, the Commission reports estimated total monetized benefits and costs for all affected entities in two additional ways specified in OMB Circular A–4.[150] The two presentations are intended to address the fact that the various benefits and costs of the proposed rule would not accrue at the same point in time; rather, benefits and costs that accrue sooner are generally more valuable than those that occur later in time.[151]

We report (1) the present values of expected benefits and costs that are monetized in our Economic Analysis, aggregated across all affected entities, over a 10-year time horizon, starting in 2026, as well as (2) the annualized values over the same time horizon that are derived from the present values. This time horizon represents the period over which the principal benefits and costs that are monetized in the Economic Analysis are expected to accrue.[152] The present values and annualized values account for the timing of benefits through discounting, which is a procedure that accounts for the time value of money.[153]

Table 3 reports the present values of the aggregate monetized benefits and costs from Tables 1 and 2, combining initial and annual monetized benefits and costs. The analysis uses annual real discount rates of 3 percent and 7 percent over a 10-year time horizon, starting in 2026.[154] We estimate that the present value of total monetized benefits is $3,604,218,640 using a 3 percent discount rate and $3,024,709,535 using a 7 percent discount rate. We estimate that the present value of total monetized costs is $51,006,162.50 using a 3 percent or 7 percent discount rate.

TABLE 3—PRESENT VALUE OF AGGREGATE MONETIZED BENEFITS AND COSTS OVER 10 YEARS FROM 2026 TO 2035

[2026 Dollars]

Estimated effects [a]	3% real discount rate	7% real discount rate
Benefits	$3,604,218,640	$3,024,709,535
Costs	51,006,162.50	51,006,162.50

Notes:
[a] For each discount rate, the present value calculations are based on these assumptions: (i) all one-time monetized implementation costs are incurred immediately and not discounted; (ii) recurring annual monetized benefits begin to accrue in the year in which affected entities first comply. We assume that monetized benefits occur in a steady stream, and we use a mid-year discount rate.

Table 4 reports annualized aggregate monetized benefits using real discount rates of 3 percent and 7 percent over a 10-year horizon.[155] The lump sum present values of aggregate monetized benefits reported in Table 3 are converted in Table 4 into a constant stream of annualized benefits over a 10-year time horizon, starting in 2026.[156]

[150] *See* E.O. 12866 (Sept. 30, 1993) [58 FR 51735 (Oct. 4, 1993)], at 51741 (requiring agencies to provide an analysis of benefits, costs, and regulatory alternatives to OIRA for significant regulatory actions); OMB, Circular A–4, at 31–34, 45 (Sept. 17, 2003) (''Circular A–4'') (providing guidance to agencies regarding compliance with E.O. 12866); *see also* E.O. 14215 (Feb. 18, 2025) [90 FR 10447, 10448 (Feb. 24, 2025)] (requiring independent agencies to comply with E.O. 12866). In addition, E.O. 14192 requires agencies to provide their best approximation of the total costs or savings associated with each new regulation or repealed regulation consistent with the analyses required by E.O. 12866. *See* E.O. 14192 (Jan. 31, 2025) [90 FR 9065, 9066 (Feb. 6, 2025)]. For purposes of approximating the total cost savings and costs under E.O. 14192, the Commission uses the annualized monetized benefits and costs using a real discount rate of 7%. *See* Table 4 and accompanying discussion.

[151] *See* Circular A–4, at 32.

[152] *See id.* at 31 (''The ending point should be far enough in the future to encompass all the significant benefits and costs likely to result from the rule''). For the purposes of this analysis, we assume the effective date of the rule, as well as the start year for the analysis's time horizon, is the present year. The analysis uses calendar years and accounts for the compliance periods included in the release (*see* note a in Table 2).

[153] *See id.* at 32 (''The Rationale for Discounting'') and 45 (''Treatment of Benefits and Costs over Time''); *see also* OIRA, Regulatory Impact Analysis: A Primer, (Aug. 15, 2011), *available at https://www.reginfo.gov/public/jsp/Utilities/circular-a-4_regulatory-impact-analysis-a-primer.pdf* (''To provide an accurate assessment of benefits and costs that occur at different points in time or over different time horizons, an agency should use discounting. Agencies should provide benefit and cost estimates using both 3 percent and 7 percent annual discount rates expressed as a present value as well as annualized.''); Harvey S. Rosen & Ted Gayer, Public Finance 151 (8th ed. 2008) (defining present value as ''the value today of a given amount of money to be paid or received in the future'').

[154] This approach is consistent with OMB Circular A–4. *See* Circular A–4, *supra* footnote 150, at 31–34 (stating that, ''[f]or regulatory analysis, [agencies] should provide estimates of net benefits using both 3 percent and 7 percent'' discount rates and discussing why those rates are reasonable default rates). Also, we use a mid-year discount rate. *See* OMB, Circular A–94, at 21–22 (Oct. 19, 1992) (stating that, ''When costs and benefits occur in a steady stream, applying mid-year discount factors is more appropriate.'').

[155] This approach is consistent with the recommended treatment of benefits and costs over time in Circular A–4. *See* Circular A–4, *supra* footnote 150, at 45 (''You should present annualized benefits and costs using real discount rates of 3 and 7 percent'').

[156] For each discount rate, the annualized monetized benefits in Table 4 represent the constant annual stream of benefits whose present value over the time horizon equates the corresponding present value in Table 3. *See* note a, Table 4 for additional calculation details.

Annualized benefits and costs may differ from an aggregation of the recurring monetized annual benefits discussed earlier in the Economic Analysis because they incorporate the timing of benefits and costs, through discounting, and combine one-time and recurring benefits and costs.[157] We estimate that annualized total monetized benefits are $416,325,640 per year using a 3 percent or 7 percent discount rate.[158] We estimate that annualized total monetized costs are $5,891,755 per year using a 3 percent discount rate and $7,020,566 per year using a 7 percent discount rate. Because the annualized costs are discounted and include initial costs, they should not be compared directly to the aggregate annual monetized costs in Table 2.

TABLE 4—ANNUALIZED AGGREGATE MONETIZED BENEFITS AND COSTS OVER 10 YEARS FROM 2026 TO 2035

[2026 Dollars]

Estimated effects [a]	3% real discount rate	7% real discount rate
Benefits	$416,325,640	$416,325,640
Costs	5,891,755	7,020,566

Notes:

[a] For each discount rate, the annualized values are calculated by dividing the corresponding present values in Table 3 by the sum of discount factors over the time horizon. The discount factor in year *t* of the time horizon is equal to $1/(1 + \textit{discount rate})^{(t-0.5)}$.

D. Effects on Efficiency, Competition, and Capital Formation

1. Efficiency

The Commission believes that rescinding the political contribution rule would allow advisers to enact policies and procedures tailored to their specific pay-to-play risks, reducing compliance costs and avoiding the unintended consequences associated with the current rule. Where advisers can tailor their policies and code of ethics to their specific pay-to-play risks and eliminate requirements that are not relevant to their business, the efficiency of their compliance programs would increase. To the extent that these resources are redeployed to investment management and client-facing activities, advisers' productive efficiency would increase, which could result in higher-quality services for advisers' government clients.

As described in the cost and benefits section above, rescinding the political contribution rule could change the quality, either positively or negatively, of investment advisers retained by government entities. This disparity in quality may be meaningful from the perspective of the State or local government client as discussed in the previous section. Further, to the extent that rescission systematically changes the types of advisers retained by government entities, the aggregate effect on public pension asset allocation could be meaningful. The direction and magnitude of this effect are uncertain and would depend on whether advisers newly able to compete for government mandates following rescission have systematically different investment approaches than current incumbent advisers. If such an effect were large enough, it could affect asset price efficiency in markets where public pension funds are significant investors.

2. Competition

The rescission of the political contribution rule could increase competition in the investment adviser market for State and local government clients. As described above, some advisers currently face barriers to competing for State and local government clients because of the existence of the political contribution rule, and the policies and procedures they have adopted to comply with it. To the extent that, as a result, advisers have not participated, or have been less likely to participate, in the solicitation of State and local government contracts, the rescission of the political contribution rule would remove this impediment to competition in the advisory market. Prospective government clients with a greater number of advisers to choose from may be better positioned to select an adviser that can provide advice better tailored to their specific investment needs. Additionally, increased competition could lead to better investment terms for government clients and could ultimately benefit plan beneficiaries as well as taxpayers.

Conversely, the rescission of the political contribution rule could decrease competition in those same markets if the rescission were to generate pay-to-play expectations in these markets, despite the associated activity remaining unlawful.[159] However, we believe that any such effect is likely to be small, as we believe that the risks of increased pay-to-play activity from rescinding the rule can be mitigated.[160]

The rescission of the rule may also increase labor market competition among investment adviser professionals by removing two distortions in those markets.[161] First, investment advisers may currently screen candidates based on prior political contributions, excluding qualified applicants for reasons unrelated to job performance. Second, some prospective applicants may currently choose not to work for an investment adviser because they value their ability to make political contributions and do not wish to have that ability restricted by their employer.

Finally, rescinding the rule could lead to increased competition in the market for government solicitations. Since the rule currently prohibits unregulated persons from soliciting government clients on behalf of an adviser (unless they have one of an enumerated list of relationships to that adviser), rescinding the rule could increase the types of parties able to act in that capacity, and thus increase competition in that market. However, this effect could be mitigated by applicable rules and regulations that govern the use of solicitors, including the MSRB Political Contribution Rule, FINRA Rule 2030, and Exchange Act rule 15Fh–6, as well as applicable State and local rules prohibiting third-party solicitation to the extent they are relevant to the adviser and would still be in effect.[162]

[157] The annualized benefits and costs present these values over the 10-year time horizon, starting in 2026.

[158] Because we do not estimate any initial benefits and estimate a constant annual benefit from the proposal, the annualized aggregate benefit is simply equal to this constant annual benefit, regardless of the discount rate.

[159] Markets with pay-to-play dynamics can create an expectation among advisers to provide donations in order to receive consideration for government business. These expectations generate barriers to competition, as some providers cannot, or will not, pay these costs and so would be functionally removed from consideration.

[160] *See supra* III.C.2.

[161] *See supra* III.C.1.

[162] *See supra* section III.B.1.a.

3. Capital Formation

The proposal is unlikely to significantly affect capital formation in aggregate. However, on the margin, rescission could increase capital managed by investment advisers if greater competition for government mandates expands adviser use by government entities. Conversely, if rescission leads to a perceived increase in pay-to-play risk, some investors (among both government clients and the broader market) may reduce allocations through investment advisers. This may indirectly lead to changes in capital formation for certain assets if investment advisers are more or less likely than are investors' alternatives to invest in a particular asset.

E. Reasonable Alternatives

1. Policies and Procedures Requirement

We considered combining the proposed rescission of the political contribution rule with a new, more particularized rule specifically requiring that investment advisers adopt and implement policies and procedures reasonably designed to detect and prevent pay-to-play activities. These policies and procedures could have been required to contain certain prescribed features, such as political contribution limits, annual review and written reports, risk assessments, and the types of employees that must be covered. The prescribed features would have been designed to be minimal, imposing requirements necessary to address the pay-to-play risks of any adviser seeking government clients while preserving flexibility for advisers to address their specific risks.

The benefits of this approach would be similar to those for the proposed rescission. Investment advisers are already required to adopt and implement policies and procedures reasonably designed to prevent violation of the Advisers Act; additionally, the Commission has stated that pay-to-play arrangements violate the antifraud provisions of section 206 of the Advisers Act. The additional deterrence this alternative would provide, relative to the proposed rescission, would be limited to situations in which an adviser's policies and procedures, under the proposed rescission, would not contain the features prescribed under the alternative and where these minimal requirements under the alternative would have better deterred pay-to-play practices.

However, a separate policies and procedures provision would risk advisers anchoring to the types of provisions required by this alternative rather than designing their own policies and procedures to be better tailored to the particular risks and business practices of the firm. It also could incentivize some advisers with no pay-to-play risk (for example, an adviser with no government clients and no intention of ever soliciting or accepting government clients) to enact policies at some cost to comply with the provision even in the absence of a substantive concern. Accordingly, the costs of this alternative would be greater than those of the proposed rescission.

2. Amending the Requirements of Rule 206(4)–5

Instead of rescinding the political contribution rule, we considered amending the rule to make it less costly to comply with. For example, we considered raising the *de minimis* threshold to $3,500 or another increased amount, reducing or eliminating the two-year timeout and the lookback provisions, narrowing the definitions of ''official'' and/or ''covered associate'', and/or expanding the bases for relief in the exemptive process set forth in rule 206(4)–5(e). In general, this alternative approach would have a lower cost reduction compared to the proposed rescission, because this approach would prescribe certain elements that, absent such a requirement, some advisers would choose not to implement. It also would not alleviate the challenges of applying a single set of definitions across a variety of State and local government structures. Conversely, to the extent that, under the alternative, these requirements would prevent pay-to-play activities at those advisers and would not have been deterred under the proposed rescission, this alternative would provide greater investor protection than the proposal.

Moreover, under this alternative, some advisers may treat the amended rule's requirements as sufficient to comply with their pay-to-play-related obligations under the Advisers Act, regardless of their actual pay-to-play risk, rather than designing their own policies and procedures to be better tailored to the particular risks and business practices of the firm. In this respect, the proposed rescission may, for some advisers, result in more effective pay-to-play compliance than targeted amendments to the existing rule.

3. Considering Adviser Size

We considered exempting smaller advisers, measured by total assets under management or government client assets under management, from the rule's requirements or subjecting them to less stringent requirements than larger firms.[163] To the extent that it would be easier for larger advisers with more government contracts and possibly more political connections to engage in pay-to-play practices, this approach might more closely align compliance costs with an adviser's pay-to-play risk than the current rule does. However, the opposite may also be true: Smaller advisers might have a more difficult time being considered by prospective government clients and so may have greater incentives to engage in pay-to-play practices. Further, this approach would not have retained the cost savings for larger firms that we foresee arising from the proposed rescission. Additionally, it could incentivize firms to engage in regulatory arbitrage, forming smaller adviser firms to circumvent the rule's requirements. For example, advisers near the threshold might restructure their business (*e.g.,* by spinning off government-focused advisory activities into separate entities or by managing their assets under management to remain below the threshold) to avoid the more stringent requirements applicable to larger advisers. Such regulatory arbitrage would undermine the investor protection objectives of this alternative while imposing restructuring costs on the industry.

F. Request for Comment

We seek comment on all aspects of the economic analysis of the proposed rescission, including whether the analysis accurately characterizes the costs and benefits. To the extent possible, we request that commenters provide supporting data and analysis. In particular, we ask commenters to consider the following questions:

16. We state that we do not have data to estimate the effect of the political contribution rule on competition in either the investment adviser market for government clients or the investment adviser labor market. Are there sources of data and/or estimation methods that would allow us to make these estimates?

17. We state that we do not currently have data on the extent to which advisers use third parties to solicit government entities. Are there sources of data and/or estimation methods that would allow us to make these estimates?

[163] There are approximately 460 small SEC-registered investment advisers, 34 of which have indicated on Form ADV that they have State or local government clients. In addition, smaller exempt reporting advisers and foreign private advisers are subject to the political contribution rule, although we do not have data on the number of such advisers that have State or local government clients. *See infra* section V.C.

18. In section III.C.2, we discuss ways that the world has changed since 2010 that could impact the prevalence of pay-to-play practices independent from the political contribution rule. Is this discussion accurate? Are there other ways in which the world has changed that could deter or encourage pay-to-play practices that are deterred by the political contribution rule?

19. In section III.C.2, we characterize ways in which advisers may be more or less likely to make significant changes to their policies and procedures in response to a rescission of the rule. Are these characterizations accurate? Are there other important determinants of the extent to which advisers would modify their policies and procedures? Is the magnitude of the response reasonably estimated?

20. Would the proposed rescission impose any costs on State and local governments that we do not consider here? For example, do they rely on the political contribution rule for some aspect(s) of their internal vetting process when selecting investment advisers or as a means of verifying compliance with their own requirements?

IV. Paperwork Reduction Act

A. Introduction

The proposal would revise an existing ''collection of information'' within the meaning of the Paperwork Reduction Act of 1995 (the ''PRA'').[164] The titles for the collections of information are: ''Rule 204–2 under the Investment Advisers Act of 1940'' (Office of Management and Budget (the ''OMB'') control number 3235–0278), ''Rule 0–4: General Requirements of Papers and Applications'' (OMB control number 3235–0633), and ''Investment Advisers Act rule 206(4)–7, 17 CFR Sec. 275.206(4)–7, Compliance procedures and practices'' (OMB control number 3235–0585). The Commission is submitting this collection of information to the OMB for review and approval in accordance with the PRA.[165] 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.

We discuss below the collection of information burdens associated with the proposed rescission of rule 206(4)–5, which would impact the PRA burden calculations for rule 204–2, rule 0–4, and rule 206(4)–7.[166] Exempt reporting advisers and advisers that are exempt from Commission registration under section 203(b) (including foreign private advisers) are not subject to rules 204–2 and 206(4)–7.

B. Rule 204–2

Section 204 of the Advisers Act provides that investment advisers registered or required to be registered with the Commission must make and keep certain records for prescribed periods, furnish such copies thereof, and make and disseminate certain reports. Rule 204–2 sets forth the requirements for maintaining and preserving specified books and records. This collection of information is mandatory. The collection of information under rule 204–2 is necessary for the Commission staff to use in its examination and oversight program, and the information generally is kept confidential subject to the provisions of applicable law.[167] The following estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act of 1995 and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. The respondents to this collection of information are investment advisers registered or required to be registered with the Commission.

The proposed amendments to rule 204–2 would eliminate paragraph (a)(18) of the rule, which provides for the requirement that a registered adviser that provides investment advisory services to a government entity, or to a covered investment pool in which a government entity is an investor, must make and keep certain records relating to its covered associates; government entities to which the adviser provides or has provided investment advisory services (or which are or were investors in any covered investment pool to which the adviser provides or has provided investment advisory services); contributions made by the adviser and its covered associates to government entity officials, or payments to State political parties or PACs; and regulated persons soliciting government entities on behalf of the adviser. Advisers are currently required to maintain such records for five years.[168] We propose to amend the PRA burden related to rule 204–2 to reflect the removal of this recordkeeping requirement and to reflect updated data, including the implementation of a new wage calculation methodology.[169]

When rule 206(4)–5 was adopted, the Commission estimated that 1,697 registered advisers provided investment advisory services to government clients and to certain pooled investment vehicles in which government entities invest, and thus would be affected by the rule 204–2(a)(18) recordkeeping requirements.[170] The Commission estimated that the requirements would increase the recordkeeping burden of each impacted adviser by two hours, with the total burden among impacted advisers estimated to be 3,394 hours.[171] This resulted in an estimated annual aggregate burden for all advisers under rule 204–2 of approximately 2,106,046 hours, with an estimated average total burden per adviser of 181.45 hours.[172] This average total burden per adviser represented an approximately 0.30 hour per adviser increase from the previously approved burden calculation.[173]

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[164] *See* 44 U.S.C. 3501 *et seq.*

[165] *See* 44 U.S.C. 3507(d); 5 CFR 1320.11.

[166] We are not submitting a revised collection of information regarding rule 204A–1 because we do not believe that the proposed rescission of rule 206(4)–5 would result in a substantive or material change in an adviser's code of ethics as to warrant a burden adjustment for PRA purposes.

[167] *See* section 210(b) of the Advisers Act [15 U.S.C. 80b–10(b)].

[168] *See* rule 204–2(e)(1).

[169] To calculate the occupational hourly rates used in this release, the Commission uses occupational mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for ''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'' (NAICS 523). *See* Occupational Employment and Wage Statistics, U.S. Bureau of Labor Statistics, *available at https://www.bls.gov/oes/; see also* Standard Occupational Classification, U.S. Bureau of Labor Statistics, *available at https://www.bls.gov/soc/* (describing occupational classification system used by BLS); Exec. Off. of The President, Off. of Mgmt. & Budget, North American Industry Classification System (2022), *available at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf* (describing the industry classification system used by BLS and other agencies). The mean hourly wage for each occupation is adjusted for changes in the seasonally adjusted employment cost index for private wages and salaries between the data reference period and when the data are released by BLS. *See* Employment Cost Index, U.S. Bureau of Labor Statistics, *available at https://www.bls.gov/eci/.* The adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs borne by employers, such as bonuses, benefits, and overhead. This factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis's annual gross output data for NAICS 523 to total annual wages across all occupations for NAICS 523 in the OEWS data. *See* Gross Output by Industry, U.S. Bureau of Economic Analysis, *available at https://www.bea.gov/data/industries/gross-output-by-industry;* Occupational Employment and Wage Statistics, U.S. Bureau of Labor Statistics, *available at https://www.bls.gov/oes/.* The final product is the occupational hourly rate. *See generally* Updated Methodology for Calculating Occupational Hourly Rates (Dec. 19, 2025), *available at https://www.sec.gov/files/method-occupational-hourly-rates.pdf.*

[170] *See* 2010 Adopting Release, *supra* footnote 1 at section V.A.

[171] *See id.*

[172] *See id.*

[173] *See id.*

The total annual collection of information burden currently approved by OMB for rule 204–2 is 2,941,494 hours, with total internal monetized costs of $239,732,050.80.[174] This currently approved annual aggregate burden is based on an estimate of 15,906 total registered advisers, or approximately 184.9298 hours per registered adviser.[175] The estimated total annual aggregate external cost burden is $0. We determined that advisers would likely use a combination of compliance clerks and general clerks to make and keep the information required by the rule.[176] We estimated that the hourly wage for compliance clerks was $86 per hour, including benefits, and the hourly wage for general clerks was $77 per hour, including benefits.[177] We then calculated a blended hourly rate of $81.5 per hour.[178] For each adviser, 184.9298 burden hours would be required to make and keep the information and records required under the rule. The total cost per respondent therefore was an estimated $15,071.80,[179] for an estimated total burden cost of $239,732,050.80.[180]

As of December 2025, and incorporating filings received through April 30, 2026, there were 16,434 SEC registered investment advisers. This represents an increase of 528 registered advisers from the previously approved burden. Therefore, we estimate that the total aggregate burden under rule 204–2 will increase by approximately 97,642.93 hours [181] for a total aggregate burden of approximately 3,039,136.33 hours,[182] or 184.9298 hours per adviser.

We estimate that approximately 2,091 advisers currently provide investment advisory services to government clients and to certain pooled investment vehicles in which government entities invest.[183] We continue to estimate that an adviser spends approximately two hours to comply with the rule 204–2(a)(18) recordkeeping requirement, with a total current estimated burden on impacted advisers of 4,182 hours.[184] The total annual estimated recordkeeping burden would be reduced by this amount to account for the impact of the proposal. Thus, the revised total aggregate burden for all respondents to the rule 204–2 recordkeeping requirements would be approximately 3,034,954.33 hours.[185] The revised total average burden per registered adviser would be approximately 184.6753 hours.[186]

As discussed above, we are revising the wage rate methodology used to calculate cost burdens.[187] As a result, we are also changing the titles of the professions we believe an adviser uses to comply with rule 204–2 to bookkeeping, accounting, and auditing clerks and general office clerks.[188] We estimate the hourly wage for bookkeeping, accounting, and auditing clerks to be $167 per hour and the hourly wage for general office clerks to be $142 per hour. The blended hourly wage is therefore $154.50 per hour.[189] For each adviser, 184.6753 burden hours will be required to make and keep the information and records required under the rule. The total cost per adviser therefore will be an estimated $28,532.33,[190] for an estimated total burden cost of $468,900,311.22.[191]

Although the estimated annual aggregate burden per adviser would decrease by approximately 0.2545 hours (or approximately 15 minutes) per adviser,[192] the estimated cost burden would increase by approximately $13,460.53 per adviser,[193] and the estimated total cost burden would increase by approximately $229,168,260.42.[194] This increase is due to the change in the occupational hourly rate methodology used to calculate the cost burden, which has increased the blended hourly wage from $81.50 per hour to $154.50 per hour.

[174] *See* Rule 204–2 under the Investment Advisers Act of 1940, Updated Supporting Statement for PRA Submission (June 8, 2026), (the ''2026 rule 204–2 PRA''), *available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202512-3235-015.*

[175] 2,941,494 hours/15,906 registered advisers = 184.9298 hours per registered adviser.

[176] *See* 2026 rule 204–2 PRA submission, *supra* footnote 174.

[177] The hourly wage rates used in our prior estimates were based on data from SIFMA's *Office Salaries in the Securities Industry 2013,* modified by SEC staff to account for an 1800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[178] ($86 + $77) ÷ 2 = $81.5 per hour.

[179] $81.5 per hour × 184.9298 hours per adviser = $15,071.8.

[180] $15,071.8 per adviser × 15,906 advisers = $239,732,050.8.

[181] 528 registered advisers × 184.9298 = 97,642.93 hours.

[182] 16,434 registered advisers × 184.9298 = 3,039,136.33 hours.

[183] This estimate is based on registration information from the Investment Adviser Registration Depository (''IARD system'') as of December 2025, incorporating filings received through April 30, 2026. We are applying the same methodology as in the 2009 Proposing Release and the 2010 Adopting Release. According to responses to Item 5.D(i) of Part 1 of Form ADV, 1,518 advisers have clients that are State or municipal government entities, which represents approximately 9.24% of all advisers registered with the Commission (16,434). 14,919 advisers have not responded that they have clients that are State or municipal government entities. Of those, however, responses to Item 5.D(f) of Part 1 of Form ADV indicate that 5,493 advisers have some clients that are other pooled investment vehicles. Estimating that the same percentage of these advisers advise pools with government entity investors as advisers that have direct government entity clients—*i.e.,* 9.24%. Approximately 508 of these advisers would be subject to the rule (5,493 × 9.24% = 508). Out of the 14,919 advisers that have not responded that they have clients that are State or municipal government entities, after backing out the 5,493 which have clients that are other pooled investment vehicles, responses to Item 5.D(d) of Part 1 of Form ADV indicate that 705 advisers have some clients that are registered investment companies. Estimating that approximately the same percentage of these advisers advise pools with government entity investors as advisers that have direct government entity clients—*i.e.,* 9.24%. Approximately 65 of these advisers would be subject to the rule (705 × 9.24% = 65). Although we limited the application of rule 206(4)–5 with respect to registered investment companies to those that are investment options of a plan or program of a government entity, we estimate that 65 advisers would have to comply with the recordkeeping provisions because of the difficulty in further delineating this estimated number. Therefore, we estimate that the total number of registered advisers subject to the rule would be: 1,518 advisers with State or municipal clients + 508 advisers with other pooled investment vehicle clients + 65 advisers with registered investment company clients = 2,091 advisers subject to rule. We expect certain additional advisers may incur compliance costs associated with rule 206(4)–5, but we do not have relevant data on these advisers. For example, we anticipate some advisers may be subject to the rule because they solicit government entities on behalf of other investment advisers.

[184] 2,091 advisers × 2 hours = 4,182 hours.

[185] 3,039,136.33 hours − 4,182 hours = 3,034,954.33 hours.

[186] 3,034,954.33/16,434 = 184.6753 hours.

[187] *See supra* footnote 169.

[188] As stated above, prior rule 204–2 PRA submissions utilized the terms compliance clerks and general clerks to illustrate the professions undertaking the work to make and keep information and records under the rule. Although the title of the underlying profession has changed, the underlying tasks being performed have not.

[189] ($167 + $142)/2 = $154.50.

[190] $154.50 × 184.6753 hours = $28,532.33.

[191] $28,532.33 per adviser × 16,434 advisers = $468,900,311.22.

[192] 184.9298 hours − 184.6753 hours = 0.2545 hours.

[193] $28,532.33 − $15,071.80 = $13,460.53.

[194] $468,900,311.22 − $239,732,050.80 = $229,168,260.42.

TABLE 1

Information collection	Annual number of responses			Annual time burden (hrs.)			Annual external cost burden ($)		
	Previously approved	*Requested*	*Change*	*Previously approved*	*Requested*	*Change*	*Previously approved*	*Requested*	*Change*
Rule 204–2	15,906	16,434	528	2,941,494	3,034,954.33	93,460.33	0	0	0

C. Rule 0–4

Rule 206(4)–5(e) provides that the Commission may, upon application, exempt an adviser from certain prohibitions of the rule concerning political contributions, and provides a non-exclusive list of factors the Commission will consider when evaluating these applications. 17 CFR 275.0–4 (''rule 0–4'') under the Advisers Act prescribes general instructions for filing an application seeking exemptive relief with the Commission.[195] Respondents to the collection of information are applying for Commission orders exempting them from one or more provisions of the Advisers Act. Applicants for such orders can include registered investment advisers, affiliated persons of registered investment advisers, and entities seeking to avoid investment adviser status, among others. The requirements of rule 0–4 are designed to provide Commission staff with the necessary information to assess whether granting the orders of exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the intended purposes of the Advisers Act. This collection of information is necessary in order to obtain or retain benefits. Responses will not be kept confidential.

When rule 206(4)–5 was adopted, the Commission estimated that approximately seven advisers annually would apply to the Commission for an exemption from the political contribution rule,[196] which is in addition to the estimation that advisers would submit approximately nine applications for exemption from other provisions of the Advisers Act.[197] The Commission revised its annual estimate in 2017 to approximately nine applications under rule 206(4)–5 and approximately three applications under other provisions of the Advisers Act.[198] Then in 2020, the Commission estimated that it receives approximately three applications annually under rule 206(4)-5 and four applications annually under other provisions of the Advisers Act.[199] Subsequent PRA submissions have maintained that the Commission receives approximately seven applications annually for exemptive relief under rule 0–4, but without distinguishing an estimation related specifically to exemptive applications under rule 206(4)–5.[200]

We currently estimate all, or substantially all, of the work performed in preparing a rule 0–4 application would be performed by outside counsel, but we have requested approval for a one-hour internal burden for administrative purposes. We do not have a corresponding cost figure because we have previously not provided an estimated internal cost associated with this burden.

Based on our collection of information burden currently approved by OMB, we currently estimate that the Commission annually receives approximately seven Advisers Act exemptive applications.[201] These applications are further broken down in our currently approved collection of information burden based on the level of complexity, with approximately three applications considered to be well-precedented (or routine) applications, three applications considered to be medium complexity applications, and one application considered to be a high complexity application that would generally involve a unique or novel issue under the Advisers Act. The cost that outside counsel charges applicants depends upon the complexity of the issues covered by the application and the time required. Based on conversations with applicants and attorneys, our current estimate of the cost for applications ranges from approximately $15,259.94 for preparing a well-precedented application; $51,948.56 for preparing medium complexity applications; and approximately $238,761.88 to prepare a highly complex application. We currently estimate that the total annual external cost related to well-precedented applications is $45,779.82,[202] medium complexity applications is $155,845.68,[203] and high complexity applications is $238,761.88.[204] The total annual external cost estimate is $440,387.38.[205]

We are amending the PRA burden calculation associated with rule 0–4 to account for the proposed rescission of rule 206(4)–5. The Commission receives approximately two requests annually for exemptive relief under rule 206(4)–5(e). As a result of the proposal, we are reducing the estimated number of exemptive applications received annually by two applications, reducing the estimated number of well-precedented and medium complexity applications by one application each. Applications for exemptive relief under rule 206(4)–5(e) generally do not qualify as a highly complex application. Thus, we now estimate that the Commission would annually receive approximately two well-precedented applications, two medium complexity applications, and one highly complex application.

We continue to believe that most of the work of preparing an application is

[195] *See* 17 CFR 275.0–4.

[196] *See* 2010 Adopting Release, *supra* footnote 1, at Section V.

[197] *See* Rule 0–4 under the Investment Advisers Act of 1940, General Requirements of Papers and Applications, Updated Supporting Statement for PRA Submission (Dec. 20, 2007), *available athttps://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=200707-3235-011.*

[198] *See* Rule 0–4 under the Investment Advisers Act of 1940, General Requirements of Papers and Applications, Updated Supporting Statement for PRA Submission (Jan. 12, 2017), *available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201605-3235-013.*

[199] *See* Rule 0–4 under the Investment Advisers Act of 1940, General Requirements of Papers and Applications, Updated Supporting Statement for PRA Submission (Mar. 25, 2020), *available athttps://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201908-3235-002.*

[200] *See* Electronic Submission of Applications for Orders under the Advisers Act and the Investment Company Act, Confidential Treatment Requests for Filings on Form 13F, and Form ADV–NR; Amendments to Form 13F, Advisers Act Release No. 6056 (June 23, 2022) [87 FR 38943 (June 30, 2022)]; Rule 0–4 under the Investment Advisers Act of 1940, General Requirements of Papers and Applications, Updated Supporting Statement for PRA Submission (Jan. 13, 2026), (''2026 Rule 0–4 PRA''), *available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202501-3235-021.*

[201] *See* 2026 rule 0–4 PRA.

[202] $15,259.94 cost per filing × 3 applications = $45,779.82.

[203] $51,948.56 cost per filing × 3 applications = $155,845.68.

[204] $238,761.88 cost per filing × 1 application = $238,761.88.

[205] $45,779.82 + $155,845.68 + $238,761.88 = $440,387.38.

performed by outside counsel and, therefore, imposes no time burden on the respondents. However, we continue to believe it is appropriate to request approval for a one-hour internal burden for administrative purposes. We estimate that the Commission would receive approximately five applications annually for exemptive relief under rule 0–4 which would result in a total annual internal burden of approximately five hours.[206] We estimate the internal cost an adviser incurs for a paralegal or legal assistant to perform the administrative function associated with the application to be approximately $281 per hour,[207] with the total annual internal cost amounting to approximately $1,405.[208]

Further, we are revising the ranges for the cost of applications to approximately $15,520.14 for preparing a well-precedented application; $52,834.35 for preparing medium complexity applications; and approximately $242,833.09 to prepare a highly complex application. We have adjusted these numbers to reflect changes in prices from the previously approved estimates based on the U.S. Bureau of Labor Statistic's CPI Inflation calculator.[209] Accordingly, we are revising the total external cost per filing type to approximately $31,040.28 for preparing a well-precedented application;[210] approximately $105,668.70 for preparing a medium complex application;[211] and approximately $242,833.09 to prepare a complex or novel application.[212] We now estimate the cumulative total external cost to prepare and submit applications to be approximately $379,542.07.

The revisions made in response to the proposal result in a decrease of two rule 0–4 exemptive applications submitted annually. We estimate no changes in the annual internal time burden. Further, we estimate that the total annual external cost burden for preparing and submitting an application to decrease by approximately $60,845.31.[213]

TABLE 1—SUMMARY OF THE ANNUAL NUMBER OF RESPONSES, TIME BURDEN, AND EXTERNAL COST BURDEN

Description	Requested	Previously approved	Change
Responses	5	7	(2)
Time burden (Hours)	1	1	0
Internal Cost Burden (Dollars)	$1,405	N/A	$1,405

TABLE 2—ANNUAL EXTERNAL COST BURDEN ESTIMATES

Types of applications	Current external cost burden per filing	Current number of applications	Current total external cost burden per filing type	Requested external cost burden per filing	Requested number of applications	Requested total external cost per filing type
Well-Precedented Applications	$15,259.94	3	$45,779.82	$15,520.14	2	$31,040.28
Medium Complexity Applications	51,948.56	3	155,845.68	52,834.35	2	105,668.70
High Complexity Applications	238,761.88	1	238,761.88	242,833.09	1	242,833.09
Annual total external cost burden			440,387.38			379,542.07

D. Rule 206(4)–7

Rule 206(4)–7 requires investment advisers registered or required to be registered with the Commission to (1) adopt and implement written policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules, (2) review those compliance policies and procedures annually, and (3) designate a chief compliance officer who is responsible for administering the compliance policies and procedures.[214] The rule is designed to protect investors by fostering better compliance with the Advisers Act. The Commission staff uses the collection of information in its examination and oversight program. Responses provided to the Commission in the context of its examination and oversight program generally are kept confidential subject to the provisions of applicable law. This collection of information is mandatory. The current approved average time burden is 90 hours per adviser to comply with the rule, with compliance managers performing 65.25 hours and compliance clerks performing 24.75 hours of the work.[215] Further, based on an estimated 15,441 registered advisers, the current approved estimate for the annual aggregate time burden is 1,389,690 hours, per year.[216] The current approved estimate is that the hourly wage rate for a compliance manager is $372, while the hourly wage rate for a compliance clerk is $84 an hour,[217] which results in the current approved estimate that the monetized time burden is $406,901,232,[218] or $26,352 per adviser.[219]

When the Commission adopted rule 206(4)–5 in 2010, there were 11,607 registered advisers subject to rule 206(4)–7, and the Commission estimated that the average burden per adviser to comply with rule 206(4)–7 was 80 hours for a total aggregate burden of 928,560 hours.[220] It estimated that firms with government clients

[206] 5 responses × 1 hour = 5 hours.

[207] The Commission has not previously calculated the internal cost burden in prior PRA submissions. Prior PRA submissions did account for an estimated one-hour internal hour burden, which has not changed since the initial PRA submission in 2007. *See supra* footnote 197.

[208] 5 responses × hour × $281 = $1,405.

[209] *See* U.S. Bureau of Labor Statistics, CPI Inflation Calculator, *available at https://www.bls.gov/data/inflation_calculator.htm.*

[210] $15,520.14 × 2 applications = $31,040.28.

[211] $52,834.35 × 2 applications = $105,668.70.

[212] $242,833.09 × 1 application = $242,833.09.

[213] $440,387.38 − $379,542.07 = $60,845.31.

[214] *See* 17 CFR 275.206(4)–7(a) through (c).

[215] *See* Investment Advisers Act rule 206(4)–7, 17 CFR Sec. 275.206(4)–7, Compliance procedures and practices, Updated Supporting Statement for PRA Submission (Dec. 5, 2024), *available at https://www.reginfo.gov/public/do/PRAView Document?ref_nbr=202407-3235-017.*

[216] *See id.*

[217] These cost estimates were derived using our prior wage methodology which was based on SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[218] (15,441 registered investment advisers × 65.25 hours by compliance managers × $372 per hour) + (15,441 registered investment advisers × 24.75 hours by compliance clerical staff × $84 per hour) = $406,901,232.

[219] $406,901,232/15,441 advisers = $26,352.

[220] *See* 2010 Adopting Release, *supra* footnote 1, at section V.C.

would spend between 8 hours and 250 hours to implement policies and procedures to comply with the rule, depending on the firm's number of covered associates. Based on its estimate that 1,697 registered advisers would be affected by rule 206(4)–5,[221] the Commission estimated that approximately 1,271 smaller firms, 304 medium firms, and 122 larger firms would need to implement political contribution policies and procedures. We further estimated that smaller firms would spend 8 hours, medium firms would spend 125 hours, and larger firms would spend 250 hours, for a total of 78,668 hours,[222] to implement the requisite policies and procedures. This resulted in an estimated total annual aggregate burden for all registered advisers to comply with rule 206(4)–7 of approximately 1,007,228 hours [223] or 86.78 hours per adviser.[224] Further, the Commission estimated that rule 206(4)–7 would impose initial compliance costs of approximately $2,352 per smaller firm, approximately $29,407 per medium firm, and approximately $58,813 per larger firm, for a total annual aggregate cost of $19,104,306.[225] The Commission also stated that rule 206(4)–7 would not impose a material ongoing cost burden on advisers, apart from the cost of the burden hours.[226] The current approved average time burden per adviser is 90 hours.[227]

As a result of the proposal to rescind rule 206(4)–5, we believe an adviser would amend its policies and procedures to reflect the adviser's change in approach to addressing the risk of engaging in pay-to-play practices. We estimate that an adviser, regardless of size, would incur a one-time initial burden of 2 hours to revise its policies and procedures in response to the proposal. Based on our estimate that 2,091 registered advisers are affected by rule 206(4)–5,[228] we estimate advisers would incur total one-time initial burden of 4,182 hours to amend its requisite policies and procedures.[229] We believe advisers would utilize a financial examiner to perform the revisions at a cost of approximately $375 per hour,[230] which would result in an estimated one-time cost burden of $750 per adviser,[231] with an estimated total one-time cost burden of $1,568,250.[232]

We are amending the PRA burden as a result of the proposal and to reflect updated data. We estimate that as of December 2025 and incorporating filings received through April 30, 2026, there are 16,434 SEC registered investment advisers. Absent the proposed rescission of rule 206(4)–5, the updated annual aggregate time burden is 1,479,060 hours,[233] and we estimate the updated total hourly burden related to rule 206(4)–5 compliance is 324,194 hours.[234] We believe that the proposal would result in a reduction of the average time burden to comply with rule 206(4)–7. Although, an adviser would continue to utilize its policies and procedures to manage its exposure to the risk of pay-to-play practices, it would no longer need to account for the prescriptive requirements of rule 206(4)–5. We believe that approximately 493 smaller firms would spend approximately 1.5 hours, approximately 634 medium firms would spend approximately 50 hours, and approximately 964 larger firms would spend approximately 125 hours to implement policies and procedures to manage the risk of engaging in pay-to-play practices.[235] This would result in approximately 152,939.50 total hours spent implementing the requisite policies and procedures.[236] This would result in an estimated total annual aggregate burden for all registered advisers to comply with rule 206(4)–7 of approximately 1,307,805.50 hours [237] or 79.58 hours per adviser.[238] As discussed above, we are revising the wage methodology we use to calculate the cost burden.[239] Thus, we now estimate that an adviser would have a financial examiner perform 57.71 of its 79.58 burden hours and bookkeeping, accounting, and auditing clerks perform the remaining 21.87 hours of work.[240] Our updated data indicates that the hourly wage rate for a financial examiner is $375, while the hourly wage rate for a bookkeeping, accounting, and auditing clerk is $167.[241] Using the updated hourly wage rates and updated number of advisers, we estimate that rule 206(4)–7 results in a total monetized time burden of approximately $415,674,036.36,[242] or an estimated $25,293.54 per adviser.[243]

TABLE 1—SUMMARY OF THE ANNUAL NUMBER OF RESPONDENTS, NUMBER OF RESPONSES PER RESPONDENT, AND AVERAGE TIME BURDEN PER RESPONSE

Description	Requested	Previously approved	Change
Respondents	16,434	15,441	993.
Number of Responses per Respondent.	1	1	0.
Average Time Burden per Response (Hours).	79.58 hours	90 hours	(10.42) hours.

[221] *See id.*

[222] (1,271 × 8 = 10,168) + (304 × 125 = 38,000) + (122 × 250 = 30,500) = 78,668 hours.

[223] 928,560 hours + 78,668 (burden attributable to rule 206(4)–5) = 1,007,228 hours.

[224] 1,007,228 hours/11,607 registered advisers = 86.78 hours/adviser. (Note: this number was not included within the 2010 adopting release or subsequent PRA submission to OMB.)

[225] (1,271 × $2,352) + (304 × $29,407) + (122 × $58,813) = $19,104,306.

[226] *See* Investment Advisers Act rule 206(4)–7, 17 CFR Sec. 275.206(4)–7, Compliance procedures and practices under the Investment Advisers Act of 1940, Updated Supporting Statement for PRA Submission (Aug. 5, 2010), *available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201008-3235-007*.

[227] *See* rule 206(4)–7 under the Investment Advisers Act of 1940, General Requirements of Papers and Applications, Updated Supporting Statement for PRA Submission (Dec. 5, 2024), *available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202407-3235-017*.

[228] *See supra* footnote 183.

[229] 2,091 advisers × 2 hours = 4,182 hours.

[230] *See supra* footnote 169.

[231] 2 hours × $375 = $750.

[232] 2,091 advisers × $750 = $1,568,250.

[233] 16,434 advisers × 90 hours = 1,479,060 hours.

[234] (493 smaller advisers × 8 hours) + (634 medium firms × 125 hours) + (964 larger firms × 250 hours) = 324,194 hours.

[235] *See supra* footnote 131.

[236] (493 small advisers × 1.5 hours) + (634 medium advisers × 50 hours) + (964 large advisers × 125 hours) = 152,939.50 hours.

[237] 1,479,060 hours − 324,194 hours (total burden hours due to the rule 206(4)–5 requirements) = 1,154,866 hours. 1,154,866 hours + 152,939.50 (updated burden attributable to the proposal) = 1,307,805.50 hours.

[238] 1,307,805.50 hours/16,434 advisers = 79.58 hours per adviser.

[239] *See supra* section IV.B.

[240] We are revising the title of the profession included within the cost burden calculation. The term financial examiner is replacing the term compliance manager, and the term bookkeeping, accounting, and auditing clerk is replacing the term compliance clerk. Although the title of the profession is changing, the underlying work being performed has not.

[241] *See supra* footnote 169.

[242] (16,434 registered investment advisers × 57.71 hours by financial examiners × $375 per hour) + (16,434 registered investment advisers × 21.87 hours by bookkeeping, accounting, and auditing clerk × $167 per hour) = $415,674,036.36.

[243] $415,674,036.36/16,434 advisers = $25,293.54.

TABLE 2—SUMMARY OF THE ANNUAL NUMBER OF RESPONSES, AGGREGATE TIME BURDEN, AND AGGREGATE MONETIZED TIME BURDEN

Description	Requested	Previously approved	Change
Responses	16,434	15,441	993
Total Annual Aggregate Time Burden (Hours)	1,307,805.50	1,389,690	(81,884.50)
Monetized Time Burden (Dollars)	$415,674,036.36	$406,901,232	$8,772,804.36

E. Request for Comment

We request comment on whether these estimates are reasonable. We also request comment regarding whether the Commission should revise the existing collection of information for rule 204A–1 to account for an adviser revising its code of ethics in response to the proposed rescission of rule 206(4)–5. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (i) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (ii) evaluate the accuracy of the Commission's estimate of the burden of the proposed collections of information; (iii) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) determine whether there are ways to minimize the burden of the collections of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Any member of the public may direct to us any comments concerning the accuracy of these burden estimates and any suggestions for reducing these burdens. Persons submitting comments on the collection of information requirements should direct their comments to the OMB Desk Officer for the Securities and Exchange Commission, *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*, and should send a copy to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, using any of the methods in the **ADDRESSES** section, with reference to File No. S7–2026–31. Requests for materials submitted to OMB by the Commission with regard to the collections of information should be in writing, refer to File No. S7–2026–31, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736. OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication of this release. Consequently, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication of this release.

V. Initial Regulatory Flexibility Analysis

The Commission has prepared the following Initial Regulatory Flexibility Analysis (the ''IRFA'') in accordance with section 3(a) of the Regulatory Flexibility Act (the ''RFA'').[244] It relates to the proposed rescission of rule 206(4)–5 and the corresponding amendments to rule 204–2.

A. Reasons for and Objectives of Proposed Actions

Since the Commission adopted the political contribution rule in 2010, we have observed numerous challenges associated with the rule's complexity and how broadly investment advisers have applied the rule. Market participants also have stated, among other issues, that the rule is burdensome,[245] complex, and both lacks clarity and creates a *de facto* strict liability standard.[246] Based on these observations and feedback from market participants, the Commission understands that the political contribution rule has resulted in the following outcomes, which in certain instances, were not intended or anticipated, including (1) the monetary losses associated with the two-year ban on receiving compensation for providing investment advisory services to a government client seem excessive, particularly given that the ban can be triggered by contributions of as little as $150; (2) the two-year ban on compensation (which is automatically triggered by the underlying contribution) creates a *de facto* strict liability standard that does not permit consideration of the complexities of the case outside of the exemptive process or the rule's limited remedial provisions; (3) advisers may be prevented from hiring or promoting qualified individuals into roles where they would be considered a ''covered associate'' for either six months or two years following an individual's contribution, despite the contribution potentially having an attenuated relationship or no relationship to pay-to-play practices; (4) public pension plans may be unable to hire the most qualified or cost-effective advisers or may ultimately lose the services of an existing adviser with institutional knowledge of the public pension plan's investment strategy and composition because of contributions by the adviser's covered associates during the two-year lookback period that do not present a material risk of engaging in a pay-to-play practice; (5) it can be difficult for an adviser to identify which persons fall within the definition of an ''official'' who is ''indirectly responsible for, or can influence the outcome of, the hiring of an investment adviser by a government entity;'' (6) the definition of ''covered associate'' can be difficult to interpret and may have been applied more broadly than intended, with employees whose contributions are unlikely to be related to pay-to-play practices being subjected to restrictive policies; (7) the dollar amounts in the *de minimis* exception have not been updated for inflation and some contributions above the $150 (for officials for whom the covered associate is not entitled to vote at the time of the contribution) and $350 (for officials for whom the covered associate was entitled to vote at the time of the contribution) contribution ceilings are low enough as to be unlikely to meaningfully influence the adviser selection process, while still triggering the prohibitions of the rule; (8) the exception for returned contributions requires that the contributor obtain the return of the contribution within 60 calendar days of the date of discovery of such contribution by the investment adviser, which means that advisers must rely on the third party that received the contribution to satisfy the exception; this may not be feasible if the funds have been spent or if the recipient is not cooperative; and (9) the exemptive process through which the Commission may, upon application, conditionally or

[244] *See* 5 U.S.C. 603(a).

[245] We are also proposing to amend the recordkeeping rule to eliminate the provisions requiring a registered investment adviser to make and keep certain records in connection with the political contribution rule. *See supra* section II.B (discussing the proposed amendments to the recordkeeping rule).

[246] *See supra* section I.C.

unconditionally exempt an investment adviser from the prohibitions of the rule may be costly and time-consuming to pursue. Due to such interpretive difficulties and related operational and implementation challenges, the political contribution rule has resulted in significant unintended consequences. Additionally, because the specific objective criteria of the rule apply to an adviser regardless of its pay-to-play risk profile—including conditions whose application may prove onerous or inappropriate for a low risk adviser—and pay-to-play considerations can be unique to each adviser, an adviser with a lower pay-to-play profile may nonetheless be required to design and implement compliance policies and procedures which result in unintended adverse effects that may not be justified by their risk of engaging in pay-to-play practices.

We believe that rescinding the current rule in its entirety and relying on the existing requirements of the Advisers Act and associated rules, including prohibitions on fraud, fiduciary duty requirements, and the compliance rule, could avoid many of these issues and unintended consequences and lead to appropriate measures to address pay-to-play practices. The rescission of the political contribution rule would provide advisers with the flexibility to design tailored compliance policies and procedures and codes of ethics in accordance with their own business models and risk profiles to prevent pay-to-play practices.

B. Legal Basis

The Commission is proposing the rescission of rule 206(4)–5 and rule amendments to rule 204–2 contained in this document under the authority set forth in the Advisers Act, particularly section 204(a), 206(4), and 211(a) thereof [15 U.S.C. 80b–4(a), 80b–6(4), and 80b–11(a)].

C. Small Entities Subject to the Amendments

The RFA [247] requires the SEC to prepare and make available for public comment an initial regulatory flexibly analysis of the impact of the proposed rule amendments on small entities,[248] unless the SEC certifies that the rules, if adopted, would not have a significant economic impact on a substantial number of small entities.[249] For the purposes of the Advisers Act and the RFA, an investment adviser generally is a small entity if it: (1) has assets under management having a total value of less than $25 million; (2) did not have total assets of $5 million or more on the last day of the most recent fiscal year; and (3) does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year.[250]

The Commission estimates that as of December 2025, and incorporating filings received through April 30, 2026, there are approximately 460 small SEC-registered investment advisers.[251] Of these 460 advisers, 34 indicate on Form ADV that they have State or local government clients. The proposal would also impact an adviser that is an exempt reporting adviser,[252] as defined in rule 204–4(a).[253] Based on Form ADV data as of December 2025, we estimate that there are approximately 6,463 exempt reporting advisers, and 1,268 of these advisers managed less than $25 million in gross assets. We do not have data on how many exempt reporting advisers have State or local government clients. We also do not have data and are not aware of any databases that compile information regarding how many advisers are foreign private advisers and that have State or local government clients. It is unclear how many of these advisers that are exempt from registration that would be subject to the rule are small advisers for purposes of this analysis.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

If the political contribution rule is ultimately rescinded, investment advisers who provide or seek to provide investment advisory services to State or local governments may need to update their compliance policies and procedures to replace those policies and procedures that were established pursuant to the prescriptive nature of the political contribution rule with policies and procedures that are better tailored to address the risks of pay-to-play practices to their organization, as needed. In choosing a standard of business conduct for their code of ethics, an adviser who provides or seeks to provide investment advisory services to State or local governments would need to review and, if necessary, adjust its code of ethics to include a standard of business conduct that aligns with any policies and procedures the adviser adopts under the compliance rule in the context of its pay-to-play risks. Further, such an adviser would still be required to make and keep certain books and records under rule 204–2, including a copy of its policies and procedures and code of ethics that address the adviser's pay-to-play risks as well as records of all written agreements with government clients and solicitors or placement agents retained to solicit a government entity for investment advisory services on behalf of the adviser.

We estimate that approximately 34 small entity investment advisers would be impacted by the proposed rescission of the political contribution rule and rule 204–2(a)(18). The proposal is designed to provide advisers with additional flexibility to adapt their policies and procedures and code of ethics to their specific businesses and risks in a more holistic manner consistent with their obligations under the Advisers Act. Thus, the proposal would reduce the overall burden on small entity investment advisers by removing the prescriptive requirements of the current pay-to-play rule and its associated recordkeeping requirements and replacing them with a flexible approach to addressing pay-to-play risks that would allow an adviser to design a tailored compliance approach that better fits its business model.

E. Duplicative, Overlapping, or Conflicting Federal Rules

We do not believe that the proposed amendments would duplicate, overlap, or conflict with other existing Federal rules.

F. Significant Alternatives

The RFA directs the Commission to consider significant alternatives that would accomplish our stated objectives, while minimizing any significant economic impact on small entities. We considered the following alternatives for small entities in relation to the proposed rescission of rule 206(4)-5 and the amendments to rule 204–2 to enhance the benefits of the proposal for small entities: (1) establishing different

[247] *See* 5 U.S.C. 601 *et seq.*

[248] The Commission has a pending proposal addressing the definition under the Investment Advisers Act of ''small organization'' and ''small business'' for purposes of the Regulatory Flexibility Act. For purposes of this IRFA, we are not considering any of the proposed changes included within the proposal. The Commission encourages commenters to review the proposal to determine whether it might affect their comments on this IRFA. *See* Amendments to the ''Small Business'' and ''Small Organization'' Definitions for Investment Companies and Investment Advisers for Purposes of the Regulatory Flexibility Act, Investment Company Act Release No. 35864 (Jan. 7, 2026) [91 FR 1107 (Jan. 12, 2026)].

[249] *See* 5 U.S.C. 603(a) and 605(b).

[250] *See* 17 CFR 275.0–7.

[251] This estimate is based on registration information from the IARD system.

[252] *See* rule 206(4)–5(a)(1) and rule 206(4)–5(a)(2); *supra* footnote 16.

[253] *See* 17 CFR 275.204–4(a).

requirements that take into account the resources available to small entities; (2) exempting small entities from all or part of the requirements; (3) clarifying, consolidating, or simplifying requirements under the rules for small entities; and (4) using performance rather than design standards.

Regarding the first and second alternative, the Commission is not exempting or proposing different compliance or recordkeeping requirements for small advisers since we are rescinding rule 206(4)–5, and its corresponding requirements, in its entirety. The proposal is designed to eliminate a rule that was operationally challenging and burdensome for advisers to comply with and instead permit an adviser to address its pay-to-play risks by leveraging the existing regulatory framework under the Advisers Act. To establish different requirements for small advisers could be more burdensome for these advisers as such an approach would diminish the flexibility the proposal would provide an adviser to tailor its policies and procedures and adjust its code of ethics in the context of the adviser's unique pay-to-play risks.

Regarding the third alternative, we believe the proposal is clear and that further clarification, consolidation, or simplification of the compliance requirements is not necessary. As discussed above, we propose to rescind rule 206(4)–5 and make corresponding amendments to rule 204–2, which would eliminate the prescriptive requirements under the current rules for all advisers. As a result, an adviser would be able to tailor its approach to mitigating pay-to-play risk by utilizing the tools available under the existing regulatory framework.

Regarding the fourth alternative, there are no standards to implement with regard to the proposed rescission of rule 206(4)–5 and the proposed amendments to rule 204–2. The proposal is designed to eliminate the requirements under these rules for all advisers, and no new requirements would be adopted.

G. General Request for Comment

The Commission requests comments regarding this IRFA. We request comments on the number of small entities that may be affected by our proposed amendments and whether the proposed amendments would have any effects not considered in this analysis. Further, we request comment regarding the number of advisers exempt from registration in reliance on section 203(b)(3) of the Advisers Act that have State or local government clients, the number of advisers that are exempt reporting advisers that have State or local government advisers, and the number of these advisers that would qualify as small entities. We request that commenters describe the nature of any effects on small entities subject to the rules and provide empirical data to support the nature and extent of such effects.

VI. Congressional Review Act

For purposes of Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act),[254] the Commission must seek OMB's determination as to whether a final regulation constitutes a ''major rule.'' Under the Congressional Review Act, a rule is considered ''major'' where, if adopted, it results in or is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment, or innovation.[255]

To help inform OMB's determination as to whether any final rule that results from the proposal would be a ''major rule,'' the Commission solicits comment and data on:

- The potential effect on the U.S. economy on an annual basis;
- Any potential increase in costs or prices for consumers or individual industries; and
- Any potential effect on competition, investment, or innovation.

Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VII. Other Matters

This action is an economically significant regulatory action under section 3(f)(1) of Executive Order 12866 and has been reviewed by OMB, consistent with Executive Order 14215. This action, if finalized as proposed, is expected to be an Executive Order 14192 deregulatory action.

Statutory Authority

The Commission is proposing to rescind rule 206(4)–5 of the Advisers Act under the authority set forth in sections 206(4) and 211(a) of the Advisers Act [15 U.S.C. 80b–6(4) and 80b–11(a)].

The Commission is proposing corresponding amendments to rule 204–2 under the Advisers Act under the authority set forth in sections 204(a) and 211(a) of the Advisers Act [15 U.S.C. 80b–4(a) and 80b–11(a)].

List of Subjects in 17 CFR Part 275

Administrative practice and procedure, Investment advisers, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule and Form Amendments

For the reasons set out in the preamble, the SEC proposes to amend title 17, chapter II of the Code of Federal Regulations as follows:

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

■ 1. The authority citation for part 275 continues to read, in part, as follows:

Authority: 15 U.S.C. 80b–2(a)(11)(G), 80b–2(a)(11)(H), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, 80b–11, 1681w(a)(1), 6801–6809, and 6825, unless otherwise noted.

* * * * *

■ 2. Remove and reserve § 275.204–2(a)(18).

§ 275.204–2(a)(18) [Reserved]

■ 3. Remove and reserve § 275.206(4)–5.

§ 275.206(4)–5 [Reserved]

By the Commission.

Dated: September 3, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–18424 Filed 9–9–26; 8:45 am]

BILLING CODE 8011–01–P

[254] *See* 5 U.S.C. chapter 8.

[255] *See* 5 U.S.C. 804(2) (defining ''major rule'').

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Part III

Nuclear Regulatory Commission

10 CFR Parts 30, 40, 50, et al.
In Situ Recovery Monitoring and Decommissioning Timeliness; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, 52, 53, 70, and 72

[NRC–2025–1204]

RIN 3150–AL48

In Situ Recovery Monitoring and Decommissioning Timeliness

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and draft guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes to amend its regulations that govern the licensing of uranium mills and the disposition of tailings and waste that arise from the extraction and milling of uranium by issuing risk-informed requirements for groundwater protection at uranium in situ recovery (ISR) facilities. The NRC's current regulations are focused on conventional uranium milling and do not expressly address uranium extraction by the ISR process. Additionally, NRC proposes to amend its regulations that govern decommissioning timeliness for all licensees to provide additional flexibility for licensees to delay the initiation of decommissioning activities in situations where safety would not be impacted.

DATES: Comments must be submitted electronically using *https://www.regulations.gov* no later than 11:59 p.m. eastern time on October 13, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2025–1204, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2025-1204.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Timothy Mossman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–9100, email: *Timothy.Mossman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations in appendix A to part 40 that govern the licensing of uranium mills and the disposition of tailings and waste that arise from the extraction and milling of uranium by issuing risk-informed requirements for groundwater protection at uranium in situ recovery (ISR) facilities.

The NRC is also proposing to amend its regulations in parts 30, 40, 52, 53, 70, 72 of title 10 of the *Code of Federal Regulations* (10 CFR) to extend the timeframe for notifications and provide additional flexibilities to delay the initiation of decommissioning activities where it is in the public interest or when a licensee has a business need for continued possession of the license. The NRC is also proposing to amend its regulations in 10 CFR part 50 to allow licensees to use the established exemption process in 10 CFR 50.12 ''Specific exemptions'' to request to delay completion of decommissioning beyond the required 60-year timeframe for power reactors.

B. Major Provisions

Major provisions of the proposed rule include changes that would:

1. Establish regulations specific to ISR facilities to protect groundwater from the radiological and nonradiological hazards associated with the generation of byproduct material;

2. Add several new ISR-specific definitions and revise other definitions in Appendix A;

3. Clarify that alternate concentration limits (ACLs) are an allowable cleanup standard for groundwater at ISR facilities;

4. Increase flexibility, clarity, and efficiency related to decommissioning requirements for power reactors and nonpower reactors;

5. Streamline and extend regulations related to the initiation of decommissioning of nuclear materials facilities; and

6. Streamline extension request reviews by risk-informing the information that must be included in the request.

C. Costs and Benefits

The NRC prepared a draft regulatory analysis to determine the expected quantitative costs and benefits of this proposed rule and associated draft guidance as well as qualitative factors to be considered in the NRC's rulemaking decision. The proposed rule would result in net cost savings for industry and NRC, which will increase in proportion to the number of affected licensing actions as detailed in this report. For each ISR Application industry would save $288,600 and the NRC would save $316,200 due to the more efficient process of the proposed rule. For each power reactor decommissioning exemption request avoided due to the provisions of the proposed rule industry would save $5,920 and the NRC would save $39,500. The future extent of the ISR sector and decommissioning materials and reactor facilities could not be reliably projected, so total values were not calculated. Agreement States and the Environmental Protection Agency (EPA) would incur minor costs in implementing the proposed rule. Agreement States would incur a cost of $106,300 to implement the changes in their regulations. The EPA would incur a cost of $12,600 to provide a required review of the final rule.

The draft regulatory analysis also considers qualitative factors, such as regulatory efficiency. These benefits would result from clarifications, administrative changes, and streamlining of processes (such as notifications).

For more information, please see the draft regulatory analysis (available in the NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML25337A100).

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–1204 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1204.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Public Meeting:* The NRC may conduct a public meeting to describe the proposed amendments and answer questions from the public on the proposed rule. If the NRC determines it will hold a public meeting, NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at *https://www.nrc.gov/public-involve/public-meetings/index.cfm.*

B. Submitting Comments

Comments must be submitted electronically using *https://www.regulations.gov* no later than 11:59 p.m. Eastern Time on October 13, 2026. Please include Docket ID NRC–2025–1204 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission.'' Section 5, ''Reforming and Modernizing the NRC's Regulations,'' which requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. In accordance with E.O.14300 the NRC identified changes across title 10 of the *Code of Federal Regulations* (10 CFR) Parts 30, 40, 50, 52, 53, 70, and 72. These changes would yield significant efficiencies and reduce regulatory burden for licensees, NRC, and Agreement States while upholding our shared commitment to public safety.

III. Background: In Situ Recovery

A. Conventional Mills and In Situ Recovery Facilities

The NRC licenses and regulates uranium mills under its regulations in part 40 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Source Material,'' because these facilities possess and process uranium source material, as defined in § 40.4, ''Definitions.'' The possession and processing of source material are activities that require a license from the NRC under the Atomic Energy Act of 1954, as amended (AEA). Prior to the 1990s, uranium ore was processed primarily at conventional mills. Mills using the conventional milling process receive ore in the form of rock containing uranium and grind the ore to remove and concentrate the uranium. The leftover rock from this process is a sand-like material, known as tailings, that is consolidated into tailings piles. Tailings are contaminated with chemicals used in the uranium extraction process and contain heavy metals and radionuclides. Additionally, conventional milling generates a variety of liquid wastes, such as leaching fluids. These tailings and wastes, which contain radiological and nonradiological constituents, are classified as a form of byproduct material and are regulated by the NRC under the AEA.

The ISR process is another uranium milling process that was first used commercially in the United States in the late 1970s. As discussed in more detail

in Section B, the first regulations for uranium milling facilities were promulgated in 1983. These regulations were focused on conventional uranium mills, not the ISR process. Since the 1990s, the ISR process has become the predominant means of extracting uranium in the United States. The ISR process eliminates the steps of digging ore from the ground, transporting it to a mill, grinding it, and leaching it to dissolve the uranium. At ISR facilities, the chemical leaching occurs underground in a portion of an aquifer containing the ore body known as a production unit. A leaching solution, known as a lixiviant, containing either an alkaline solution including oxygen and/or bicarbonate or an acid solution such as sulfuric acid, is pumped to the ore body in the production unit through injection wells, thereby inducing a chemical change in the ore body that releases the uranium from the host rock. The lixiviant that carries the recovered uranium is pumped to the surface using production wells. All of the injection and production wells that are used to recover the uranium from the ore body in a production unit are located in an area known as a wellfield.

After being pumped to the surface, the lixiviant is transferred to a processing facility where an ion exchange process is used to separate the recovered uranium from the lixiviant. The recovered uranium is processed into a solid form called ''yellowcake.'' The lixiviant is then pumped back from the processing facility to the ore body in the production unit to continue uranium recovery. The yellowcake is ultimately used in the manufacture of fuel for nuclear reactors.

The processing facilities supporting ISR operations (*e.g.,* ion exchange columns, precipitation and drying circuits), and wastes produced by ISR operations (*e.g.,* hazardous constituents released in the groundwater by lixiviant injection, soil contaminated from spills, process wastes in surface impoundments), come under the NRC's regulatory authority. To ensure that byproduct material stays within the production unit and does not migrate from the production unit to surrounding groundwater during or after ISR operations, the NRC enforces requirements regarding the construction of wells, the design of ISR wellfields, and groundwater monitoring. The NRC also requires restoration of groundwater in the production unit to ensure hazardous constituent concentrations that exist during the ISR operations are below NRC-approved limits prior to license termination and release of the site. The restoration process begins when lixiviant injection into the production unit permanently ceases.

The ISR process does not generate tailings but does produce wastes that constitute byproduct material, which requires proper management. The NRC's current regulations for byproduct material generated by uranium milling are focused on operations at conventional mill sites and are set forth in appendix A to 10 CFR part 40, ''Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for their Source Material Content.'' Therefore, the NRC currently regulates groundwater protection at ISR facilities using site-specific license conditions that incorporate risk-informed and best management practices that have been shown to be successful for more than 40 years. Best management practices for groundwater protection, in the context of ISR facilities, are those practices that have been demonstrated to be the most effective and practical means to prevent, detect, and correct any leakage or migration of radiological and nonradiological contaminants to surrounding groundwater.

These risk-informed and best management practices are provided in the NRC regulatory guidance in NUREG–1569, ''Standard Review Plan for In Situ Leach Uranium Extraction License Applications.'' Many of the risk-informed practices presented in NUREG–1569 are further described in NUREG/CR–6733, ''A Baseline Risk-Informed, Performance-Based Approach for In Situ Leach Uranium Extraction Licensees.'' The principal purpose of NUREG–1569 is to ensure the quality and uniformity of the NRC staff's review and evaluation of ISR license applications (for the initial application and any amendments thereto). The NRC also uses this guidance to inform the development of site-specific license conditions.

B. Statutory Background

In 1978, Congress enacted the Uranium Mill Tailings Radiation Control Act (UMTRCA) to address the radiological and nonradiological hazards associated with the tailings or wastes generated in the uranium milling process, particularly with the tailings piles accumulating at conventional mill sites. The UMTRCA amended several provisions of the AEA, including the classification of these tailings or wastes as a form of byproduct material, provided that the tailings or wastes resulted from the extraction of uranium or thorium from ores processed primarily for their source material content. Such byproduct material is generally referred to as ''AEA section 11e.(2) byproduct material.''

Through its amendments to the AEA, title II of UMTRCA established a complementary regulatory scheme for active and decommissioning uranium milling facilities between the EPA and the NRC (title II of UMTRCA applies to sites where a viable, legally responsible entity could be identified when the legislation was developed, whereas title I applies to named inactive uranium milling sites). No ISR facilities are covered by title I; all title I sites are inactive conventional milling sites. The UMTRCA added AEA section 275, which authorizes the EPA to issue standards of general application for the protection of public health and safety, and the environment from radiological and nonradiological hazards associated with the processing, possession, transfer, and disposal of AEA section 11e.(2) byproduct material. For nonradiological hazards, it directs the EPA to establish standards of general application consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended (SWDA). The SWDA is now commonly referred to as the Resource Conservation and Recovery Act (RCRA).

The UMTRCA also added AEA section 84, which requires that the NRC or the appropriate Agreement State ensure the proper management of AEA section 11e.(2) byproduct material in such a manner as the NRC deems appropriate to protect public health and safety and the environment from radiological and nonradiological hazards associated with its processing and possession. In doing so, the NRC must conform with the standards of general application issued by the EPA under AEA section 275b. Any general requirements established by the NRC regarding its management of AEA section 11e.(2) byproduct material must, to the maximum extent practicable, be at least comparable to requirements that are applicable to the possession, transfer, and disposal of similar hazardous material regulated by the EPA under RCRA. Under AEA section 84a.(3), the EPA would concur on whether such general requirements were in fact comparable to the RCRA requirements for similar hazardous material.

The NRC or the applicable Agreement State agency is the regulatory or licensing agency for all uranium recovery facilities, including ISR facilities, and is responsible for evaluating any license application for an ISR facility or amendment to an existing

license, regulating and inspecting the operation and decommissioning of the ISR facility, and enforcing the terms and conditions of the operating license. In 1983, the NRC Authorization Act for Fiscal Year 1982–1983, Public Law 96–415 § 202, Stat. 2067, 2079 (1983) added a new paragraph 84c. to AEA section 84 while UMTRCA had amended the AEA to add section 274o. These amendments gave authority to the NRC and Agreement States, respectively, to establish site-specific alternatives to the specific requirements adopted and enforced by the NRC including the standards of general application promulgated by EPA under AEA section 275.

The EPA issued its initial standards of general application under UMTRCA for conventional mills in the **Federal Register** in the form of regulations in ''Environmental Standards for Uranium and Thorium Mill Tailings at Licensed Commercial Processing Sites'' (48 FR 45926; October 7, 1983), and then amended these standards in ''Health and Environmental Standards for Uranium and Thorium Mill Tailings'' (58 FR 60340; November 15, 1993). Subpart D of 40 CFR part 192 establishes the EPA's standards of general application for uranium byproduct materials at UMTRCA Title II sites, including those standards concerning groundwater protection. The EPA addressed its statutory requirement under AEA section 275b.(2), to establish standards for nonradiological hazards consistent with those in RCRA, by issuing regulations 40 CFR 192.31 through 192.33 that cross-reference specific EPA RCRA requirements for groundwater protection in 40 CFR part 264.

The regulations in 40 CFR 192.32(a)(2) directly reference the RCRA standards, with certain exceptions as set forth in 40 CFR 192.32(a)(2)(i)–(v). The requirements in 40 CFR 264.92 specify that hazardous constituents detected in groundwater at a regulated unit must not exceed the concentration limits provided in § 264.94 in the uppermost aquifer beyond the point of compliance. As defined in § 264.95, the point of compliance is a set location, as determined by the regulator, where the § 264.92 groundwater protection standards must be met and where monitoring must be conducted.

As made applicable to uranium byproduct materials by 40 CFR 192.32(a)(2), the RCRA groundwater protection standard in 40 CFR 264.92 requires compliance with § 264.94, ''Concentration limits,'' which allows for a licensee to meet one of three different hazardous constituent concentration limits that must not be exceeded in groundwater at the point of compliance. The first is the establishment of a background level for each hazardous constituent based upon sampling to determine the concentration or quantity of that hazardous constituent present in the groundwater prior to the commencement of ISR operations. The second establishes a maximum concentration as the standard for certain listed hazardous constituents (*e.g.,* arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) if the background level of the constituent is below the value given in Table 1 of § 264.94. The third allows for the establishment of an ACL by the regulatory agency if the agency finds that the licensee cannot meet either the background level or the maximum concentration for a given hazardous constituent. The RCRA regulations state that the regulatory agency may approve an ACL for a hazardous constituent based on a finding that the constituent will not pose a threat to human health or the environment as long as the ACL is met. Section 264.94(b)(1) includes a list of groundwater protection factors that the regulatory agency must consider in determining whether to approve or disapprove an ACL.

Other aspects of the RCRA groundwater protection standard that are made applicable to the management of uranium byproduct materials include the establishment of a detection monitoring program, as provided in § 264.98. In addition, the regulations in 40 CFR 192.33 require that if the hazardous constituent concentration limit for any hazardous constituent is exceeded, a corrective action program as specified in 40 CFR 264.100 must be put into operation.

The NRC initially issued two regulations to implement UMTRCA: ''Uranium Mill Tailings Licensing'' (44 FR 50012; August 24, 1979) and ''Uranium Mill Licensing Requirements'' (45 FR 65521; October 3, 1980). The 1979 rule added definitions for the terms ''byproduct material'' and ''uranium milling'' to 10 CFR 40.4, ''Definitions.'' The 1979 rule defined ''uranium milling'' to mean any activity that results in the production of byproduct material. The NRC's definition of ''byproduct material'' sets forth the UMTRCA definition of byproduct material but adds that the term includes discrete surface wastes resulting from uranium solution extraction processes. The definition also stipulates that underground ore bodies that remain after ISR operations do not constitute byproduct material. In its 1980 final rule, the NRC further amended 10 CFR part 40 and added its primary UMTRCA implementing regulations as appendix A to 10 CFR part 40. When EPA first issued its UMTRCA implementing standards in 1983, its definition of ''uranium byproduct material'' was essentially the same as the NRC's definition of ''byproduct material'' except that EPA did not reference thorium and did not include the clause concerning the discrete surface wastes resulting from uranium solution extraction processes.

Following the EPA's issuance of its 40 CFR part 192, subpart D standards, the NRC made two conforming amendments to appendix A to 10 CFR part 40: ''Uranium Mill Tailings Regulations; Conforming NRC Requirement to EPA Standards'' (50 FR 41852; October 16, 1985) and ''Uranium Mill Tailings Regulations; Ground-Water Protection and Other Issues'' (52 FR 43553; November 13, 1987). Currently, appendix A applies the EPA RCRA groundwater protection regulations in 40 CFR part 264 that are listed in 40 CFR part 192, subpart D, but it does not explicitly cross-reference them. Although the current criterion 5B requirements in Appendix A are focused on conventional uranium mills, the NRC has applied these requirements to ISR facilities through the use of site-specific license conditions.

C. Current Rulemaking Context and Development

A detailed history of this topic can be found in SECY–21–0067, Enclosure 1—Proposed Rule. In short, beginning in the 1990s, the uranium recovery industry expressed concerns to the NRC over perceived dual regulation between the NRC and the EPA with respect to the protection of groundwater impacted by ISR operations. Since that time, there have been a number of efforts at the NRC to address the concerns and increase transparency and clarity regarding NRC's ISR requirements. As relevant here, in SRM–SECY–19–0123, ''Staff Requirements—Regulatory Options for In Situ Recovery Facilities,'' the Commission approved the NRC staff's recommendation to resume a rulemaking ''to provide risk-informed ISR-specific requirements that would provide increased consistency and transparency in licensing reviews between the NRC and Agreement States and to clarify the applicability of existing requirements to ISR activities in 10 CFR part 40, in particular the applicability of alternate concentration limits for ISR facilities.'' In addition, the Commission directed a limited scope rulemaking, stating that given ''diminished domestic ISR activity, the

rulemaking should be narrowly targeted and its costs should be included in fee relief.'' In 2025, the effort to develop ISR-specific rules was placed under the NRC's broader E.O. 14300 rulemaking response. E.O. 14300 tasked the NRC with a wholesale revision to its regulations and guidance. Moving this rulemaking under the E.O. 14300 effort was done to facilitate a timely and efficient rulemaking in recognition of the significant efficiencies and reduction in regulatory burden that could be achieved by changes in this rule, while upholding public safety. Additionally, the NRC received several letters related to groundwater protection at ISR facilities. The letters are publicly available and are listed in the ''Availability of Documents'' section.

D. July 2020 EPA–NRC Memorandum of Understanding on ISR Rulemaking

In July 2020, the NRC and EPA entered into a Memorandum of Understanding (MOU) entitled, ''Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency Concerning the Regulation of Uranium in situ Recovery Activities,'' which delineates the roles and responsibilities of each agency under Title II of UMTRCA for regulating uranium ISR activities. The purpose of the MOU is to (1) provide a framework for cooperation and coordination between the NRC and the EPA for implementing each party's statutory responsibilities under AEA sections 84 and 275 with respect to regulating uranium ISR activities in a timely, efficient, and thorough manner; (2) describe the responsibilities of each party in regulating uranium ISR activities; and (3) foster opportunities for effective and efficient communication between the NRC and the EPA, including the exchange of written information, and interagency meetings.

The July 2020 MOU contains several provisions to ensure that NRC and EPA align on the regulatory basis for technical requirements in any future rulemaking efforts addressing groundwater protection at ISR facilities. For example, Section VII.c. of the MOU addresses the length of the post-restoration groundwater monitoring period by providing that the corrective action framework of Subtitle C of RCRA is the appropriate regulatory framework for ISR facilities, including the use of ACLs approved by the applicable regulatory agency.

E. NRC's Current Regulatory Practice for Groundwater Protection at ISR Facilities

The NRC has, to date, regulated groundwater protection at ISR facilities by using site-specific license conditions that incorporate the relevant regulations for groundwater protection found in appendix A to 10 CFR part 40 and that are otherwise informed by the NRC's operational experience and best management practices. The NRC requires, as a standard condition of its site-specific ISR license, that a licensee demonstrate that it has all necessary permits, including an Underground Injection Control (UIC) aquifer exemption for the groundwater in the production unit (to the extent such an exemption is required), before a licensee can commence ISR operations. More information on the criteria under which EPA may issue an aquifer exemption is available at 40 CFR 146.4. The NRC regulations that address groundwater protection requirements for the management of uranium byproduct material are currently found in criteria 5, 7, 7A, 9, and 13 of appendix A to 10 CFR part 40. The NRC has applied the groundwater protection standards in these criteria to hazardous constituents in the production unit for groundwater protection at ISR facilities using site-specific license conditions, as informed by the applicable regulatory guidance. Additional discussion on the NRC's current regulatory practices for groundwater protection at ISR facilities can be found in the 2021 proposed ISR rule package presented to the Commission in SECY–21–0067: Enclosure 1—Proposed Rule. The discussion in the 2021 rule package explains the differences between conventional mill tailings impoundments and ISR facilities with respect to groundwater protection, point of compliance wells, monitoring for excursions, corrective actions, and groundwater restoration.

IV. Discussion: In Situ Recovery

A. Proposed Changes to 10 CFR Part 40 and Appendix A to Part 40

Appendix A to part 40 contains requirements primarily related to the operation of conventional uranium mills rather than ISR facilities. In the absence of NRC regulations specific to ISR facilities, licensing reviews for each applicant and approval of other requirements for licensees may vary—depending on differences among NRC and Agreement State licensing reviewers. The proposed regulations are expected to make the licensing process more efficient, and the NRC's regulatory oversight more predictable and consistent for the NRC, licensees, and the public.

Specifically, the NRC proposes to revise appendix A to part 40 by adding a new section VI, ''Additional Technical Criteria for ISR Operations,'' which consists of a new criterion 14 that establishes groundwater protection requirements specific to ISR facilities. This proposed rule would also revise the preamble paragraph of criterion 5 in appendix A, and paragraphs 5B(1), 5B(2), 5B(5)(b), and 5C to clarify that several of the current conventional uranium milling requirements apply to ISR operations, including the use of ACLs. The proposed rule would further add a new paragraph 5(B)(1)(b) to criterion 5 that would establish the applicable groundwater protection standard for ISR facilities and explicitly cross-refence to paragraph 5B(5), which sets the hazardous constituent concentration limits that must not be exceeded at the groundwater point of compliance. The new paragraph 5(B)(1)(b) would also provide that the Commission will establish the point of compliance and compliance period on a site-specific basis pursuant to criterion 14, and that the Commission will identify hazardous constituents, establish concentration limits, and may adjust the point of compliance, if needed.

The proposed rule would revise the current definition of *Byproduct Material* in 10 CFR 40.4 to include liquid wastes from ISR facilities that may impact groundwater. The proposed rule would also add, in the introduction to appendix A, new definitions for *Aquitard, Corrective action, Excursion, ISR facility, Indicator constituent, In situ recovery, Production unit,* and *Wellfield;* and revise, the current definition of *Point of compliance* to add requirements specific to ISR operations.

In addition to these definition changes related to ISR facilities, the proposed rule also defines the term *abandoned uranium mine waste remediation.* The purpose of this definition is to clarify the difference between abandoned uranium mine waste remediation activities and uranium milling activities. Abandoned uranium mine waste remediation activities are regulated under the source material framework in 10 CFR part 40 while uranium milling activities are regulated under the source and byproduct material framework in 10 CFR part 40 and Appendix A to 10 CFR part 40.

The proposed rule would also add a preamble paragraph to section I, ''Technical Criteria,'' of appendix A to explain that this proposed rule, if

adopted, would apply to an application for, and the licensing, operation, and decommissioning of, a new ISR facility, a new wellfield within a licensed ISR facility, or a new production unit within an operating wellfield of a licensed ISR facility, if the application is submitted after the effective date of this rule. Finally, this proposed rule would cross-reference the values for the maximum concentrations for groundwater protection for all uranium mills (both conventional mills and ISR facilities) to the EPA's Maximum Contaminant Level (MCL) regulations for drinking water.

B. Proposed New Criterion 14

The NRC proposes to add a new criterion 14 to appendix A to 10 CFR part 40 that would establish regulations specific to uranium ISR facilities to protect groundwater from the radiological and nonradiological hazards associated with the generation of AEA section 11e.(2) byproduct material, thus codifying the risk-informed and best management practices for groundwater protection used by the NRC in site-specific license conditions. Together, with the revised applicable requirements in criterion 5, and the existing requirements in criteria 7, 7A, 9 and 13, the criterion 14 requirements would establish a standardized groundwater protection program for the NRC regulation of ISR facilities.

The proposed requirements in criterion 14 are set out in eight specific provisions: (a) site characterization and suitability demonstration; (b) wellfield pre-operational requirements; (c) well design and construction requirements; (d) operating, monitoring, and reporting requirements; (e) mechanical integrity; (f) wellfield restoration; (g) plugging and abandonment; and (h) corrective action. The criterion 14 provisions set out technical requirements for groundwater protection that would enable the NRC staff to determine if the ISR facility can be operated to prevent, detect, and correct leakage or migration of contaminants from the production unit to surrounding groundwater.

Criterion 14(a) would require that the applicant submit specific, detailed geologic and hydrologic site characterization information (*e.g.,* a description of the local and regional hydrogeologic gradient and hydrostratigraphy; past, current and future groundwater use, etc.) to demonstrate the suitability of a site to undertake ISR operations in such a manner that there would be no significant impact to the groundwater. The NRC has determined that this information is needed because the production unit is a subsurface natural system, in contrast to an engineered and manufactured system where the design, operation, and behavior are understood and can be tested or simulated to predict its performance.

Criterion 14(b) would set out wellfield pre-operational requirements that must be satisfied after the issuance of the license or license amendment (in the case of a new production unit or new wellfield), but prior to the injection of lixiviant into the production unit. The licensee would be required to undertake sampling and analysis of radiological and nonradiological hazardous constituents described or otherwise identified under criterion 14(b)(2) to determine the background hazardous constituent concentration levels in the groundwater at all point of compliance wells in the production unit in each wellfield, and in the immediately overlying, underlying, and adjacent aquifers to the production unit in each wellfield. The licensee would be required to take at least four independent samples at each point of compliance well as provided in criterion 14(b)(3)(ii) to be consistent with the comparable RCRA regulation in 40 CFR 264.97(g)(1). These samples must be taken at a minimum of two weeks apart or at an interval approved by the NRC. The background hazardous constituent concentration levels would be used by the NRC to establish the approved hazardous constituent concentration limits in paragraph 5B(5)(a) or (b) for groundwater restoration for the production unit and for any corrective action in the aquifers immediately overlying, underlying, and adjacent to the production unit.

The licensee also would be required by criterion 14(b)(4) to select at least three indicator constituents to minimize the likelihood of false positives for excursion detection as described in NUREG/CR 3967, ''An Analysis of Excursions at Selected In Situ Uranium Mines in Wyoming and Texas.'' The licensee also would be required to measure background concentration levels to determine the upper control limit for each indicator constituent at point of compliance wells in the aquifers immediately overlying, underlying, and adjacent to the production unit. The licensee also would be required by criterion 14(b)(5) to provide a wellfield restoration plan demonstrating how it will meet the approved hazardous constituent concentration limits in the production unit after restoration. The NRC must approve both the background hazardous concentration levels submitted in accordance with criterion 14(b)(3), the selection of the three indicator constituents and the determination of the upper control limit for each indicator constituent in accordance with criterion 14(b)(4), and the wellfield restoration plan submitted in accordance with criterion 14(b)(5), before the licensee may inject lixiviant into the production unit.

Criterion 14(c) would include requirements for injection, production, and monitoring well design and construction.

Criterion 14(d) would include requirements for ISR wellfield operation and monitoring to ensure the control of byproduct material within the wellfield so that the leakage or migration of byproduct material into surrounding groundwater would be prevented and detected so that corrective action could be taken. The licensee would be required to measure injection pressures to demonstrate that the maximum injection pressure has not been exceeded and to measure injection and production flow rates or volume to demonstrate an inward hydraulic gradient in the production unit to prevent migration of byproduct material. The licensee also would be required to conduct monitoring at point of compliance wells to detect any excursion that may signal the migration of byproduct material into surrounding groundwater, to establish a program to detect leaks and spills into the uppermost aquifer, and to meet specific reporting requirements.

Criterion 14(e) would include requirements for mechanical integrity testing to ensure that any leaks caused by failures in specific well installation components (*e.g.,* casings) are detected and corrected to prevent leakage of AEA section 11e.(2) byproduct material into surrounding groundwater.

Criterion 14(f) would include requirements for groundwater restoration in the production unit in the wellfield. The licensee would be required to meet the approved hazardous constituent concentration limits in paragraph 5B(5)(a) or (b) in the production unit after restoration is completed. If the licensee cannot practically achieve these limits, then under paragraph 5B(5)(c), the licensee may propose, and the NRC may establish, an ACL for a hazardous constituent, after a demonstration that there is no present or potential hazard to groundwater or surface water quality pursuant to paragraphs 5B(4) and 5B(6). Under Criterion 14, groundwater restoration would occur to the approved hazardous constituent concentration limits set forth in paragraph 5B(5)(a) or (b) or to an approved ACL. As such,

criterion 14(f) would require at least one year of quarterly post-restoration monitoring at the points of compliance in the production unit after groundwater restoration has met the approved hazardous constituent concentration limits or to an approved ACL. Additionally, the licensee would be required to demonstrate that there has been no statistically significant exceedance of the approved hazardous constituent concentration limits or to an approved ACL for one year. The licensee would be required to submit a wellfield restoration report for NRC approval after these requirements are met. This proposed change to the rule, which would codify the current practice of a minimum of one year of post-restoration groundwater monitoring to verify that conditions remain protective, could necessitate revisiting the July 2020 EPA MOU.

Criterion 14(g) would include requirements for the licensee to submit a plugging and abandonment plan for all wells to ensure that byproduct material fluids do not leak from plugged and abandoned wells into surrounding groundwater.

Criterion 14(h) would include requirements for corrective action pursuant to criterion 5D for three specific events. Specifically, corrective action would be required for (1) a confirmed excursion that lasts more than 60 days and has demonstrated an exceedance of an approved hazardous constituent concentration limit; (2) a statistically significant exceedance of an approved hazardous constituent concentration limit at a point of compliance well in the production unit during post-restoration monitoring; or (3) the detection of leakage into the uppermost aquifer.

C. Proposed Revisions to Paragraph 5B(5) and Table 5C

The proposed rule would update paragraph 5B(5)(b) and remove the criterion 5C table in appendix A and replace it with cross references to specified EPA groundwater protection numerical standards. Currently, paragraph 5B(5)(b) provides a licensee the option to restore the level of a given hazardous constituent present in the groundwater so that it is at or below the maximum concentration for that constituent found in the criterion 5C table, ''Maximum Values for Groundwater Protection,'' in appendix A if the value is higher than its background concentration level. The current criterion 5C table, which was added to appendix A by the NRC in its 1987 rulemaking, lists the then available MCLs from the EPA's standards for protection of drinking water and the maximum concentrations for other selected constituents expected to be commonly found at uranium milling sites. The proposed paragraph 5B(5)(b) would reference the proposed criterion 5C, which would no longer be in a tabular format but would instead cross-reference the EPA's 40 CFR part 141 tables that contain the various hazardous constituent MCLs for drinking water and the 40 CFR 264.94 table 1, ''Maximum Concentration of Constituents for Ground-water Protection,'' for those constituents not listed in the 40 CFR part 141 tables (*e.g.,* lead and silver). The references to the criterion 5C table in the revised paragraph 5B(5)(b) and the table itself would be removed. These proposed changes would be applicable to both conventional mills and ISR facilities.

The NRC is considering these proposed changes to paragraph 5B(5)(b) and to the criterion 5C table because when the NRC added the criterion 5C table in 1987, the EPA was still in the process of developing the MCLs and the EPA has subsequently revised certain MCLs and added new constituents of concern to the standards for protection of drinking water (40 CFR part 141). By adding cross references in a revised criterion 5C to the EPA's 40 CFR part 141 MCLs for hazardous constituents and to the EPA's maximum concentrations in 40 CFR part 264, Table 1, appendix A should not require future revision if the EPA later revises these standards.

D. Proposed Definition of a Point of Compliance Well

A point of compliance well plays an integral groundwater protection role both in the NRC's current practice of regulating ISR facilities by site-specific license conditions and in this proposed rule as it represents the location where the approved hazardous constituent concentration limits set forth in paragraph 5B(5) of appendix A to 10 CFR part 40 must be met. The proposed rule would continue to define the term the *Point of compliance* as a site-specific location in the uppermost aquifer where the groundwater protection standard must be met; however, the proposed rule would add, for ISR operations, that the point of compliance also includes a site-specific location below the uppermost aquifer in the production unit in the wellfield, or in aquifers adjacent to, above, or below the production unit, where the groundwater protection standard must be met.

With this revised definition, a licensee would be required to install point of compliance wells not only in the production unit but also in the immediately overlying, underlying, and adjacent aquifers to the production unit. The point of compliance wells in the production unit would be used to establish the background hazardous constituent concentration levels before lixiviant injection, and subsequent to the termination of ISR operations, would act as the points of compliance to determine if the approved background hazardous constituent limits are achieved after restoration of the production unit and for post-restoration monitoring.

The point of compliance wells in the immediately overlying, underlying, and adjacent aquifers would be used to establish the background hazardous constituent concentration levels and the indicator constituent upper control limits for excursion detection before lixiviant injection. During ISR operations, these point of compliance wells in the immediately overlying, underlying, and adjacent aquifers to the production unit would be used to detect excursions. If corrective action is required as a result of an excursion being detected, these point of compliance wells would be used to determine if the corrective action has met the approved hazardous constituent concentration limits.

Paragraph 5A(1) sets forth the primary groundwater protection standard for a conventional mill's surface impoundment, namely, the installation of a liner ''that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water.'' The regulatory assumption is that the liner will not fail. If leakage of byproduct material occurs due to a failure of the liner to contain the material, then the licensee must take corrective action, which may include the installation of one or more point of compliance wells. Point of compliance wells are, thus, not part of the design of the conventional mill or its surface impoundment, but are only installed in the event of a leakage from the impoundment that will require corrective action.

In contrast, point of compliance wells are a critical part of groundwater protection in the ISR wellfield. The point of compliance wells are required to be installed before operations to measure background hazardous constituent concentration levels in the production unit and in the immediately overlying, underlying, and adjacent aquifers. The point of compliance wells are also used during operations for excursion detection in the immediately

overlying, underlying, and adjacent aquifers and for any required corrective action. Finally, after restoration of the production unit, the point of compliance wells are used to demonstrate compliance with the approved hazardous constituent concentration limits pursuant to paragraph 5B(5) and to conduct post-restoration monitoring.

E. Proposed Definition of Excursion

The proposed rule would define the term *Excursion* to mean the detection of indicator constituents that may signal the movement of fluids containing byproduct material from the production unit into surrounding groundwater. The term *Indicator constituent* is defined to mean a parameter, such as chloride, conductivity, total alkalinity, or other conservative solute, whose value is used to detect an excursion. Indicator constituents travel at or close to the same velocity as the groundwater and are not slowed by geochemical or physical processes that impact the migration of hazardous constituents in the byproduct material (*e.g.,* uranium, radium). As such, the detection of an excursion, *i.e.,* the presence of indicator constituents, serves as an early warning system of the movement of fluids containing byproduct material from the production unit into surrounding groundwater, so that the licensee can take action to eliminate migration of hazardous constituents caused or introduced by the licensee's operations into the surrounding groundwater.

To prevent the movement of byproduct material into surrounding groundwater, the proposed criterion 14 would require the licensee to establish a monitoring program to detect excursions, including the installation of point of compliance wells in the immediately overlying, underlying, and adjacent aquifers to the production unit that could be affected by migration of byproduct material. Under the proposed criterion 14(d)(2)(iii), after lixiviant injection begins in the production unit, the licensee would be required to take samples to measure the three selected indicator constituents every two weeks from the point of compliance wells in the aquifers immediately overlying, underlying, and adjacent to the production unit. In accordance with proposed criterion 14(d)(2)(iii)(A), an excursion would be deemed to have occurred if, in any point of compliance well, two or more excursion indicator constituents exceed their upper control limits. An adequate excursion indicator constituent is one that is found in significantly higher concentrations in the production unit during ISR operations than in the surrounding groundwater outside the production unit.

The licensee should choose excursion indicator constituents that are not significantly attenuated by geochemical or physical processes. Selection of indicator parameters should be reflective of the lixiviant used at the facility. Because a sample may result in a false positive, an excursion confirmation sample must be taken within 48 hours after the initial analysis that indicates that an excursion occurred. If that second sample does not indicate the upper control limits were exceeded, a third sample would be taken. If either the second or the third sample confirms that an excursion has occurred, the licensee would be required to take corrective action according to the requirements in criterion 14(h)(1). If neither of the samples confirm an excursion, the point of compliance well would be removed from excursion status.

F. Details Regarding Proposed Alternate Concentration Limits Applicable to Groundwater Restoration at ISR Wellfields

The proposed regulations for groundwater restoration in criterion 14(f) state that after completion of ISR operations in a production unit, the licensee must restore the hazardous constituents in the production unit identified under criterion 14(b)(2) to the constituent's approved concentration limit listed in either paragraphs 5B(5)(a) or (b) pursuant to the wellfield restoration plan described in criterion 14(b)(5). The approved concentration limit would be either the approved background concentration for that hazardous constituent (paragraph 5B(5)(a)) or one of the values referenced in criterion 5C (*e.g.,* MCLs), if the background concentration is below these values (paragraph 5B(5)(b)).

Under proposed criterion 14(f), if the licensee cannot practically achieve the approved concentration limit for a hazardous constituent, the licensee may propose an ACL pursuant to paragraph 5B(5)(c). In such an instance, criterion 14(f) would require that the licensee submit an application for an ACL as an amendment to its license in accordance with 10 CFR 40.44. After receiving a licensee's application requesting an ACL and consistent with the requirements of 10 CFR 2.104, the NRC would publish a notice of opportunity for hearing in the **Federal Register**.

Pursuant to proposed criterion 14(f), the NRC would consider the factors specified in criteria 5B(4) and 5B(6) in its evaluation of the ACL application. Criterion 5B(4) requires the NRC to consider the presence of any underground source of drinking water (USDW) and exempted aquifers.

Criterion 5B(6) states that the background concentrations pose no incremental hazard and the other values referenced in criterion 5C, including the MCLs, which are drinking water limits, provide an acceptable hazard. Criterion 5(B)(6) provides the criteria for when that the NRC may establish a site-specific ACL for a hazardous constituent. Additionally, criterion 5B(6) provides 9 factors to evaluate potential adverse effects on groundwater quality and 10 factors for potential adverse effects on hydraulically connected surface water quality that will be considered by the NRC for the present and potential hazard finding for a proposed ACL. An evaluation of the criterion 5B(6) factors would enable the NRC to make the appropriate present and potential hazard findings with respect to the proposed ACL. In its license amendment application proposing the ACL, the licensee must provide sufficient site-specific information to enable the NRC to adequately address the criterion 5B(6) factors and to determine whether the proposed ACL for that hazardous constituent in the production unit presents no hazard or potential hazard to groundwater or surface water quality.

These factors are then considered by the NRC to evaluate the ACL for that hazardous constituent in a production unit. An ACL may not be proposed or established until after ISR operations have ceased in the production unit and the licensee has demonstrated that meeting either the approved background concentration or the MCL for the subject hazardous constituent is not practically achievable at that production unit.

Although this proposed rule would not apply to current ISR facility licensees who are not seeking to install a new wellfield within a licensed ISR facility or a new production unit within an operating wellfield of a licensed ISR facility, such current ISR facility licensees can request that the NRC approve the use of an ACL in accordance with criterion 5B(5)(c). The NRC would process such an ACL request in a similar manner as described in the proposed rule's criterion 14(f), including the publication of a notice of opportunity for hearing in the **Federal Register**.

G. Proposed Post-Restoration Groundwater Monitoring Requirements for ISR Wellfields

Presently, the NRC requires the licensee to conduct post-restoration

monitoring at the applicable points of compliance wells on a quarterly basis for at least one year, after the approved hazardous constituent concentration limits are met, using a practice currently known as stability monitoring. This practice is required through site-specific license conditions. Post-restoration groundwater monitoring, as proposed in criterion 14(f)(1), would occur after all activities to restore the groundwater in a wellfield have ended and all monitored hazardous constituents are at or below their approved concentration limits in criterion 5B(5). As proposed, post-restoration monitoring would continue the staff's current practice of quarterly monitoring for at least one year following completion of groundwater restoration at point of compliance wells in the restored production unit to ensure that there is no statistically significant exceedance of the approved hazardous constituent concentration limits.

If any point of compliance well shows a statistically significant exceedance, the proposed rule would require the licensee to undertake corrective action pursuant to criterion 14(h)(2). Depending on the results of the corrective action, the NRC may require the licensee to restart post-restoration monitoring after the corrective action is completed. Restoration of the production unit would be deemed complete when concentrations for all hazardous constituents remain at or below approved limits for one year.

The proposed post-restoration monitoring requirement would be applicable to each production unit in a wellfield and would ensure that the hazardous constituent concentration levels in each production unit are maintained after restoration at or below the approved hazardous constituent concentration limits.

H. Proposed Monitoring and Corrective Action Requirements for Protecting the Uppermost Aquifer

Although groundwater impacts from ISR operations are more likely to occur in the aquifers immediately overlying, underlying, and adjacent to the production unit where uranium is extracted, it is important to ensure that groundwater in the uppermost aquifer is also protected from the effects of near surface and above surface ISR operations. Areas in which these operations occur include waste fluid evaporation ponds, facilities processing lixiviant, source, and byproduct material, and associated wellfield infrastructure. Experience to date shows that leakage or spills into the uppermost aquifer can occur as a result of ISR operations in each of these areas.

The proposed rule's criterion 14(d)(4) would require each licensee to establish a program, to be approved by the NRC, to detect leaks or spills of lixiviant, source, or byproduct material into the uppermost aquifer. If the licensee detects leakage or spills of lixiviant, source, or byproduct material in the uppermost aquifer, the licensee would be required to notify the NRC under proposed criterion 14(d)(5)(iii). Upon detection, the licensee would have to undertake corrective action following the requirements of criterion 14(h)(3). The licensee would be required to notify the NRC of the corrective action taken and the results within 60 days of detection. Corrective action would not be considered complete until the source of the leakage from the licensee's operations has been eliminated and the hazardous constituent concentration levels were restored to the approved hazardous constituent concentration limits.

I. Interface Between EPA's Underground Injection Control Program Requirements With the Proposed New Criterion 14

Permits for underground injection wells—a broad class of wells that includes EPA UIC Class III injection wells used in ISR operations, as well as Class I and V disposal wells also commonly utilized at ISR facilities—are issued under the EPA's UIC program authority set forth in the EPA's regulations in 40 CFR parts 144 and 146. Under EPA's UIC program, the licensee must apply to the EPA to exempt the groundwater in the production unit if the groundwater is defined as a USDW from the protections of the Safe Drinking Water Act before injection in Class III wells can begin. The EPA's regulations in 40 CFR 144.3 define an *Exempted aquifer* as an aquifer or a portion thereof that meets the criteria in the definition of USDW but which has been exempted according to the procedures in 40 CFR 144.7. The criteria to determine when a USDW may be designated as an exempted aquifer by the EPA Administrator are found in 40 CFR 146.4. When the EPA Administrator approves and issues an aquifer exemption, the EPA provides an exempted aquifer boundary that includes the production unit in a wellfield and a buffer zone outside the production unit.

Several UIC requirements are similar to those currently required by the NRC in site-specific licenses. The NRC proposes to use the UIC regulations for Class III injection wells as a regulatory framework with slight modifications to be specific to ISR operations, such as mechanical integrity testing, and considers these proposed regulations as complementary to the EPA's UIC regulations. The NRC's licensees would still be subject to the UIC program requirements through direct regulatory oversight by the EPA or those States to which the EPA has delegated its UIC program authority. The requirements in the proposed criterion 14 would only be applied to Class III wells at ISR facilities.

The EPA's UIC program regulates injection wells, whereas the NRC intends to regulate both injection and production wells under the proposed rule. The NRC is proposing to include production wells in the rule as they may be converted to injection wells in order to modify groundwater flow paths during operations, particularly during any corrective actions. Furthermore, to the extent the Class III permittee is granted an aquifer exemption, the UIC program does not require the UIC Class III well permittee (*i.e.,* the NRC licensee) to restore the groundwater quality of the production unit of the exempted aquifer. The NRC requires restoration of groundwater in the production unit under UMTRCA. The intent of these complementary requirements is to prevent contamination of any USDW surrounding the exempted aquifer (*e.g.,* outside the aquifer exemption boundary) where an aquifer is exempted. In the proposed criterion 14(f), the NRC would expressly require restoration of the exempted aquifer. Another difference between the two programs is that the UIC regulations require only an initial integrity test prior to operations for uranium Class III injection wells. In this regard, the EPA premised its UIC regulations on the determination that most injection wells would have a relatively short service life.[1] Based upon the NRC's regulatory experience, injection wells at ISR facilities may need to be operational throughout the term of the ISR facility license and, as such, the proposed criterion 14(e) will require a mechanical integrity test for both injection and production wells before initial use and before reuse of wells that have been serviced with equipment or procedures that could damage the well casing, and at least once every five years thereafter. Also, the UIC regulations require routine monitoring of pressure and

[1] In its June 1980 final rule promulgating 40 CFR part 146, ''Underground Injection Control Program: Criteria and Standards,'' the EPA stated that ''the periodic demonstration of mechanical integrity will apply only to the wells with longer [useful] life, *i.e.,* salt and geothermal wells.'' 45 FR 42472, 42485 (June 24, 1980).

flows to the injection wells. The purpose for this monitoring is to ensure that the formation fracture pressure is not exceeded during operations and the integrity of the wells is maintained. In the proposed criterion 14(d), the NRC would require routine monitoring of pressure and flows to ensure that the inward gradient is maintained during both ISR operations and groundwater restoration.

Finally, proposed criterion 14(f) would ensure protection of the USDWs when establishing an ACL for a hazardous constituent after groundwater restoration. Specifically, criterion 14(f) would require compliance with the existing criterion 5B(4), which requires that in making any determination concerning groundwater use for establishment of an ACL for a hazardous constituent under criterion 5B(6), the NRC must consider the presence of any USDWs and exempted aquifers.

J. Agencies That Participated in the Development of This Proposed Rule

In 2021, the working group involved in the preparation of an earlier version of this proposed rule included NRC staff and two Agreement State representatives, one each from the respective regulatory agencies of Texas and Wyoming. In 2025, the working group involved in preparation of this proposed rule included NRC staff and Agreement State representatives from the respective regulatory agencies of Utah and Wyoming. The Organization of Agreement States approved these representatives for both rulemakings. The EPA and Agreement States will be able to provide comments during the formal comment period for this proposed rule.

The NRC prepared an unofficial redline version of the proposed changes to regulatory text that is intended to help the reader identify the proposed changes. The unofficial redline strikeout version of the proposed rule is publicly available and is listed in the ''Availability of Documents'' section.

V. Specific Request for Comment: ISR

The NRC is seeking advice and recommendations from the public on the proposed rule. The NRC is particularly interested in comments and supporting rationale from the public on the following:

The proposed changes for ISR facilities are intended to codify the NRC's existing licensing practices and provide regulatory certainty and clarity with respect to groundwater protection.

1. For new and existing part 40 ISR licensees, do the rulemaking changes add regulatory clarity or regulatory certainty? If not, what additional changes should the staff consider?

2. Does the proposed rule or supplemental guidance create conditions that would be contrary to the rule's purpose and objectives? If so, which portions are contrary to the rule's purpose and objectives, and why? Are there unintended consequences? If so, what are the unintended consequences, and how should they be addressed?

ISR facilities typically require several permits at the Federal and/or State level. For example, ISR facilities are required to obtain a permit under EPA's (or an authorized State's) UIC program to inject lixiviant into the subsurface. The NRC has developed this proposed rule language to be complementary to EPA's UIC program but is interested in any potential regulatory conflicts introduced by the rule.

3. Does the proposed rule or supplemental guidance create a conflict with another federal regulation? If so, which regulation, and how should the conflict be resolved?

The regulations in 10 CFR part 40 contain provisions requiring submission of documents to the NRC. One example is the semi-annual effluent reporting requirement contained in 10 CFR part 40.65.

4. Are there any reporting requirements in this proposed rule, or in the existing language in 10 CFR part 40 that should be reconsidered by the staff? Staff is interested in identifying reporting requirements that could be submitted less frequently, that could be maintained on site for review during inspections, or could be satisfied in some other manner.

After completion of ISR operations, the facility must restore groundwater to the approved constituent concentration limits at all point of compliance wells in the production unit. If all efforts to restore ground water have failed and the facility cannot practically achieve the approved concentration limit for a hazardous constituent, the facility may apply for an alternate concentration limit (ACL). The NRC may approve a site-specific ACL after considering practicable corrective actions, and that the constituent will not pose a hazard to human health or the environment as long as the ACL is not exceeded. The factors to make this hazard finding are currently codified in 5B(4) and 5B(6). This rulemaking proposes to apply the same criteria for ISR.

5. What additional factors or criteria should the NRC consider in either this rulemaking or through the development of guidance documents for the consideration of ACL's at ISR facilities?

VI. Background: Decommissioning Timeliness

A. Timeliness in Decommissioning of Nuclear Materials Facilities

The NRC has consistently determined that decontamination should be accomplished and the license terminated as soon as practical. In the 1994 final rule, ''Timeliness in Decommissioning of Materials Facilities.'' (59 FR 36026, July 15, 1994), the NRC amended its regulations to establish specific time periods for decommissioning unused portions of operating nuclear materials facilities and for decommissioning the entire site upon license expiration, termination of operations by choice, or termination of operations caused by a period of inactivity. The NRC revised these requirements in recognition of the difficulties associated with a case-by-case approach to decommissioning issues at nuclear materials sites.

In finalizing the associated time periods in that rule, the NRC relied upon an evaluation that indicated that, in general, for materials facilities, further health and safety benefits derived from radiological decay are not likely to be gained by delaying decommissioning beyond approximately 3 years from the date that operations cease. However, the evaluation showed that incremental benefits due to radioactive decay between the second and third years are small, and NRC considered 2 years as a sufficient period for a licensee to make a business decision regarding the future use of the currently-inactive license, separate building, or outdoor area. Therefore, NRC determined that a reasonable time period to permit no principal activities to be conducted under the license or for a building or outdoor area to remain inactive without undergoing decommissioning was 24 months. In doing so, the NRC considered both the health and safety benefits to be obtained by allowing short-lived isotopes to decay before beginning decommissioning operations and the licensee's need to make business decisions concerning the initiation of decommissioning.

B. Timely Completion of Decommissioning of Power Reactors and Nonpower Utilization Facilities

In 1988, in a final rule, ''General Requirements for Decommissioning Nuclear Facilities.'' (53 FR 24018, June 27, 1988), NRC amended its decommissioning requirements and established a 60-year period after permanent cessation of operations for an electric utility licensee to complete

decommissioning. The proposed rule, ''Decommissioning Criteria for Nuclear Facilities,'' (50 FR 5600. February 11, 1985) introduced defined decommissioning alternatives, including decontamination (DECON) and safe storage (SAFSTOR). The proposed rule indicated that both DECON or SAFSTOR would be reasonable decommissioning alternatives for light water power reactors for up to 50 years. The NRC explained that, based on the half-life of the typical remaining radionuclides, the reduction of occupational doses beyond about 30 years would be marginally significant, although a significant volume reduction in contaminated waste would result from 50 years in safe storage. At the time, NRC considered both 30- and 50-year periods as acceptable for decommissioning activities. The final rule established the requirement in § 50.82(a)(3) for a licensee to terminate its license within 60 years of permanent cessation of operations, explaining that the NRC considered a 50-year period sufficient for the benefits of radiological decay and a 10-year period for dismantlement and decontamination activities to be completed.

Additionally, in finalizing the rule, the Commission also stated that consideration would be given to a decommissioning alternative which provides for completion of decommissioning beyond 60 years for power reactors only when necessary to protect public health and safety. The amended regulations identified factors to be considered by NRC in support of a request to extend decommissioning beyond 60 years, including the unavailability of waste disposal capacity, presence of other nuclear facilities at the site, and other site-specific factors affecting capability to carry out decommissioning safely. The 60-year decommissioning requirement for nuclear reactor facilities licensed under 10 CFR part 50, § 50.82(a)(3), is identical to the requirement for reactor facilities licensed under parts 52 and 53, § 52.110(c) and § 53.1070(c), respectively.

Other than the acknowledgment in Regulatory Guide (RG) 1.185, ''Standard Format and Content for Post-Shutdown Decommissioning Activities Report,'' that states any such request will be reviewed on a case-by-case basis, there was little precedent or guidance regarding how to apply the considerations currently included in §§ 50.82(a)(3), 52.110(c), and 53.1070(c) for an alternative schedule for decommissioning. Therefore, recently, in SECY–24–0073 ''Site-Specific Considerations for Review of Requests to Complete Power Reactor Decommissioning Beyond 60 Years from Permanent Cessation of Operations,'' the staff informed the Commission of how it would evaluate such a request. As explained in SECY–24–0073, the staff's approach when evaluating alternative decommissioning schedule requests draws on the methods historically used for nuclear safety reviews and the seven safety cornerstones of the Reactor Oversight Process, and considers issues including waste disposal capacity, the presence of other nuclear facilities, SAFSTOR conditions, physical security, and partial approvals.

The regulatory language in 10 CFR 50.82(a)(3), § 52.110(c), and § 53.1070(c) essentially provides that a licensee can request an alternative decommissioning schedule beyond the 60-year requirement if a licensee can demonstrate that approval of the alternative decommissioning schedule is ''necessary to protect public health and safety.'' For other regulatory requirements in parts 50, 52, and 53 that do not have specific criteria for relief, exemptions are sought under the associated provision in §§ 50.12, 52.7, and 53.080, ''Specific exemptions.'' The Atomic Energy Commission established § 50.12 in 1956 in a final rule, ''Part 50—Licensing of Production and Utilization Facilities,'' (21 FR 355, January 19, 1956) to provide flexibility for the Commission to grant exemptions from regulatory requirements as it determines are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and when a special circumstance is present. The regulatory criteria for approving an alternate decommissioning schedule in §§ 50.82(a)(3), 52.110(c), and 53.1070(c), which allow approval ''only when necessary to protect public health and safety,'' are much more restrictive than the criteria for review of specific exemptions in §§ 50.12, 52.7, and 53.080.

VII. Discussion: Decommissioning Timeliness

A. Timeliness in Decommissioning of Nuclear Materials Facilities

The proposed rule would offer several changes to the NRC's decommissioning regulations. For nuclear materials facilities, the proposed changes focus on the requirements to initiate timely decommissioning and the process to request an extension to the associated timeframes. The proposed rule would extend the timeframe for notifications related to the initiation of decommissioning, broaden the reasons acceptable for extensions to those timeframes, and streamline the process to request extensions, thereby reducing the regulatory burden on licensees while maintaining public health and safety.

Specifically, the proposed revisions to 10 CFR parts 30, 40, 70, and 72 would restructure the decommissioning requirements in paragraphs (d) of the applicable sections (§§ 30.36(d); 40.42(d); 70.38(d); and 72.54(d)) to separate the requirement to notify NRC if any of four criteria are met, from the requirement for the licensee to initiate decommissioning actions. Also, the proposed rule would extend the period of no principal activities that would trigger the notification provisions from 24-months to 36- or 48-months, depending on the licensee. Additionally, to increase flexibility, the proposed rule would also amend the process to request extensions of the timeframes established in paragraphs (d) of the applicable sections by broadening the reasons for extension, reducing the amount of information contained in the extension request, and increasing the time to develop the extension request from 30 days prior to notification to 45 days after notification required by paragraph (d). (§§ 30.36(f); 40.42(f); 70.38(f); 72.54(f)). This rule does not propose to amend any requirements related to the timely completion of decommissioning of nuclear materials facilities (*e.g.,* within 24 months of commencement of decommissioning).

Restructuring Requirements To Increase Regulatory Clarity and Flexibility in Requesting Exemptions

The NRC has identified efficiencies to be gained in modifying the regulatory structure for the requirements related to the initiation of decommissioning and decommissioning planning of nuclear materials licensed under §§ 30.36, 40.42, 70.38, and 72.54 of chapter 10. Currently, nuclear materials licensees are required to notify the NRC and begin decommissioning activities within 60 days of the occurrence of any of four triggering criteria. Because the requirements to notify the NRC and initiate decommissioning or decommissioning planning are collocated in the regulations, a failure to comply with one portion of the regulation results in a violation of the entire regulation. However, failure to provide timely notification after the occurrence of one of the four criteria may be more or less risk significant than a failure to initiate decommissioning activities in a timely manner.

Under current regulations, the NRC may grant requests to extend such time periods if a licensee submits the request no later than 30 days before notification pursuant to paragraph (d) of the applicable section, in accordance with §§ 30.36(f), 40.42(f), 70.38(f), and 72.54(f)(1). To approve such a request, the NRC must determine that this relief is not detrimental to the public health and safety and is otherwise in the public interest. However, because the time period that licensees have to request the exemption is located within paragraph (f) of the aforementioned regulations, neither the licensee nor NRC can use the process established in paragraph (f) to provide relief for a licensee that needs more than 30 days to develop its extension request. Instead, a licensee must request relief from the 30 day requirement using the specific exemptions process established in §§ 30.11, 40.14, 70.17, or 72.7, as applicable.

Additionally, a licensee may request an alternate schedule for submittal of a decommissioning plan in accordance with §§ 30.36(g)(2), 40.42(g)(2), 70.38(g)(2), and 72.54(f)(2). To approve the alternate schedule, the NRC must determine that the alternate schedule is necessary to the effective conduct of decommissioning operations, presents no undue risk from radiation to public health and safety, and is otherwise in the public interest.

The proposed rule revises the current structure of the sections and the differing standards for relief requests or extension requests to be more efficient and flexible. Specifically, this proposed rule would restructure the regulatory requirements in paragraph (d) of the applicable sections to separate the four criteria that trigger notification to NRC from the licensee actions that must be taken to initiate decommissioning after notifying NRC. The proposed change would enhance regulatory clarity as to when licensee actions are required and increase flexibility in when and how licensees may perform these actions. The proposed rule change would allow a licensee to use one process to request an extension to all these timeframes, as described in the proposed §§ 30.36(f), 40.42(f), 70.38(f), and 72.54(f)(1).

Extend the Period of No Principal Activities Before Initiation of Decommissioning Is Required

The NRC's policy has always been, and continues to be, that decontamination should be accomplished and the license terminated as soon as practical. Additionally, the agency continues to believe that timely initiation of decommissioning for nuclear material licensees, with notification and commencement of decommissioning activities when there is a period of no principal activities in a separate building or outdoor area or under the license, is appropriate.

However, over the years, it has become clear that business decisions regarding the use or non-use of licensed materials can take longer than the 24 months currently provided in NRC regulations as the length of time in which no principal activity triggers action by a licensee. As an example, a portable gauge licensee may not have a contract to use its gauges for a period that exceeds 24 months and thus would be required to initiate decommissioning or request an extension. The termination of the license would result in an inability to bid on contracts that require the use of a portable gauge for field operations. This creates an unnecessary regulatory burden on the licensee by requiring one of three options: (1) the licensee could terminate the license until a contract bid is found, at which time the licensee would need to apply for a new portable gauge license but would be unable to bid on the contract until the license was issued by the NRC (meanwhile, the licensee may lose the ability to bid on the contract as the license issuance time may be longer than the bidding process); (2) the licensee could request an extension under 10 CFR 30.36(f) if it can demonstrate that the request is not detrimental to public health and safety and is otherwise in the public interest; or (3) the licensee could request a ''storage only'' license and submit the regulatory information needed. In the third scenario, once a contract is available for bidding, a licensee would then need to request a change for the ''storage only'' license to be reinstated as an operational license, which can take up to 90 days for NRC to review and approve. In such cases, developing, submitting, reviewing, approving, and issuing license amendments for such administrative actions is a significant resource burden on the licensee and NRC with minimal safety benefit.

On numerous occasions, licensees have been required to implement one of the above three options to ensure their business can continue to deliver the safe and secure use of civilian nuclear energy technologies and radioactive materials for the benefit of society and the environment. In at least one instance, access to certain medical imaging technologies or nuclear medicine treatments could have been impacted by a licensee who had not performed principal activities within 24 months because it did not have a qualifying patient. However, the licensee maintained its health and safety program throughout that period of time and was the only facility in a remote location to provide this type of medical care. Therefore, it may have been a detriment to public health and safety if NRC had not granted an extension from the 24-month period of no principal activities in this case. The changes proposed in this rule would alleviate this risk.

The proposed rule addresses this issue by amending the regulations to extend the 24-month period of no principal activities to 36 months for part 30 licensees and 48 months for licensees under parts 40, 70, and 72. In gathering data to inform the proposed 36-month period of no principal activities for part 30 licensees, NRC confirmed that incremental benefits due to radioactive decay between the second and third years are small and diminish significantly beyond 3 years. NRC also considered 3 years a reasonable amount of time in which licensees could adequately assess their future business needs in order to make a determination as to whether they should request an extension or initiate decommissioning. Additionally, because each record of receipt and transfer of byproduct material must be retained for 3 years following transfer or disposal of the material in accordance with § 30.51, any period beyond 3 years may present risk of institutional knowledge being lost. Finally, in establishing the 36 month period of no principal activities for part 30 licensees, the NRC also recognized that routine NRC inspections range from 1- to 5-year periodicity, depending upon the type of licensed activities. Therefore, a licensee would reasonably have at least one inspection within the proposed 36-month period of no principal activities before it is required to report to NRC. In the case that a licensee was not inspected during that period, the next periodic inspection would occur within a short period of time after the extension request is submitted and/or approved, thereby providing reasonable assurance of adequate protection of public health and safety, common defense and security, and the environment.

While NRC is proposing a 36 month period of no principal activities for part 30 licensees, the NRC is proposing a 48 month period of no principal activities for parts 40, 70, and 72 licensees. The NRC is proposing the 48 month period of no principal activities for these licensees because compared to part 30 licensees, facilities licensed under parts 40, 70, and 72 typically have a lower

risk of abandoned material because they have greater financial resources, and are subject to greater regulatory oversight given the nature of the materials, including higher inspection frequency. Additionally, source material, special nuclear material, and independent spent fuel storage installation licensees may experience certain economic conditions that would necessitate pausing operations for a longer period of time, such as changes in the price of uranium for a period of time. In general, an increase in radiological risk, and nonradiological risk at uranium recovery facilities, for the public could occur when nuclear material is abandoned and begins to migrate through the environment, potentially contaminating drinking water resources. However, as indicated above, licensees under 10 CFR parts 40, 70 and 72 typically have a lower risk of abandoned material. Therefore, NRC has determined that 48 months is a reasonable amount of time for no principal activities to occur at these facilities before requiring action by the licensee.

These proposed changes would extend the existing period of no principal activities from 24 to either 36 or 48 months (depending upon the type of license) before requiring NRC notification, thereby reducing reporting frequency, reducing costs for licensees and NRC, and providing licensees flexibility to make business decisions while retaining their NRC license, all while providing reasonable assurance of adequate protection of public health and safety. Further, these proposed changes retain the core safety principle that materials facilities should be decommissioned as soon as practical.

In this proposed rule, the NRC is maintaining a focus on safety by protecting against potentially abandoned radioactive material while providing flexibility to licensees based on foreseeable (*e.g.,* grant funding lapse, gap in patient population for highly specialized nuclear medicine procedures, delays in contract implementation or obtaining new contacts, patient care considerations) or unforeseeable (*e.g.,* pandemic, sudden and lasting economic shift) impacts that may cause a reasonable pause in principal activities under the license. Extending the period of no principal activities will also reduce the number of requests to extend, transitions to a ''possession only'' status, and premature license terminations and subsequent new license applications, all of which are administratively intensive for the NRC to review and disposition, and impose a regulatory burden on licensees.

Increase Flexibility in Decommissioning Timeliness Extension Requests

Under the current §§ 30.36(f), 40.42(f), § 70.38(f), or § 72.54(f)(1), the NRC may approve a request for extension to certain decommissioning timeliness requirements if it determines the request is ''not detrimental to the public health and safety and is otherwise in the public interest.'' While the NRC continues to support the position that nuclear facilities should be decommissioned as soon as practical, operational history has demonstrated that successful decommissioning may require delays to the schedules that do not impact public health and safety or the environment. The proposed rule would remove the current requirement to demonstrate that such requests are not detrimental to public health and safety and in the public interest and replace it with a streamlined process that risk-informs NRC's review of the extension request by specifically focusing the review on safety-significant elements. The proposed paragraph (f) of the applicable sections (§§ 30.36(f), 40.42(f), § 70.38(f), and § 72.54(f)) provides the streamlined request process and includes specific, safety-related information that must be submitted as part of the request to delay the initiation of decommissioning. Namely, the licensee must discuss (1) the business need for continued possession or authorization of licensed material or how the request is otherwise in the public interest (2) the health and safety plan that will be in effect during the extension period and (3) the current decommissioning cost estimate and the potential for increased decommissioning costs if an extension of the time period is or is not approved. Currently, Section 2.6 of NUREG–1757 Vol. 3, ''Financial Assurance, Recordkeeping, and Timeliness,'' includes guidance on the type of information the NRC may need to make a determination on an extension request. This proposed rule aims to explicitly identify, in the regulation itself, a list of the information required to support the request. The goal of these proposed changes is to reduce the size and technical complexity of these requests and streamline NRC review by focusing on the most safety-significant information. As part of this proposed rule package, the NRC is issuing draft Interim Staff Guidance (ISG) DUWP–ISG–04, ''Requirements for the Initiation of Decommissioning for Nuclear Materials Facilities,'' to provide additional considerations for licensees developing an extension request in accordance with the proposed regulations.

Additionally, the proposed rule would require the request include a timeframe for which the licensee will resume principal activities, which will not exceed 36 months from the date of notification that principal activities ceased under the license or in a separate building or outdoor area, as well as a commitment that the licensee will provide notification to the NRC if principal activities do not resume within the specified timeframe. The NRC is proposing the 36-month maximum timeframe for extension because, beyond 3 years, there is increased uncertainty in the licensee's specific business projections and decreased ability to project foreseeable shifts in the nuclear industry and free market. Moreover, NRC routine inspections for nuclear materials facilities are on a 1- to 5-year periodicity, ensuring that each licensee would be inspected at least once between the initial 36-month period of no principal activities and a maximum of 36 additional months of inactivity during the extension period.

Currently, to request relief from the initiation of decommissioning and decommissioning planning requirements under §§ 30.36(f), 40.42(f), 70.38(f), or 72.54(f)(1), a licensee must submit a request to extend initiation 30 days prior to the notification date required by paragraph (d). In essence, a licensee must develop and submit the request for extension to the notification and timely decommissioning requirement before making such notification. The NRC recognizes that this brief timeframe may not allow for licensees to develop and submit adequate documentation to support the extension request. Additionally, if a licensee was in violation of the notification requirement pursuant to §§ 30.36(d), 40.42(d), 70.38(d), or 72.54(d), as applicable, it would have missed the opportunity for a request to delay initiation of decommissioning, as well.

The proposed rule would allow more time for licensees to develop and submit a request to delay the initiation of decommissioning activities. The changes proposed also include an option for licensees to indicate the intent to request a delay in the initiation of decommissioning as part of the notification required by §§ 30.36(d), 40.42(d), 70.38(d), or 72.54(d), as applicable. Then, a licensee must submit the request to delay the initiation of decommissioning 45 days later. This would allow for licensees to take advantage of the full 60 days

provided by the requirement to notify the NRC of the initiation of decommissioning. In turn, the licensee would be able to make an informed business decision based on its needs or the public interest and then decide whether to request a delay in initiating decommissioning under §§ 30.36(f), 40.42(f), 70.38(f), and 72.54(f)(1), or proceed with decommissioning or decommissioning planning, if required.

To increase efficiency, NRC is proposing to include all timeliness requirements related to the initiation of decommissioning and decommissioning planning in the proposed §§ 30.36(d), 40.42(d), 70.38(d), and 72.54(d). This would allow a licensee to request an extension to any of the timelines in these provisions by using the straightforward process described in proposed paragraph (f) of §§ 30.36, 40.42, 70.38, and 72.54. The proposal is intended to reduce unnecessary regulatory burden by limiting the number of extension requests submitted and reviewed by NRC and streamline the request for extensions to the initiation of decommissioning and decommissioning planning timeliness requirements without compromising the NRC's ability to properly regulate licensed material when principal activities have ceased. For licensees that are required to submit a decommissioning plan, the NRC is specifically seeking stakeholder feedback in Section VII, ''Specific Request for Comment: Decommissioning Timeliness,'' on the applicability and usefulness of the proposed streamlined approval of alternate schedule requests in paragraph (f) of the §§ 30.36, 40.42, 70.38, and 72.54. NRC is evaluating potential alternative approaches to streamline alternate schedule requests to ensure the regulations adequately address the unique public health and safety concerns associated with a delay in submitting the decommissioning plan while providing for a streamlined process, where feasible.

B. Timely Completion of Decommissioning of Power Reactors and Nonpower or Utilization Facilities

The proposed rule offers several changes to the decommissioning regulations. For nuclear reactor, nonpower, or utilization facilities licensed under 10 CFR parts 50, 52, or 53, the proposed changes focus on the requirement to complete decommissioning in a timely manner and the process to request an extension to the required decommissioning timeframe. The proposed revisions to §§ 50.82(a)(3), 50.82(b)(4)(i), 52.110(c), and 53.1070(c) would remove the criteria that exemptions to timely completion of decommissioning may be approved ''only when necessary to protect public health and safety.'' Because the requirements would not have criteria for exemption, exemptions would be governed by the specific exemptions process §§ 50.12, 52.7, and 53.080, broadening the scope of factors that NRC may consider in its approval of a specific exemption for licensees to delay completion of decommissioning beyond the required timeframe. This rule does not propose to amend the required timeline to complete decommissioning nor any requirements related to the beginning of the decommissioning process (*e.g.,* timely certification to the NRC of permanent cessation of operations and removal of fuel, submittal and implementation of the post-shutdown decommissioning activities report, submittal of the license termination plan (LTP), or implementation of the LTP.)

The NRC continues to support the position noted in the final rule, ''Amendments Specifying Licensee Responsibility for Nuclear Materials and Procedures for Termination of Specific Licenses,'' that all nuclear facilities should be decommissioned as soon as practical (48 FR 32324, July 15, 1983). In a 1988 final rule, ''General Requirements for Decommissioning Nuclear Facilities,'' (53 FR 24018, June 27, 1988), the NRC's analysis demonstrated that a timeframe of 60 years was considered to be as soon as practical for reactor decommissioning. When considering decommissioning beyond the 60-year timeframe, in general, the NRC explained that there are a number of risks that must be carefully analyzed and mitigated. While the radiological risk of licensed material to the public decreases exponentially over time, long-lived activation products will remain in significant quantities that require continued monitoring and controls for the duration of the extension period. Although extended decommissioning periods benefit from natural radioactive decay, they do not eliminate the need for robust health and safety programs to properly manage remaining nuclear material from potentially migrating through the environment while remaining in safe storage. NRC continues to support the position that the 60-year period after permanent cessation of operations is sufficient for most facilities to complete decommissioning. It should not be common for licensees to have a site-specific condition that rises to the level of requesting an exemption from the requirement to complete decommissioning in a timely manner.

However, as the current regulations recognize, certain site-specific conditions, such as the presence of other nuclear facilities at the site, may make it impractical to decommission within 60 years. For example, decommissioning one permanently shutdown reactor unit while another unit remains operational may present safety and environmental challenges that must be carefully considered, especially if the two units are physically located close to one another and/or share common infrastructure. Delaying decommissioning of a permanently shutdown reactor may support continued operations of the existing reactor fleet for licensees that have multiple reactors at one site. The NRC has long recognized that the presence of other nuclear facilities at a site is a site-specific factor that can impact a licensee's capability to complete decommissioning within the 60-year timeframe. However, the current process to request an exemption is nebulous, burdensome, and overly conservative without providing commensurate safety benefits for the public.

The proposed rule seeks to remedy this by simplifying and broadening the criteria for requesting an alternative schedule for decommissioning and aligning the request with the well-established specific exemption process familiar to NRC, licensees, and the public.

To reduce administrative and resource burden on the nuclear power reactor industry and the NRC, this proposed rule would amend the regulation to leverage the existing, well-understood ''Specific exemptions'' process in §§ 50.12, 52.7, and 53.080. The proposed rule would retain the requirement to complete decommissioning with 60 years of permanent cessation of operations and move the criteria for requesting an alternative decommissioning schedule from §§ 50.82(a)(3), 52.110(c), and 53.1070(c) to the proposed specific exemption provision in §§ 50.12(a)(2)(vi) and 53.080(b)(6). The proposed rule does not amend 10 CFR 52.7 because, unless other criteria are provided for in part 52, specific exemptions for requirements in part 52 are governed by § 50.12. Because the requirements for an alternate decommissioning schedule are proposed to be removed from § 52.110(c), those requests would now be handled under § 50.12. Thus, under the proposed rule, requests for completion of decommissioning beyond 60 years by reactor facilities licensed

under parts 50 and 52 as well as requests for completion of decommissioning with significant delay by nonpower or utilization facilities would be governed by the specific exemption process in § 50.12. Requests for completion of decommissioning beyond 60 years by reactor facilities licensed under part 53 would be governed by § 53.080.

In addition to moving these requests into the well-established specific exemption process, the proposed rule would also increase clarity and flexibility by removing the specific examples of site-specific factors currently listed in the regulations (*e.g.,* unavailability of waste disposal capacity, the presence of other nuclear facilities) and instead, refer broadly to ''site-specific factors affecting the licensee's capability to carry out decommissioning.'' Using the proposed exemption process, under §§ 50.12(a) and 53.080, the NRC would approve an exemption request if the request is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security, and if a special circumstance is present. To address requests for decommissioning to extend beyond the required timeframe, this proposed rule would add an additional special circumstance in § §§ 50.12(a)(2)(vi) and 53.080(b)(6). This additional special circumstance provides that the Commission may consider granting an exemption that would provide only temporary relief from the timely decommissioning requirement for cases in which site-specific factor(s) affect the licensee's capability to complete timely decommissioning and the extension will not adversely affect public health and safety for the duration of the extension period. To approve the exemption, NRC must conclude that public health and safety would not be adversely impacted for the duration of the extension period.

Similarly, the proposed rule would amend § 50.82(b)(4)(i) to remove specific timeliness criteria for decommissioning and include similar criteria in § 50.12(a)(2) in order to improve efficiency in reviews where safety is not adversely impacted. Currently, nonpower production and utilization facilities (NPUFs) are required to decommission without significant delay. Because the proposed rule would add a special circumstance for which a licensee may request to delay decommissioning, licensees may leverage the existing, well-understood § 50.12 process to request exemption from this requirement. In this way, NRC intends to streamline its reviews of exemption requests for NPUFs to delay decommissioning by pursuing SAFSTOR in certain cases.

VIII. Specific Request for Comment: Decommissioning Timeliness

The NRC is seeking advice and recommendations from the public on the proposed rule. The NRC is particularly interested in comments and supporting rationale from the public on the following:

Requesting Extensions to the Requirement for Timely Completion of Decommissioning for Power Reactors and Nonpower, and Utilization Facility (NPUF) Licensees

1. Does the Specific Exemptions process in §§ 50.12 and 53.080 provide the most efficiency for reactor, nonpower, and utilization facility licensees to request extensions to the timely decommissioning requirements while presenting no undue risk to public health and safety? Is there additional information NRC could provide to increase clarity in this approach? Are there unintended consequences to this approach? If so, what are the unintended consequences, and how should they be addressed?

2. Are there additional site-specific factors that may affect a reactor or NPUFs licensee's capability to complete decommissioning in a timely manner that NRC should consider in its guidance? Provide why the NRC should consider this factor as a substantial reason that a licensee could not complete decommissioning in a timely manner.

3. What NRC oversight activities (*e.g.,* inspections, reporting) would be appropriate during extended decommissioning periods for power, nonpower, or utilization facilities to ensure continued safety? Provide the basis for your response.

Extending the Period of No Principal Activities Before Triggering Initiation of Decommissioning for Nuclear Materials Facility Licensees

1. Are there other factors that NRC should consider in determining an appropriate timeframe for which a licensee may conduct no principal activities before triggering the initiation of decommissioning? Provide the basis for your response.

2. Are the other enhancements to the requirements for the initiation of decommissioning that the NRC should consider to improve regulatory clarity and reduce administrative burden? Should the NRC consider additional guidance or other outreach options?

Requesting Extensions to the Timeframes Before Initiating Decommissioning for Nuclear Materials Facility Licensees

The NRC is proposing to restructure paragraph (f) in §§ 30.36, 40.42, 70.38, and 72.54 to create a single, streamlined process for requesting exemptions from any timeliness requirement in paragraph (d) of those same sections, including extensions to the period of no principal activities and alternate schedules for submitting decommissioning plans (DPs). This approach consolidates multiple similar exemption processes into one risk-informed process focused on safety-significant elements, reducing administrative burden for both licensees and NRC. The proposed paragraph (f) contains specific information requests and commitments that were adapted from the evaluation criteria in Section 2.6 of NUREG–1757 Vol. 3 to focus reviews of such extension requests to the safety-related elements.

1. Are there additional information elements NRC should consider in extension requests that may be supplemental to the information requests and commitments included in the proposed (f)(1)–(5) of proposed §§ 30.36, 40.42, 70.38, and 72.54? Provide a basis for your response.

2. Do the proposed requirements in paragraph (f) to request delays in the initiation of decommissioning, in general, adequately address the request to submit a DP on an alternate schedule (*i.e.,* later than 12 months after notification pursuant to paragraph (d)(1))? How can the NRC adapt the proposed paragraph (f) to better accommodate alternate schedule requests for DPs? Should NRC reconsider the elimination of the requirement for delaying submittal of an alternate decommissioning plan in §§ 30.36(g)(2), 40.42(g)(2), 70.38(g)(2), or 72.54(f)(2), and instead, develop a separate regulation that specifically addresses alternate schedule for DPs using this enhanced approach? Provide the basis for your response.

3. Are there other enhancements to the streamlined extension process that the NRC should consider to increase flexibility and ensure usefulness and applicability for licensees to reduce the number of licensees that request a license amendment for a ''storage only'' license out of necessity? Provide a basis for your response. Are there unintended consequences? If so, what are the unintended consequences, and how should they be addressed?

IX. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant negative economic impact on a substantial number of small entities.

This proposed rule would affect a number of ''small entities'' as defined by the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810). However, as indicated in the draft regulatory analysis available under the ''Availability of Documents'' section, the proposed amendments, if promulgated, would not have a significant negative economic impact on the affected small entities.

Any small entity subject to this regulation that determines, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this opinion in a comment that indicates—

(a) The licensee's size and how the proposed regulation would impose a significant economic burden on the licensee as compared to the economic burden on a larger licensee;

(b) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities;

(c) The benefits that would accrue or the detriments that would be avoided if the proposed regulations were modified as suggested by the licensee;

(d) How the proposed regulation, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group; and

(e) How the proposed regulation, as modified, would still adequately protect public health and safety.

Comments should be submitted as indicated under the **ADDRESSES** caption.

X. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The NRC requests public comment on the draft regulatory analysis. The regulatory analysis is available as indicated in the ''Availability of Documents'' section of this document. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** caption of this document.

XI. Backfitting and Issue Finality

The NRC has determined that this proposed rule would not constitute backfitting as that term is defined in the NRC's backfitting provisions in §§ 50.109, 70.76, 72.62, and 76.76, all titled ''Backfitting,'' or affect the issue finality of an approval issued under 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' The reasons for this conclusion for the changes related to in situ recovery and decommissioning timelines are discussed below.

In Situ Recovery Monitoring

The class of licensees subject to this rulemaking are applicants for a new ISR facility license or current ISR facility licensees that submit an application for a license amendment for a new wellfield within a licensed ISR facility or a new production unit within an operating wellfield of a licensed ISR facility, the application for which is submitted after the effective date of this rule. The rulemaking would also revise the MCLs for hazardous constituents in all uranium mills (conventional or ISR) to those provided in EPA regulations under 40 CFR. This class of licensees would be regulated in accordance with 10 CFR part 40, which contains no backfitting provisions.

Decommissioning Timeliness

The proposed rule would extend the timeframe for notifications and allow flexibility for initiation of decommissioning for materials facilities, as well as streamline the process to request exemptions from decommissioning requirements, thereby reducing the regulatory burden on licensees. Specifically, the proposed revisions to 10 CFR parts 30, 40, 70, and 72 would restructure the regulatory requirements in paragraphs (d) of the applicable sections to separate the four criteria that trigger notification to NRC from the licensee actions that must be taken to initiate decommissioning. The proposed rule would also extend the period of no principal activities from 24 months to 36 or 48 months and extend the time to request a delay of initiation of decommissioning from 30 days prior to notification to 45 days after notification required by paragraph (d). Finally, the revisions to 10 CFR 50.12 and 53.080 would broaden the scope of factors that NRC may consider in its review for a request for a specific exemption for power reactors and NPUFs to delay completion of decommissioning. The proposed changes would not constitute backfitting because the proposed changes would provide non-mandatory relaxations of current requirements. Licensees could continue to comply with the current requirements and satisfy the proposed rule.

For these reasons, the proposed rule would not meet the definition of ''backfitting'' under § 50.109, 70.76, 72.62, or 76.76, or affect the issue finality of an approval issued under 10 CFR part 52.

This proposed rule also includes the draft guidance documents described in section XIX, ''Availability of Guidance,'' These documents if finalized, would not constitute backfitting as defined in § 50.109, 70.76, 72.62, or 76.76 or affect the issue finality of any approval issued under 10 CFR part 52 because the guidance would not inextricably affect activities of licensees that are within the scope of the backfitting or issue finality provisions. The guidance would not impose new or modified requirements on existing licensees, applicants, or certificate holders that are within the scope of a backfitting or issue finality provision.

XII. Cumulative Effects of Regulation

The NRC seeks to minimize potential negative consequences resulting from the cumulative effects of regulation (CER). The NRC believes that the deregulatory impacts of this rulemaking activity are unlikely to cause implementation challenges for stakeholders. In addition, during the pendency of this rulemaking, the NRC is deprioritizing issuance of regulatory actions that might influence the implementation date for the new rule requirements (*e.g.,* orders, generic communications, license amendment requests, and inspection findings of a generic nature).

To fully understand any potential CER implications that could result from this rulemaking, the NRC is asking the following questions. Response to these questions is voluntary and any input will be considered during development of the final rule.

1. The NRC is proposing an effective date that will be 30 days after the date of publication of a final rule. Does this provide sufficient time to implement the proposed requirements? Please provide a rationale for your response.

2. Are there unintended consequences related to this rulemaking and how should they be addressed? Please provide a rationale for your response.

3. Please comment on the NRC's cost and benefit estimates in the regulatory analysis that supports this proposed rule.

XIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and

well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

XIV. National Environmental Policy Act

A. Introduction

In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and NRC's NEPA implementing regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that the proposed rule is the type of action eligible for categorical exclusion because it meets criterion described in 10 CFR 51.22(a)(1), regarding actions that are administrative, procedural, or solely financial in nature. The amendments to part 40 clarify applicability to, and add definitions for ISR activities, as well as uranium mine waste remediation. The amendments to Criterion 5 and 14 of Appendix A to part 40 would establish regulations for the technical criteria necessary for groundwater protection for ISR activities. These criteria were previously described in guidance, established through the course of licensing practice, and enforced through license conditions. This proposed rule would codify these criteria in regulations. The NRC is not proposing to change any technical criteria, and accordingly, there would be no change to any environmental impact. The proposed rule would provide the basis for granting an ISR facility license but would not, by its own operation, provide a license for ISR-related activities. Any licensing action that specifically authorizes activities pursuant to these amendments would involve an environmental analysis of the impacts of such activities at the time of the licensing action. Applicants would be required to demonstrate compliance with relevant NRC or Agreement State regulations before they can receive an ISR facility operating license.

Amendments to 50.12; 50.82; 52.110; 53.080; 53.1070 would modify the procedures for filing and reviewing requests for various decommissioning activities. These amendments would not authorize any site-specific action on the part of the NRC or licensee. Any licensing action that specifically authorizes activities pursuant to these amendments would involve an environmental analysis of the impacts of such activities at the time of the licensing action. In addition, amendments to 30.36; 40.42; 70.38; 72.54 would amend reporting requirements in these regulations.

The agency action, therefore, belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the actions within the category do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this proposed rule.

XV. Paperwork Reduction Act

This proposed rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed rule has been submitted to the Office of Management and Budget for review and approval of the information collections.

Type of submission: New.

The title of the information collection: In Situ Recovery Monitoring and Decommissioning Timeliness Proposed Rule.

OMB Approval Numbers: 3150–0007, 3150–0010, 3150–0011, 3150–0014, 3150–0020, 3150–0132, 3150–0164, 3150–0165, 3150–0166.

The form number if applicable: Not applicable.

How often the collection is required or requested: Information would be collected whenever an application is submitted for a new ISR facility, a license amendment for a new wellfield within a licensed ISR facility, or a new production unit within an existing wellfield of a licensed ISR facility, or when an licensee is looking for an exemption for decommissioning requirements.

Who will be required or asked to respond: The information collections would apply to persons who submit an application for a new ISR facility, a license amendment for a new wellfield within a licensed ISR facility, or a new production unit within an existing wellfield of a licensed ISR facility, if the application is submitted after the effective date of this rule. The information collections would also apply to licensees wishing to delay the initiation of decommissioning activities.

An estimate of the number of annual responses:

10 CFR part 30: −90 (−90 reporting responses + 0 recordkeepers)
10 CFR part 40: −4 (−4 reporting responses + 0 recordkeepers)
10 CFR part 50: 0.7 (0 reporting responses + 0.7 recordkeepers)
10 CFR part 52: 0 (0 reporting responses + 0 recordkeepers)
10 CFR part 70: −3 (−3 reporting responses + 0 recordkeepers)
10 CFR part 72: 0 (0 reporting responses + 0 recordkeepers)

The estimated number of annual respondents:

10 CFR part 30: −90 respondents
10 CFR part 40: −4 respondents
10 CFR part 50: 0.7 respondents
10 CFR part 52: 0 respondents
10 CFR part 70: −2 respondents
10 CFR part 72: 0 respondents

An estimate of the total number of hours needed annually to comply with the information collection requirement or request:

10 CFR part 30: −90 (−90 reporting + 0 recordkeeping)
10 CFR part 40: −32 (−32 reporting + 0 recordkeeping)
10 CFR part 50: 0 (-26.8 reporting + 26.8 recordkeeping)
10 CFR part 52: 0 (0 reporting + 0 recordkeeping)
10 CFR part 70: 0 (0 reporting + 0 recordkeeping)
10 CFR part 72: 0 (0 reporting) + 0 recordkeeping

Abstract: The U.S. Nuclear Regulatory Commission (NRC) proposes to amend its regulations that govern the licensing of uranium mills and the disposition of tailings and waste that arise from the extraction and milling of uranium by issuing risk-informed requirements for groundwater protection at uranium in situ recovery (ISR) facilities. The NRC's current regulations are focused on conventional uranium milling and do not expressly address uranium extraction by the ISR process. Additionally, NRC proposes to amend its regulations that govern decommissioning timeliness for all licensees to provide additional flexibility for licensees to delay the initiation of decommissioning activities in situations where safety would not be impacted.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility? Please explain your response.

2. Is the estimate of the burden of the proposed information collection accurate? Please explain your response.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? Please explain your response.

4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the Office of Management and Budget (OMB) clearance package and proposed rule are available in the ''Availability of Documents'' section of this document or may be viewed free of charge by contacting the NRC's Public Document Room reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* You may obtain information and comment on submissions related to the OMB clearance package by searching on *https://www.regulations.gov* under Docket ID NRC–2025–1204.

You may submit comments on any aspect of these proposed information collection(s), including suggestions for reducing the burden and on the above issues, by the following methods:

Federal rulemaking website: Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1140.

Submit comments by October 13, 2026.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XVI. Executive Orders

The following are E.O.s that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action under section 3(f) of E.O. 12866. Accordingly, the NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in the regulatory analysis document, which is available as indicated in the ''Availability of Documents'' section of this document.

B. Executive Order 14154: Unleashing American Energy

NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192. Details on the estimated costs of proposed rule can be in the regulatory analysis, which is available as indicated in the ''Availability of Documents'' section of this document.

D. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rulemaking are part of the NRC's permitting regime. Therefore, the NRC views this rulemaking to be outside the scope of Executive Order 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

E. Executive Order 14294: Fighting Overcriminalization in Federal Regulations

This proposed rule includes Federal regulations that, if adopted, would be enforceable by criminal penalty, as authorized by Section 223 of the AEA. Therefore, per E.O. 14294, those regulations constitute ''criminal regulatory offenses.''

For the purposes of Section 223 of the AEA, the NRC is issuing this proposed rule that would amend 10 CFR parts 30, 40, 50, 52, 53, 70, and 72, under one or more of sections 161b, 161i, or 161o of the AEA, except as noted in §§ 30.64(b), 40.82(b), 50.111(b), 52.203(b), § 53.9010(b), 70.92(b), and 72.86(b). The applicability of criminal penalties to regulations in parts 30, 40, 50, 52, 53, 70, and 72 is set forth in §§ 30.64, 40.82, 50.111, 52.203, § 53.9010, 70.92, and 72.86. Willful violations of the parts 30, 40, 50, 52, 53, 70, and 72 regulations, other than those listed in §§ 30.64(b), 40.82(b), 50.111(b), 52.203(b), § 53.9010(b), 70.92(b), and 72.86(b) (including as updated by this proposed rule), would be subject to criminal enforcement.

XVII. Coordination With NRC Agreement States

The working group involved in the preparation of this proposed rule included two representatives from the Organization of Agreement States. The rule was shared with the Standing Committee for Compatibility.

XVIII. Compatibility of Agreement State Regulations

On the basis of the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** (82 FR 48535; October 18, 2017), NRC program elements can be placed into six categories (A, B, C, D, NRC, or health and safety (H&S)) to form the basis for evaluating and classifying the program elements. Under the Policy Statement, a program element means any component or function of a radiation control regulatory program, including regulations and other legally binding requirements imposed on regulated persons, which contributes to implementation of that program.

Compatibility Category A are those program elements that include basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. Compatibility Category A program elements adopted by an Agreement State should be essentially identical to those of the NRC to provide uniformity in the regulation of agreement material on a nationwide basis.

Compatibility Category B pertains to a limited number of program elements that cross jurisdictional boundaries and should be addressed to ensure uniformity of regulation on a nationwide basis. For Compatibility Category B, the Agreement State program element shall be essentially identical to that of NRC.

Program elements in Compatibility Category C include those program elements that are important for an Agreement State to have in order to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. An Agreement State program shall embody the essential objectives of the Category C program elements. Under Category C, Agreement State program elements may be more restrictive than NRC program elements; however, they should not be so restrictive as to prohibit a practice authorized by the Atomic Energy Act of 1954 (AEA), as

amended, and in the national interest without an adequate public health and safety or environmental basis related to radiation protection.

Compatibility Category D are those program elements that do not meet any of the criteria of Category A, B, or C, and are not required to be adopted by Agreement States for purposes of compatibility. An Agreement State has the flexibility to adopt and implement program elements within the State's jurisdiction that are not addressed by the NRC or that are not required for compatibility (*i.e.,* Compatibility Category D). However, such program elements of an Agreement State relating to agreement material shall (1) not create conflicts, duplications, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis; (2) not preclude a practice authorized by the AEA and in the national interest; and (3) not preclude the ability of the NRC to evaluate the effectiveness of Agreement State programs for agreement material with respect to protection of public health and safety.

Compatibility Category NRC are those program elements that address areas of regulation that cannot be relinquished to the Agreement States under the AEA, or provisions of title 10 of the *Code of Federal Regulations.* The NRC maintains regulatory authority over these program elements and the Agreement States must not adopt these NRC program elements. However, an Agreement State may inform its licensees of these NRC requirements through a mechanism under the State's administrative procedure laws, as long as the State adopts these provisions solely for the purposes of notification, and does not exercise any regulatory authority as a result.

Category H&S program elements embody the basic health and safety aspects of the NRC's program elements. Although H&S program elements are not required for purposes of compatibility, they do have particular health and safety significance. The Agreement State must adopt the essential objectives of such program elements to maintain an adequate program.

The proposed rule would be a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements. The compatibility (A, B, C, D, and NRC) and adequacy (H&S) categories are designated in the following tables:

DRAFT COMPATIBILITY TABLE FOR 10 CFR PART 30

Section	Change	Subject	Compatibility	
			Existing	New
30.36(f)	Revised	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	D	D.
30.36(d), (e), (g)	Revised	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	H&S	H&S.

DRAFT COMPATIBILITY TABLE FOR 10 CFR PART 40

Section	Change	Subject	Compatibility	
			Existing	New
40.4	Revised	Definition—Byproduct material	H&S	H&S.
40.42(d), (e), (g)	Revised	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	H&S	H&S.
40.42(f)	Revised	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	H&S	D.
Appendix A	New	Definition—Abandoned uranium mine waste remediation		C.
Appendix A	New	Definition—Aquitard		C.
Appendix A	New	Definition—Corrective action		C.
Appendix A	New	Definition—Excursion		C.
Appendix A	New	Definition—In situ recovery		B.
Appendix A	New	Definition—Indicator constituent		C.
Appendix A	New	Definition—ISR facility		C.
Appendix A	New	Definition—Production unit		B.
Appendix A	New	Definition—Wellfield		C.
Appendix A	Revised	Definition—Point of compliance	A	A.

DRAFT COMPATIBILITY TABLE FOR 10 CFR PART 40—Continued

Section	Change	Subject	Compatibility	
			Existing	New
Appendix A	Revised ..	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content.	Definitions—A for States with authority to regulate uranium mill activities (11e.(2) byproduct material). Criterion 11A.thru F and Criterion 12 are NRC. All of the remaining portions of the section are C—for States with authority to regulate uranium mill activities. D—States without authority.	Definitions—A for States with authority to regulate uranium mill activities (11e.(2) byproduct material). Criterion 5 and 6 are B—for States with authority to regulate uranium mill activities. D—States without authority. Criterion 11A.thru F and Criterion 12 are NRC. All of the remaining portions of the section are C—for States with authority to regulate uranium mill activities. D—States without authority.
Appendix A	New	Section VI, ''ADDITIONAL TECHNICAL CRITERIA FOR IN SITU RECOVERY OPERATIONS'', Criterion 14.	.....	C.

DRAFT COMPATIBILITY TABLE FOR 10 CFR PART 70

Section	Change	Subject	Compatibility	
			Existing	New
70.38(d), (e), (g)	Revised ..	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	H&S	H&S.
70.38(f)	Revised ..	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.	H&S	D.

The NRC is proposing that the new definitions in part 40 be classified as Compatibility Category B or C. These definitions provide information that would be essential to the common understanding beyond the plain dictionary meaning and as such, a State's program element should essentially be identical to the NRC's program (for Category B) or adopt the essential objectives of the program (for Category C). To be included in Category B, the NRC determined that these definitions apply to activities that cross jurisdictional boundaries and should be addressed to ensure uniformity of regulation on a nationwide basis for regulating ISR facilities. To be included in Category C, the NRC determined that these definitions are important for an Agreement State to have in order to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in regulating agreement material on a national basis for regulating ISR facilities.

The NRC is proposing to change the compatibility category of 10 CFR part 40, Appendix A for Criterion 5 and 6 from Category C to Category B. These criteria in part 40, Appendix A, contain the groundwater and stabilization and control of material requirements that must be achieved prior to license termination of uranium mills. Under the Agreement State Policy Statement, Category B ''pertains to a limited number of program elements that cross jurisdictional boundaries and that should be addressed to ensure uniformity of regulation on a nationwide basis.'' In Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' the NRC defines ''cross jurisdictional'' with respect to Category B as ''a practice or licensed activity that necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of agreement material between all Agreement States and NRC jurisdictions.''

On January 29, 2025, the President issued E.O. 14156, ''Declaring a National Energy Emergency.'' The E.O. declares a national energy emergency and instructs heads of agencies to ''identify and exercise lawful emergency and other authorities available to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources.'' On that same day, the President also issued E.O. 14154, ''Unleashing American Energy.'' The E.O. sets forth several U.S. policies, including ''to protect the United States's economic and national security and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible in every State and territory of the Nation.'' Subsequently, on May 23, 2025, the President issued E.O. 14299, ''Deploying Advanced Nuclear Reactor Technologies for National Security,'' which discusses the

national security aspects of the need for additional nuclear energy nationwide.

The domestic milling of uranium is an essential part of the nuclear fuel cycle and, therefore, important to national security, consistent with the polices set forth in the above E.O.s. Criterion 5 to Appendix A establishes applicable groundwater protection standards during operations and prior to the end of closure. Criterion 6 establishes additional requirements for the stabilization and control of material prior to the end of closure. As uranium milling occurs in multiple jurisdictions, it is important for a consistent approach and understanding of license termination criteria nationwide. Further, a consistent approach is essential to the overall regulatory framework for domestic uranium milling and, therefore, important to the development and growth of domestic uranium milling and to national security, consistent with the policies in the above E.O.s. Accordingly, the NRC is proposing changing Criterion 5 and 6 to Category B as the activity necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of material between all Agreement States and NRC jurisdictions.

Importantly, the NRC is not proposing that Criteria 5 and 6 are matters relating to common defense and security such that they would be exclusively regulated by the NRC. Rather, the national security considerations and Administration's priorities expressed in the above E.O.s. underpin the NRC's proposal that designate license termination for uranium milling activities as Category B as a practice or licensed activity that necessitates identical requirements to ensure an orderly regulatory pattern for the use and regulation of Agreement State material between all Agreement States and NRC jurisdictions.

The remainder of the proposed rule for ISR is classified as Compatibility Category ''C'' for those States with authority to regulate uranium milling activities and Compatibility Category ''D'' for those States without such authority. Those States with authority to regulate uranium milling activities should adopt the essential objectives to avoid conflicts, duplications, or gaps. For those States that do not have authority over uranium milling activities, compatibility is not required for Category D regulations.

In this proposed rule, the NRC is proposing to clarify that the essential objective of §§ 30.36(d), 40.42(d), and 70.38(d) is for licensees to provide timely notification of the circumstances that trigger decommissioning and to promptly begin decommissioning or submit a decommissioning plan, as required. The state has flexibility in the administration and requirements for decommissioning timeliness and would not need to revise their current program to remain compatible with the proposed revision to §§ 30.36(d), 40.42(d), and 70.38(d). In addition, NRC is proposing to change the combability designation of 40.42(f) and 70.38(f) from Category H&S to Compatibility Category D. These requirements provide an administrative pathway for granting a delay or postponement of initiating decommissioning, which states are not required to offer, therefore, they more appropriately align with the Compatibility Category D designation. This proposed change also aligns with the Compatibility Category of 30.36(f), which contains identical language to 40.42(f) and 70.38(f), and is currently classified as Compatibility Category D.

The NRC invites comment on the compatibility category designations in the proposed rule and suggests that commenters refer to Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' and its Handbook for more information. The NRC notes that, like the rule text, the compatibility category designations can change between the proposed rule and final rule, based on comments received and Commission decisions regarding the final rule. The NRC encourages anyone interested in commenting on the compatibility category designations in any manner to do so during the comment period.

XIX. Availability of Guidance

The NRC is issuing draft guidance for implementation of the proposed requirements in this rulemaking. The draft guidance is available in ADAMS as described in the Availability of Documents section. When finalized, the documents will provide stakeholders with guidance for implementing the final requirements contemplated by this proposed rule. You may submit comments on the draft regulatory guidance by the methods outlined in the **ADDRESSES** section of this document. Guidance documents being issued with this rulemaking include:

Current guidance on ISR is provided in NUREG–1569, ''Standard Review Plan for In Situ Leach Uranium Extraction License Applications.'' The supplemental guidance is intended for use by applicants, licensees, Agreement States, and the NRC staff and incorporates the proposed changes into an approach and method acceptable for implementing the requirements of the regulations. It includes guidance concerning an application for, and the licensing, operation, and decommissioning of, a new ISR facility, a new wellfield within a licensed ISR facility, or a new production unit within an operating wellfield of a licensed ISR facility, the application for which is submitted after the effective date of the final rule.

The draft supplemental guidance is in a markup format to the NRC's existing guidance and reflects the provisions in this proposed rule. Comments on the draft supplemental guidance may be submitted by the methods provided in section I, ''Obtaining Information and Submitting Comments,'' of this document. The draft supplemental guidance is available as indicated under section XVIII, ''Availability of Documents,'' of this document. The NRC plans to incorporate the final supplemental guidance into the next comprehensive revision of NUREG–1569.

The draft Interim Staff Guidance (ISG) for nuclear materials facilities, DUWP–ISG–04, is intended for use by licensees, Agreement States, and the NRC staff. It provides guidance and references for the updated process to request an extension to the initiation of decommissioning requirements. Specifically, the guidance includes examples of legitimate business needs that could be used to justify an extension. This guidance is not meant to be exhaustive and should be used to supplement existing guidance on the notification requirements for the initiation of decommissioning, including but not limited to NUREG–1757 Vol. 3, Rev. 1.

The draft ISG for nuclear reactor facilities, DUWP–ISG–05, is intended for use by licensees and the NRC staff. It provides guidance and references for the updated exemption process governed by 10 CFR 50.12 or 53.080, as appropriate. The draft ISG includes site-specific factors that NRC considers acceptable for an alternate decommissioning schedule request, as well as a discussion of reasonable mitigation for each factor. Lastly, the guidance provides considerations for licensees to ensure site safety for the duration of the extension period in accordance with the proposed regulations.

XX. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/**Federal Register** Citation
Proposed Rule Documents	
Regulatory Analysis, ''In Situ Recovery & Decommissioning Timeliness,'' August 2026	ML26243A343
Unofficial Redline Rule Language, ''In Situ Recovery Monitoring and Decommissioning Timeliness,'' August 2026.	ML26243A378
NUREG 1569, Guidance for the Proposed Rule Groundwater Protection at Uranium In Situ Recovery Facilities.	ML26243A344
Information Collection Documents	
OMB Supporting Statement—ISR & Decommissioning Timelines Proposed Rule	ML25337A102
OMB Burden Tables—ISR & Decommissioning Timelines Proposed Rule	ML26013A038
DUWP–ISG–04, ''Requirements for the Initiation of Decommissioning for Nuclear Materials Facilities''	ML26243A379
DUWP–ISG–05, ''Approval of an Alternate Schedule for Decommissioning of Nuclear Reactor Facilities Beyond 60 Years from Permanent Cessation of Operations''.	ML26243A380
Executive Orders	
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993	58 FR 51735
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025	90 FR 8353
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025	90 FR 9065
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025	90 FR 10447
Executive Order 14267, ''Reducing Anti-Competitive Regulatory Barriers,'' April 15, 2025	90 FR 15629
Executive Order 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' April 15, 2025	90 FR 15643
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025	90 FR 22587
Presidential Memorandum, ''Plain Language in Government Writing,'' June 10, 1998	63 FR 31885
Other References	
SECY–21–0067, Enclosure 1—Proposed Rule, Groundwater Protection at Uranium In Situ Recovery Facilities, 2021.	ML21067A127
NUREG–1569, ''Standard Review Plan for In Situ Leach Uranium Extraction License Applications,'' June 2003.	ML032250177
NUREG/CR–6733, ''A Baseline Risk-Informed, Performance-Based Approach for In Situ Leach Uranium Extraction Licensees,'' September 2001.	ML14236A064
Uranium Mill Tailings Radiation Control Act (UMTRCA); 1978	Public Law 95–604, 92 Stat. 3021.
Final Rule: ''Uranium Mill Tailings Licensing,'' August 24, 1979	44 FR 50012
Final Rule: ''Uranium Mill Licensing Requirements,'' October 3, 1980	45 FR 65521
Final Rule: ''Environmental Standards for Uranium and Thorium Mill Tailings at Licensed Commercial Processing Sites,'' October 7, 1983.	48 FR 45926
Final Rule: ''Health and Environmental Standards for Uranium and Thorium Mill Tailings,'' November 15, 1993.	58 FR 60340
Final Rule: ''Uranium Mill Tailings Regulations; Conforming NRC Requirement to EPA Standards,'' October 16, 1985.	50 FR 41852
Final Rule: ''Uranium Mill Tailings Regulations; Ground-Water Protection and Other Issues,'' November 13, 1987.	52 FR 43553
NUREG/CR–3967, ''An Analysis of Excursions at Selected In Situ Uranium Mines in Wyoming and Texas,'' July 1986.	ML14237A635
SECY–19–0123, ''Regulatory Options for Uranium In Situ Recovery Facilities,'' December 16, 2019	ML19221B519
SRM–SECY–19–0123, ''Staff Requirements—Regulatory Options for Uranium In Situ Recovery Facilities,'' October 22, 2020.	ML20296A469
''Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency Concerning the Regulation of Uranium in situ Recovery Activities, ''July 23, 2020.	ML20218A248
Letter from Wyoming Mining Association on the Proposed ISR Rulemaking, October 16, 2025	ML25322A241
Letter from Cameco Resources on proposed uranium in situ recovery rulemaking, October 23, 2025	ML25322A232
Letter from National Mining Association on Upcoming NRC Rulemaking on Groundwater Protection at Uranium in Situ Recovery Facilities, October 29, 2025.	ML25304A001
Final Rule: ''Timeliness in Decommissioning of Materials Facilities,'' July 15, 1994	59 FR 36026
Final Rule: ''General Requirements for Decommissioning Nuclear Facilities,'' June 27, 1988	53 FR 24018
Proposed Rule: ''Decommissioning Criteria for Nuclear Facilities,'' February 11, 1985	50 FR 5600
SECY–24–0073, ''Site-Specific Considerations for Review of Requests to Complete Power Reactor Decommissioning Beyond 60 Years from Permanent Cessation of Operations,'' September 3, 2024.	ML24100A760
Regulatory Guide (RG) 1.185, ''Standard Format and Content for Post-Shutdown Decommissioning Activities Report,'' June 2013.	ML13140A038
Final Rule: ''Part 50—Licensing of Production and Utilization Facilities,'' January 19, 1956	21 FR 355
Final Rule: ''Amendments Specifying Licensee Responsibility for Nuclear Materials and Procedures for Termination of Specific Licenses,'' July 15, 1983.	48 FR 32324
NUREG–1757 Vol. 1, Revision 2, ''Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees,'' September 2006.	ML063000243
NUREG–1757 Vol. 3, Revision 1, ''Consolidated Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness,'' February 2012.	ML12048A683

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2025–1204. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder NRC–2025–1204; (2) click the ''Subscribe'' button; and (3) enter an email address and click on the ''Subscribe'' button.

List of Subjects

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Inspection, Issue finality, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties, Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to amend 10 CFR part 30, 40, 50, 52, 53, 70 and 72:

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

■ 1. The authority citation for part 30 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 81, 161, 181, 182, 183, 184, 186, 187, 223, 234, 274 (42 U.S.C. 2014, 2111, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 2. In § 30.36:
■ a. Revise paragraph (d);
■ b. In the first sentence of paragraph (e) introductory text, remove the phrase ''paragraph (d)'' and add in its place the phrase ''paragraph (d)(1)'';
■ c. Revise paragraph (f); and
■ d. Remove and reserve paragraph (g)(2).

The revisions read as follows:

§ 30.36 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(d)(1) Consistent with § 30.6, each licensee must provide notification to the NRC in writing within 60 days of the occurrence of any of the following and indicate which approach under paragraph (d)(2) of this section the licensee intends to pursue:

(i) The license has expired pursuant to paragraph (a) or (b) of this section; or

(ii) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements; or

(iii) No principal activities under the license have been conducted for a period of 36 months; or

(iv) No principal activities have been conducted for a period of 36 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

(2) When notification is made pursuant to paragraph (d)(1) of this section, the licensee must—

(i) Within 45 days, submit a request to delay initiation of decommissioning activities consistent with paragraph (f) of this section, or

(ii) Immediately begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with NRC requirements, or

(iii) Within 12 months, submit a decommissioning plan, if required by paragraph (g)(1) of this section, and begin decommissioning upon approval of that plan.

* * * * *

(f) The Commission may grant a request to extend the time periods established in paragraph (d). The schedule for decommissioning set forth in paragraph (d) of this section may not commence until the Commission has made a determination on the request. The request must include the following, as applicable:

(1) Discussion of the business need for continued possession or authorization of licensed material or how the request is otherwise in the public interest.

(2) Discussion of the health and safety plan that will be in effect during the extension period.

(3) Discussion of the current decommissioning cost estimate and the potential for increased decommissioning costs if an extension of the time period is or is not approved.

(4) A timeframe for which principal activities will resume, which must not exceed 36 months from the date of notification as provided for in (d)(1)(iii) and (d)(1)(iv) of this section.

(5) A commitment that, should principal activities not resume within the timeframe specified in paragraph (f)(4), the licensee must provide notification to the NRC consistent with paragraph (d) of this section.

(g) * * *

(2) [Reserved]

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 3. The authority citation for part 40 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 62, 63, 64, 65, 69, 81, 83, 84, 122, 161, 181, 182, 183, 184, 186, 187, 193, 223, 234, 274, 275 (42 U.S.C. 2092, 2093, 2094, 2095, 2099, 2111, 2113, 2114, 2152, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914); 44 U.S.C. 3504 note.

§ 40.4 [Amended]

■ 4. In § 40.4, in the first sentence of the definition for *Byproduct material,* remove the phrase ''discrete surface wastes'' and add in its place the phrase ''discrete surface wastes and liquid wastes''.

■ 5. In § 40.42:

■ a. Revise paragraph (d);

■ b. In the first sentence of paragraph (e) introductory text, remove the phrase ''paragraph (d)'' and add in its place the phrase ''paragraph (d)(1)'';

■ c. Revise paragraph (f); and

■ d. Remove and reserve paragraph (g)(2).

The revisions read as follows:

§ 40.42 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(d)(1) Consistent with § 40.5, each licensee must provide notification to the NRC in writing within 60 days of the occurrence of any of the following and indicate which approach under paragraph (d)(2) of this section the licensee intends to pursue:

(i) The license has expired pursuant to paragraph (a) or (b) of this section; or

(ii) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements; or

(iii) No principal activities under the license have been conducted for a period of 48 months; or

(iv) No principal activities have been conducted for a period of 48 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

(2) When notification is made pursuant to paragraph (d)(1) of this section, the licensee must—

(i) Within 45 days, submit a request to delay initiation of decommissioning activities consistent with paragraph (f) of this section, or

(ii) Immediately begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with NRC requirements, or

(iii) Within 12 months, submit a decommissioning plan, if required by paragraph (g)(1) of this section, and begin decommissioning upon approval of that plan.

* * * * *

(f) The Commission may grant a request to extend the time periods established in paragraph (d). The schedule for decommissioning set forth in paragraph (d) of this section may not commence until the Commission has made a determination on the request. The request must include the following, as applicable:

(1) Discussion of the business need for continued possession or authorization of licensed material or how the request is otherwise in the public interest.

(2) Discussion of the health and safety plan that will be in effect during the extension period.

(3) Discussion of the current decommissioning cost estimate and the potential for increased decommissioning costs if an extension of the time period is or is not approved.

(4) A timeframe for which principal activities will resume, which must not exceed 36 months from the date of notification as provided for in (d)(1)(iii) and (d)(1)(iv) of this section.

(5) A commitment that, should principal activities not resume within the timeframe specified in paragraph (f)(4), the licensee must provide notification to the NRC consistent with paragraph (d) of this section.

(g) * * *

(2) [Reserved]

* * * * *

■ 6. In appendix A to part 40:

■ a. Revise the introduction section;

■ b. Add introductory paragraph to section I;

■ c. Revise criterion 5; and

■ d. Add section VI.

The revisions and addition are as follows:

Appendix A to Part 40—Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content

Introduction. * * *

* * * * *

The following definitions apply to the specified terms as used in this appendix:

Abandoned uranium mine waste remediation means any activity that removes uranium or thorium from waste rock located at or near an abandoned uranium mine, that was generated from uranium production at a site that is no longer in use for that purpose. For the purposes of this part, such activities are not considered uranium milling and any waste stream resulting from remediation is not byproduct material as defined in this part.

* * * * *

Aquitard means a confining bed and/or formation composed of rock or sediment that retards but does not prevent the flow of water to or from an adjacent aquifer. It does not readily yield water to wells or springs, but stores groundwater.

* * * * *

Corrective action means investigation and cleanup of releases into soil, groundwater, surface water, or air from human-created facilities or sources.

* * * * *

Excursion means the detection of indicator constituents that may signal the movement of fluids containing byproduct material from the production unit into surrounding groundwater, which includes site-specific aquifers adjacent to, above, or below the production unit that can reasonably be expected to be impacted and where groundwater protection standards must be met.

* * * * *

In situ recovery (ISR) means the process for extracting uranium from an underground uranium ore body by injecting a leaching solution (lixiviant) into an ore body and pumping the solution to a surface facility for further processing. This definition does not include stope leaching solution mining of conventional uranium mines and similar processes.

Indicator constituent means a parameter, such as chloride, conductivity, total alkalinity, or other conservative solute, whose value is used to detect an excursion.

ISR facility means a facility licensed to conduct ISR operations and includes wellfields and other support and ancillary infrastructure.

* * * * *

Point of compliance means a site-specific location in the uppermost aquifer where the groundwater protection standard must be met and at which monitoring must be conducted. For ISR operations, the point of compliance is located in the production unit and also includes site-specific aquifers adjacent to, above, or below the production unit that can reasonably be expected to be impacted by

byproduct material and where the groundwater protection standard must be met.

Production unit means the part of an aquifer from which source material is extracted by ISR operations.

* * * * *

Wellfield means the area or areas of an ISR facility—whether spaced laterally or vertically—encompassing all or a portion of a production unit from which source material is to be extracted by ISR operations, and that contains injection, production, and monitoring wells, associated infrastructure and interconnected piping as determined by the applicant or licensee and approved by the NRC.

I. * * *

Applicability to ISR facility applicants and licensees. The preamble paragraph to Criterion 5, paragraphs 5B(1)(b) and 5B(2)–(6), and Criteria 5C–5D, 7, 7A, 9, 13, and 14 apply to an application for, and the licensing, operation, and decommissioning of, a new ISR facility, a new wellfield within a licensed ISR facility, or a new production unit within an operating wellfield of a licensed ISR facility, the application for which is submitted after [DATE 30 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER**].

* * * * *

Criterion 5—For conventional mills, Criterion 5A, paragraphs 5B(1)(a) and 5B(2)–(6), and Criteria 5C–5D, 7, 7A, and 13 incorporate the basic groundwater protection standards established by the U.S. Environmental Protection Agency in 40 CFR part 192, subparts D and E, which apply during operations and prior to closure. For a new ISR facility, a new wellfield within a licensed ISR facility, or a new production unit within an operating wellfield of a licensed ISR facility, the application for which is submitted after [DATE 30 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER**], paragraphs 5B(1)(b) and 5B(2)–(6) of Criterion 5, and Criteria 5C, 5D, 7, 7A, 13, and 14 incorporate the basic groundwater protection standards established by the U.S. Environmental Protection Agency in 40 CFR part 192, subpart D, which apply during operations and prior to closure.

* * * * *

5B(1)—This criterion provides groundwater protection standards for conventional mills and ISR facilities.

(a) For conventional mills, uranium and thorium byproduct materials must be managed to conform to the following secondary groundwater protection standard: hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Specified concentration limits are those limits established by the Commission as indicated in paragraph 5B(5) of this criterion. The Commission will also establish the point of compliance and compliance period on a site-specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The Commission will identify hazardous constituents, establish concentration limits, set the compliance period, and may adjust the point of compliance if needed to accord with developed data and site information as to the flow of groundwater or contaminants, when the detection monitoring program established under Criterion 7A indicates leakage of hazardous constituents from the disposal area.

(b) For ISR facilities, uranium and thorium byproduct materials must be managed to conform to the following groundwater protection standard: hazardous constituents entering the groundwater from a production unit in a wellfield, at the point of compliance, must not exceed the specified concentration limits established by the Commission as indicated in paragraph 5B(5) of this criterion. The Commission will also establish the point of compliance and compliance period on a site-specific basis pursuant to Criterion 14. The Commission will identify hazardous constituents, establish concentration limits, and may adjust the point of compliance if needed to accord with developed data and site information as to the flow of groundwater or licensee introduced contaminants, for the detection monitoring program established under criterion 7A and the additional ISR-specific monitoring requirements established under Criterion 14 to detect migration of hazardous constituents from a production unit in a wellfield.

5B(2)—For ISR facilities, a constituent becomes a hazardous constituent subject to paragraph 5B(5) of this criterion only when the constituent meets all three of the tests in criterion 14(b)(2) of this appendix. For conventional mills, a constituent becomes a hazardous constituent subject to paragraph 5B(5) of this criterion only when the constituent meets all three of the following tests:

(a) * * *

* * * * *

5B(5) * * *

(b) The maximum contaminant level for that constituent as set forth in Criterion 5C, provided that the background level is below the value listed; or

* * * * *

5C—The maximum contaminant levels for hazardous constituents are provided in the tables in 40 CFR 141.61(a) and (c) and 40 CFR 141.62(b), or in 40 CFR 141.66(b), (c), and (e) or, if the constituent is not listed in the table of the aforementioned regulations, the respective value given in Table 1 in 40 CFR 264.94.

* * * * *

VI. Additional Technical Criteria for ISR Operations

Criterion 14—The following are the groundwater protection standards for ISR facilities:

(a) *Site characterization and suitability demonstration.* In accordance with 10 CFR 40.31(h) and 40.32, the NRC will approve an application for a license to operate a new ISR facility, or in accordance with 10 CFR 40.45, the NRC will approve an amendment to allow operations in an area that was not previously licensed, if the applicant or licensee adequately demonstrates the ability of the geologic and hydrologic units to hydraulically isolate byproduct material from any aquifers immediately overlying, underlying, and adjacent to the production unit. Any drilling, well installation, testing, and related site activities required for the purpose of site characterization and suitability demonstration under this rule are not considered construction activities, as defined in 10 CFR 40.4. The site characterization and suitability evaluation must include the following:

(1) Publicly available subsurface information and site-specific drilling and testing data, including, but not limited to, cuttings and core logging, downhole geophysical logging, aquifer pumping tests, and one year of quarterly groundwater quality sampling for radiological and nonradiological analytes. The data, which can incorporate existing information, must adequately identify and provide the location of all targeted ore bodies, as well as characterize regional and site-specific hydrostratigraphy and hydraulic parameters for the production unit and all appropriate aquifers and aquitards. A geological and hydrological conceptual model of the site must be presented. Additionally, the characterization must include all pertinent geologic structures, such as folds, faults, and the strike/dip of bedding, as well as nearby wells, mines, quarries, and related/similar infrastructure which have the potential to influence site hydrogeology; and

(2) Documentation of the characterization and suitability evaluation in appropriately scaled maps, hydrogeologic cross sections, graphs, charts, tables, and other types of data presentation using professional and industry standard reporting.

(b) *Wellfield pre-operational requirements.* After the issuance of the license, the licensee must submit the information required in paragraphs 14(b)(1) through 14(b)(5) of this criterion to the NRC. The NRC must approve the background hazardous constituent concentration levels and the selected indicator constituents and associated upper control limits submitted in accordance with paragraphs 14(b)(3) and 14(b)(4) of this criterion and the wellfield restoration plan submitted in accordance with paragraph 14(b)(5) of this criterion before the licensee may inject lixiviant into any injection well in the wellfield.

(1) Wellfield pre-operational characterization package. The licensee must provide the NRC with a submittal summarizing the characterization of an individual wellfield package prior to the injection of lixiviant (after issuance of a license). The submittal must demonstrate adequate hydraulic connection between injection and production wells within the production unit, as well as between the injection and production wells and the point of compliance wells in the aquifer immediately adjacent to the production unit.

The hydraulic isolation of the immediately overlying and underlying aquifers from the production unit must also be demonstrated. If isolation cannot be achieved, the licensee must identify the engineered and operational controls that will be used to prevent migration of material into the overlying and underlying aquifers. The submittal must provide pertinent subsurface field and laboratory data gathered during well drilling, construction, and sampling to include—

(i) Appropriately scaled maps showing the as-built locations and construction details of all wells installed to support this package submittal, including but not limited to: point of compliance baseline sampling and all aquifer pumping test(s) related wells;

(ii) Comprehensive geologic and hydrologic cross sections across the wellfield package area including pertinent hydrostratigraphic, groundwater elevation, and related geologic and hydrologic data are required in the licensee's submittal;

(iii) Descriptions of all aquifer pumping tests used to determine hydraulic parameters for the wellfield package area;

(iv) The licensee's evaluation of the proposed operational and restoration performance of the wellfield package area; and

(v) Appropriately scaled maps including the final as-built locations for all injection, production, point of compliance, and all previously installed wells, in addition to all well logging and construction data, must be included in the first semi-annual report to NRC following completion of the wellfield construction.

(2) Identification of hazardous constituents. Pursuant to paragraph 5B(1)(b) of this appendix, the licensee must identify those radiological and nonradiological constituents that are hazardous and are reasonably expected to be present within the production unit or that may be expected to increase in concentration as a result of ISR operations. A radiological or nonradiological constituent becomes a hazardous constituent when the constituent meets all three of the following tests:

(i) The constituent is reasonably expected to be in or derived from the byproduct material produced from ISR operations;

(ii) The constituent has been detected in the groundwater in an aquifer in the production unit; and

(iii) The constituent is listed in Criterion 13 of this appendix.

(3) Background hazardous constituent concentration levels. For each hazardous radiological and nonradiological constituent identified, the licensee must provide and submit an analysis of groundwater samples sufficient to establish the background hazardous constituent concentration levels to the NRC for approval pursuant to paragraph 5B(5)(a) of this appendix. Radiological and nonradiological constituent groundwater samples are required to be collected and analyzed to determine the background hazardous constituent concentration levels for each new wellfield, as follows:

(i) The licensee must identify the point of compliance wells in the production unit and the aquifers immediately overlying, underlying and adjacent to the production unit, as appropriate. The number, location, and screen interval of the point of compliance wells in the production unit and the aquifers immediately overlying, underlying and adjacent to the production unit must be shown to be sufficient to provide a representative sample of the background hazardous constituent concentration levels. The licensee must provide the number, location, and the screen interval of the point of compliance wells and the technical justification for their selection to the NRC for approval.

(ii) The licensee must obtain groundwater samples from all point of compliance wells in the production unit and in the aquifers immediately overlying, underlying and adjacent to the production unit. The licensee must take, at a minimum of two weeks apart or at an interval approved by the NRC, at least four independent sets of groundwater samples from each point of compliance well.

(iii) For each wellfield, the licensee must use the groundwater sampling data collected pursuant to paragraph 14(b)(3)(ii) of this criterion to determine the background hazardous constituent concentration levels in the point of compliance wells in the production unit and in the aquifers immediately overlying, underlying and adjacent to the production unit using generally accepted statistical techniques. The groundwater sampling data and the proposed background concentration levels for each hazardous constituent at the point of compliance wells in the production unit and in the aquifers immediately overlying, underlying and adjacent to the production unit, and the technical justification for their selection, must be submitted for NRC approval.

(4) Indicator constituents. In order to detect the potential migration of byproduct material into groundwater surrounding the production unit in each wellfield, the licensee must select a minimum of three indicator constituents at all point of compliance wells in the aquifers immediately overlying, underlying and adjacent to the production unit and determine the numerical upper control limit for each indicator constituent. Licensees can utilize a different number of indicator constituents based on site-specific factors with NRC approval. The licensee must obtain groundwater samples and analyze the indicator constituents from each point of compliance well. The licensee must take, at a minimum of two weeks apart or at an interval approved by the NRC, at least four independent sets of groundwater samples from each point of compliance well before wellfield operations begin. The licensee must use generally accepted statistical techniques to determine the upper control limits. The proposed indicator constituents and the upper control limits for each indicator constituent must be submitted for NRC approval. Licensees can propose a different number of samples for determining upper control limits based on site-specific conditions for NRC approval, provided that generally accepted statistical techniques are used and remain valid.

(5) Wellfield restoration plan. A wellfield restoration plan must be submitted for NRC approval. The wellfield restoration plan will be evaluated on whether it provides reasonable assurance that the NRC-approved hazardous constituent concentration limits in paragraph 5B(5)(a) or (b) of this appendix will be met after restoration in the production unit is completed. Each wellfield restoration plan must identify hazardous constituents introduced by the licensee requiring remediation in the production units, as well as a discussion of the methods used to determine the estimated pore volumes required for restoration, the proposed remediation strategy, and the restoration schedule. The restoration and post-restoration groundwater monitoring plans, including monitoring parameters, well locations, and numerical limits, must also be provided in the submittal to the NRC.

(c) *Well design and construction requirements.* For new injection and production wells, design and construction specifications are required to provide reasonable assurance that byproduct material does not leak into surrounding groundwater. Schematic or other appropriate drawings of the surface and subsurface construction details of such wells are required. In cases where the information would be repetitive and the wells are of similar age, type, and construction, the applicant or licensee, upon approval by the NRC, may submit data for a representative number of wells. In addition, the licensee must meet the following requirements:

(1) Injection and production wells must be cased and cemented to prevent the migration of byproduct material into or between aquifers, although the licensee may propose alternative methods to cementing for NRC approval. The casing and cement used in the construction of each newly drilled well must be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors must be considered:

(i) Depth to the production unit;

(ii) Injection wellhead pressure;

(iii) Hole size;

(iv) Size and grade of all casing strings, including wall thickness, diameter, nominal weight, length, joint specification, and construction material;

(v) Corrosiveness of lixiviant and byproduct material;

(vi) Lithology of injection and confining units; and

(vii) Type and grade of cement.

(2) Appropriate well logs and other tests must be conducted during the drilling and construction of new injection and production wells. The well logs and tests appropriate to each well must be determined based on the intended well's function, depth, construction, proximity to other logged wells, and other unique characteristics, if present.

(3) For each wellfield, point of compliance wells must be located in the immediately overlying, underlying, and adjacent aquifers to the production unit, as appropriate, in accordance with paragraph 14(b)(3)(i) of this criterion and constructed using standard monitoring well installation, completion, and development methods for the purpose of detecting excursions. If the wellfield operation may be affected by subsidence or catastrophic collapse, the point of

compliance wells must be located so that they will not be physically affected.

(d) *Operating, monitoring, and reporting requirements.* During ISR operations and wellfield restoration, the licensee must manage byproduct materials so that any hazardous constituents from a production unit that migrate into groundwater in aquifers immediately overlying, underlying, and adjacent to the production unit do not exceed the hazardous constituent concentration limits approved pursuant to paragraph 5B(1)(b) of this appendix. Operating and monitoring reports are required on a regular basis to ensure that groundwater protection is adequate.

(1) Operating requirements.

(i) Injection and production wells must be operated to withdraw fluid in excess of that injected into the wellfield sufficient to ensure inward flow of groundwater into the wellfield so as to prevent migration of byproduct material outside the production unit. An inward hydraulic gradient must be maintained into the production unit at all times until post-restoration monitoring pursuant to paragraph 14(f)(1) of this criterion is initiated.

(ii) Injection between the outermost casing protecting adjacent aquifers and the well bore is prohibited.

(iii) Injection pressure at the wellhead must be calculated to ensure that the pressure in the production unit during injection does not initiate new fractures or propagate existing fractures. In no case will wellhead injection pressure initiate fractures in confining geologic units or cause migration of byproduct material into aquifers immediately overlying, underlying and adjacent to the production unit.

(iv) Before a wellfield begins operation, the applicant or licensee must submit an operating plan for the wellfield containing the following elements:

(A) An operations program that ensures fluid pressures within the production unit remain safely below the minimum fracture pressure for the confining strata and the production unit;

(B) A well development program;

(C) An injection and production well operating plan that demonstrates an inward hydraulic gradient will be established and maintained in the production unit during operations and restoration until post-restoration monitoring commences;

(D) Contingency plans to address shut-ins or well failures so as to prevent the migration of byproduct material into aquifers immediately overlying, underlying and adjacent to the production unit;

(E) The projected average and maximum daily rate and volume of lixiviant injected and production well fluid withdrawn;

(F) The projected average and maximum wellhead injection pressure;

(G) A qualitative analysis and ranges in concentrations of all lixiviant ingredients. The applicant or licensee may request that this information be characterized as proprietary information;

(H) Specifications for pipelines, wellfield header houses, and other related wellfield infrastructure to prevent byproduct material leakage to the uppermost aquifer; and

(I) Procedures to test and inspect pipelines, wellfield header houses, and other related wellfield infrastructure to detect leaks or other conditions that could lead to byproduct material leakage to the uppermost aquifer.

(2) Wellfield operation and restoration monitoring requirements. The licensee must comply with the following operational and restoration monitoring requirements in a wellfield:

(i) Continuous monitoring of injection pressure, or daily recording of injection pressure to demonstrate the injection pressure is below the maximum value for the production unit;

(ii) Continuous monitoring of injection and production well flow rates or daily recording of injection and production well flow rates or volumes to demonstrate that an inward hydraulic gradient is maintained in the production unit; and

(iii) At least twice per month, with a minimum of 10 days between sampling events, a sample must be taken for the approved indicator constituents in the point of compliance wells in aquifers immediately overlying, underlying and adjacent to the production unit for excursion detection.

(A) An excursion is detected if, in any point of compliance well, two or more indicator constituents exceed their upper control limits.

(B) If an excursion is detected, a second sample must be taken within 48 hours after results of the first analyses were received. If the second sample does not indicate that upper control limits were exceeded, a third sample must be taken within 48 hours after the second set of sampling data was acquired.

(C) If the second and third samples do not indicate that upper control limits are exceeded, the excursion is not confirmed. If either the second or third sample shows that the indicator constituent(s) exceed their upper control limits, an excursion is confirmed. After an excursion is confirmed, the point of compliance well must be placed in excursion status and reported pursuant to paragraph 14(d)(5)(ii) of this criterion.

(iv) If an excursion is confirmed and following the 7-day report required by paragraph 14(d)(5)(ii) of this criterion:

(A) The licensee must evaluate the cause of the excursion and take action to eliminate the excursion. An excursion in aquifers immediately overlying, underlying, and adjacent to the production unit can be deemed eliminated when all excursion indicator constituents are below their respective upper control limits for three consecutive samples for the indicator constituents until the excursion is eliminated. Licensees can propose different approaches for considering an excursion eliminated based on site-specific conditions. Different approaches would require NRC approval.

(B) The licensee must submit a written report describing the excursion event, efforts taken to eliminate the excursion, and the results within 60 days of the excursion confirmation.

(C) If the excursion is not eliminated in 60 days, corrective action must be initiated in accordance with paragraph 14(h)(1) of this criterion.

(3) Monitoring of pressure and flow rate on all injection wells on an individual well basis by wellfield manifold monitoring. Manifold pressure and flow rate monitoring may be used for wellfield operations having more than one injection well if these wells use a common manifold. Separate monitoring systems for each injection well are not required provided the applicant or licensee demonstrates that manifold monitoring is comparable to individual well monitoring.

(4) Uppermost aquifer monitoring requirements. For all surface and near surface ISR operations having the potential to contaminate the uppermost aquifer, the applicant must describe and the licensee must establish a program, to be approved by the NRC, to detect leaks or spills of byproduct material into the uppermost aquifer. Such a program must include commitments that any leak or spill of byproduct material will be adequately evaluated to ensure that the uppermost aquifer is not impacted. If byproduct material is confirmed to have leaked into the uppermost aquifer, the licensee must take corrective action in accordance with paragraph 14(h)(3) of this criterion.

(5) Reporting requirements. Licensees must meet the following reporting requirements:

(i) Semi-annual reports of results of the effluent monitoring required by 10 CFR 40.65 must be submitted to the NRC;

(ii) When an excursion is confirmed under paragraph 14(d)(2)(ii) of this criterion, a report must be made to the NRC within one business day, followed by submission of a written report to the NRC within seven calendar days from when the excursion is confirmed; and

(iii) If surface or near surface leakage or spills of byproduct material are detected in the uppermost aquifer, a report must be made to the NRC within one business day, followed by submission of a written report to the NRC within seven calendar days from when the leakage is detected in the uppermost aquifer.

(e) *Mechanical integrity.* Demonstration of mechanical integrity of injection and production wells is required before initial use and before reuse of wells that have been serviced with equipment or procedures that could damage the well casing, and at least once every 5 years thereafter.

(1) A well is deemed to have mechanical integrity if:

(i) There is no significant leak in the casing; and

(ii) There is no significant fluid movement into an aquifer through vertical channels adjacent to the injection well bore.

(2) One of the following methods must be used to verify the absence of significant leaks under paragraph 14(e)(1)(i) of this criterion:

(i) Following an initial pressure test, monitoring of the casing annulus pressure with sufficient frequency to be representative as approved by the NRC, while maintaining an annulus pressure different from atmospheric pressure measured at the surface; or

(ii) A pressure test with liquid or gas.

(3) Testing methods and alternative documentation requirements, such as those listed in 40 CFR 146.8(c), may be used to

demonstrate compliance with paragraph 14(e)(1)(ii) mechanical integrity requirements of this criterion with the approval of the NRC.

(f) *Wellfield restoration.* Following completion of uranium recovery operations in a production unit in a wellfield, the licensee must restore the hazardous constituents identified under paragraph 14(b)(2) of this criterion to the approved concentration limits listed in paragraphs 5B(5)(a) or (b) of this appendix pursuant to the wellfield restoration plan described in paragraph 14(b)(5) of this criterion. If the licensee cannot practically achieve the approved concentration limit for a hazardous constituent, the licensee may propose an alternate concentration limit pursuant to paragraph 5B(5)(c) of this appendix.

In its evaluation of a proposed alternate concentration limit pursuant to paragraph 5B(5)(c) of this appendix, the NRC will consider the factors specified in paragraphs 5B(4) and 5B(6) of this appendix. An application for an alternate concentration limit shall be submitted as an amendment of a license in accordance with 10 CFR 40.44.

(1) Post-restoration monitoring.

(i) Following completion of restoration in a production unit, an NRC-approved post-restoration monitoring program must be implemented at the approved point of compliance wells in the wellfield restoration plan. The post-restoration monitoring program must include quarterly sampling at each approved point of compliance well for one year to analyze whether hazardous constituents exceed their approved concentration limits pursuant to paragraph 5B(5) of this appendix. The analysis must be performed on a well-by-well basis.

(ii) Post-restoration monitoring for each production unit is deemed complete when groundwater samples, collected quarterly from point of compliance wells, show that hazardous constituent concentration levels have remained below their approved concentration limits with no statistically significant exceedance for one year.

(iii) The licensee must notify the NRC in writing within 7 days if, during the post-restoration monitoring period, the collected samples show that concentrations of any of the monitored hazardous constituents at a point of compliance well has shown a statistically significant exceedance of its approved limit. The licensee must take corrective action in accordance with paragraph 14(h)(2) of this criterion.

(2) Wellfield restoration report. Following completion of the post-restoration monitoring program for each production unit in the wellfield, the licensee must submit a restoration report for NRC approval describing the wellfield restoration activities and results, including compliance with the NRC-approved hazardous constituent concentration limits in paragraph 5B(5) of this appendix and the post-restoration monitoring data demonstrating no statistically significant exceedance of the approved concentration limits for one year.

(g) *Plugging and abandonment.* The methods for abandoning wells must be determined and specified to ensure that vertical movement of fluids, including byproduct material, along the borehole is prevented.

(1) Before any injection, production, or point of compliance well is plugged and abandoned, a wellfield plugging and abandonment plan must be submitted for NRC approval.

(2) Before abandoning injection, production, or point of compliance wells, or any other well associated with any corrective action taken pursuant to paragraph 14(h) of this criterion, the wells must be plugged in accordance with applicable state and underground injection control regulations.

(3) The plugging and abandonment plan must demonstrate adequate protection of aquifers.

(h) *Corrective action.* If one of the events listed in paragraphs 14(h)(1)–(3) of this criterion occurs, the licensee must take the corresponding corrective actions listed for that event as set forth in either paragraph 14(h)(1), (2), or (3) of this criterion. In addition, the NRC may impose additional requirements for construction, operation, monitoring, or reporting as necessary to address any of these events.

(1) If an excursion is not eliminated within 60 days of confirmation, or an alternate time period approved by the NRC:

(i) The licensee must terminate injection of lixiviant into portions of the wellfield potentially contributing to the continuing excursion.

(ii) The licensee must conduct sampling to determine whether any hazardous constituent has exceeded their approved concentration limits at the point of compliance well with the confirmed excursion. If any hazardous constituent has exceeded its approved concentration limits, the licensee must characterize the extent of the contamination and take corrective action to the extent necessary to achieve compliance with the approved concentration limits.

(iii) The licensee must provide an increase to the financial surety for corrective action in accordance with paragraph 9(f)(4) of this appendix.

(iv) The corrective action must continue until the hazardous constituent concentration levels meet their approved concentration limits. The licensee must then provide a report for NRC approval describing the corrective action taken, the corrective action results and monitoring data that demonstrates that the hazardous constituents meet their approved concentration limits. If NRC confirms that the corrective action is completed, the additional surety requirements resulting from the excursion may be removed.

(2) If any hazardous constituent concentration level at a point of compliance well in the restored production unit shows a statistically significant exceedance of any approved hazardous constituent concentration limits during post-restoration monitoring and following the 7-day report required by paragraph 14(f)(1)(iii) of this criterion:

(i) The licensee must take corrective action to the extent necessary to achieve compliance with the approved concentration limits for all hazardous constituents.

(ii) Once corrective action is completed such that the hazardous constituent concentration levels meet their approved concentration limits, the licensee must provide a written report for NRC approval describing the corrective action taken, the corrective action results, and monitoring data that demonstrates that the hazardous constituents meet their approved concentration limits at the point of compliance wells in the production unit.

(iii) If the NRC determines that the licensee has not provided reasonable assurance that the corrective action for the exceedance was successful, the NRC may impose additional requirements for corrective action, operation, monitoring, or reporting as necessary. In addition, the NRC may require the licensee to restart the post- restoration monitoring at the affected point of compliance wells in the restored production unit by collecting quarterly samples which demonstrate no statistically significant exceedance of the approved concentration limits for any hazardous constituent for one year.

(3) If surface or near surface leakage or spills of source, lixiviant or byproduct material are detected in the uppermost aquifer and following the 7-day report required by paragraph 14(d)(5)(iii) of this criterion:

(i) The licensee must take corrective action to the extent necessary to achieve compliance with the approved concentration limits for all hazardous constituents.

(ii) The licensee must provide a written report describing the event, corrective action taken, and the corrective action results within 60 days, or an alternate time period approved by the NRC, of detection.

(iii) Once corrective action is completed and the hazardous constituent concentration levels meet their approved concentration limits, the licensee must provide a written report for the NRC approval describing the corrective actions taken and monitoring data that demonstrates that the hazardous constituents meet their approved concentration limits.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 7. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

■ 8. In § 50.12:

■ a. Redesignate paragraph (a)(2)(vi) to (a)(2)(vii); and

■ b. Add new paragraph (a)(2)(vi).

The addition reads as follows:

§ 50.12 Specific exemptions.

(a) * * *

(2) * * *

(vi) The exemption would provide only temporary relief from the timely decommissioning requirement in § 50.82(a)(3), § 50.82(b)(4)(i), or § 52.110(c) for cases in which site-specific factor(s) affect the licensee's capability to complete decommissioning within that timeframe and the extension will not adversely affect site safety for the duration of the extension period; or

* * * * *

■ 9. In § 50.82, revise paragraphs (a)(3) and (b)(4)(i) to read as follows:

§ 50.82 Termination of license.

* * * * *

(a) * * *

(3) Decommissioning must be completed within 60 years of permanent cessation of operations.

* * * * *

(b) * * *

(4) * * *

(i) The choice of the alternative for decommissioning with a description of activities involved. An alternative is acceptable if it provides for completion of decommissioning without significant delay.

* * * * *

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

■ 10. The authority citation continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 11. In § 52.110, revise paragraph (c) to read as follows:

§ 52.110 Termination of license.

* * * * *

(c) Decommissioning must be completed within 60 years of permanent cessation of operations.

* * * * *

PART 53—RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR ADVANCED REACTORS

■ 12. The authority citation continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115–439, 132 Stat. 5571.

■ 13. In § 53.080,

■ a. In paragraph (b)(5), remove the phrase ''regulation; or'' and add in its place the phrase ''regulation;'';

■ b. Reassign paragraph (b)(6) to new paragraph (b)(7); and

■ c. Add new paragraph (b)(6).

The addition reads as follows:

§ 53.080 Specific exemptions.

* * * * *

(b) * * *

(6) The exemption would provide only temporary relief from the timely decommissioning requirement in § 53.1070(c) for cases in which site-specific factor(s) affect the licensee's capability to complete decommissioning within that timeframe and the extension will not adversely affect public health and safety for the duration of the extension period; or

* * * * *

■ 14. In § 53.1070, revise paragraph (c) to read as follows:

§ 53.1070 Termination of license.

* * * * *

(c) Decommissioning must be completed within 60 years of permanent cessation of operations.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 15. The authority citation continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.21(g) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

Section 70.31 also issued under Atomic Energy Act sec. 57(d) (42 U.S.C. 2077(d)).

Sections 70.36 and 70.44 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

Section 70.81 also issued under Atomic Energy Act secs. 186, 187 (42 U.S.C. 2236, 2237).

Section 70.82 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

■ 16. In § 70.38:

■ a. Revise paragraph (d);

■ b. In the first sentence of paragraph (e) introductory text, remove the phrase ''paragraph (d)'' and add in its place the phrase ''paragraph (d)(1)'';

■ c. Revise paragraph (f); and

■ d. Remove and reserve paragraph (g)(2).

The revisions read as follows:

§ 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(d)(1) Consistent with § 70.5, each licensee must provide notification to the NRC in writing within 60 days of the occurrence of any of the following and indicate which approach under paragraph (d)(2) of this section the licensee intends to pursue:

(i) The license has expired pursuant to paragraph (a) or (b) of this section; or

(ii) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements; or

(iii) No principal activities under the license have been conducted for a period of 48 months; or

(iv) No principal activities have been conducted for a period of 48 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

(2) When notification is made pursuant to paragraph (d)(1) of this section, the licensee must—

(i) Within 45 days, submit a request to delay initiation of decommissioning activities consistent with paragraph (f) of this section, or

(ii) Immediately begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with NRC requirements, or

(iii) Within 12 months, submit a decommissioning plan, if required by paragraph (g)(1) of this section, and begin decommissioning upon approval of that plan.

* * * * *

(f) The Commission may grant a request to extend the time periods established in paragraph (d). The schedule for decommissioning set forth in paragraph (d) of this section may not commence until the Commission has made a determination on the request. The request must include the following, as applicable:

(1) Discussion of the business need for continued possession or authorization of licensed material or how the request is otherwise in the public interest.

(2) Discussion of the health and safety plan that will be in effect during the extension period.

(3) Discussion of the current decommissioning cost estimate and the potential for increased decommissioning costs if an extension of the time period is or is not approved.

(4) A timeframe for which principal activities will resume, which must not exceed 36 months from the date of notification as provided for in (d)(1)(iii) and (d)(1)(iv) of this section.

(5) A commitment that, should principal activities not resume within the timeframe specified in paragraph (f)(4), the licensee must provide notification to the NRC consistent with paragraph (d) of this section.

(g) * * *

(2) [Reserved]

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 17. The authority citation continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 18. In § 72.54:

■ a. Revise paragraph (d);

■ b. In the first sentence of paragraph (e) introductory text, remove the phrase ''paragraph (d)'' and add in its place the phrase ''paragraph (d)(1)''; and

■ c. Revise paragraph (f).

The revisions read as follows:

§ 72.54 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(d)(1) Consistent with § 72.4, each licensee must provide notification to the NRC in writing as required by § 72.42(b) or within 60 days of the occurrence of any of the following, and indicate which approach under paragraph (d)(2) of this section the licensee intends to pursue:

(i) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements; or

(ii) No principal activities under the license have been conducted for a period of 48 months; or

(iii) No principal activities have been conducted for a period of 48 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

(2) When notification is made pursuant to paragraph (d)(1) of this section, the licensee must—

(i) Within 45 days, submit a request to delay initiation of decommissioning activities consistent with paragraph (f) of this section, or

(ii) Within 12 months, submit a final decommissioning plan and begin decommissioning upon approval of the plan.

* * * * *

(f) The Commission may grant a request to extend the time periods established in paragraph (d). The schedule for decommissioning set forth in paragraph (d) of this section may not commence until the Commission has made a determination on the request. The request must include the following, as applicable:

(1) Discussion of the business need for continued possession or authorization of licensed material or how the request is otherwise in the public interest.

(2) Discussion of the health and safety plan that will be in effect during the extension period.

(3) Discussion of the current decommissioning cost estimate and the potential for increased decommissioning costs if an extension of the time period is or is not approved.

(4) A timeframe for which principal activities will resume, which must not exceed 36 months from the date of notification as provided for in (d)(1)(iii) and (d)(1)(iv) of this section.

(5) A commitment that, should principal activities not resume within the timeframe specified in paragraph (f)(4), the licensee must provide notification to the NRC consistent with paragraph (d) of this section.

* * * * *

Dated: September 8, 2026.

For the Nuclear Regulatory Commission.

Jody Martin,

Secretary of the Commission.

[FR Doc. 2026–18504 Filed 9–9–26; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL REGISTER

Vol. 91 Thursday,
No. 174 September 10, 2026

Part IV

The President

Executive Order 14424—Promoting Fair Competition in Livestock Markets and Expanding Market Access for American Meat Producers
Executive Order 14425—Supporting America's Ranchers
Proclamation 11060—Labor Day, 2026

Federal Register
Vol. 91, No. 174
Thursday, September 10, 2026

Presidential Documents

Title 3—

The President

Executive Order 14424 of September 4, 2026

Promoting Fair Competition in Livestock Markets and Expanding Market Access for American Meat Producers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose.* American ranchers want to be able to butcher, process, package, and sell their meat to consumers across State lines while maintaining the highest standards of food safety and avoid being overcharged by monopolistic practices by meat processors. It is the policy of the United States to support these goals and reduce barriers to ranchers processing their own product for sale to consumers by promoting fair competition in livestock and meat markets; protecting producers and small processors from unfair, deceptive, or monopolistic practices; and expanding legitimate market opportunities for American-raised livestock and meat products consistent with applicable law. This order directs more vigorous enforcement of the Packers and Stockyards Act, 1921 (Public Law 67–51, 42 Stat. 159,7 U.S.C. 181 *et seq.*) (the ''Act''), and the maximum use of existing authorities to facilitate greater interstate market access for eligible meat products while maintaining the highest standards of food safety that help make United States born, raised, harvested, and processed food the best in the world.

Sec. 2. *Robust Enforcement of the Packers and Stockyards Act.* (a) The Secretary of Agriculture (Secretary) shall, consistent with the Act, and all other applicable law:

(i) prioritize and expand investigations into potential violations of the Act by packers and other covered entities, with particular attention to unfair, unjustly discriminatory, or deceptive practices; undue or unreasonable preferences or advantages; and practices that restrain commerce or manipulate prices;

(ii) increase resources, staffing, and investigative capacity within the Packers and Stockyards Division of the Department of Agriculture (USDA) Agricultural Marketing Service, the USDA Office of General Counsel, and the USDA Office of Inspector General;

(iii) coordinate closely with the Department of Justice (DOJ), in keeping with the September 26, 2025, memorandum of understanding between the USDA and the DOJ Antitrust Division, to refer cases for appropriate enforcement and to pursue complementary antitrust actions where appropriate; and

(iv) within 60 days of the date of this order, submit to the President a report detailing current enforcement actions, resource needs, and a plan for heightened enforcement for the coming year.

(b) The Secretary shall review existing regulations, guidance, and enforcement policies under the Act and, as appropriate and consistent with applicable law, revise them to strengthen protections for producers and ensure effective deterrence of prohibited conduct.

Sec. 3. *Expanding Interstate Market Access for Eligible Meat Products.* (a) The Secretary shall take actions consistent with applicable law to expand opportunities for interstate shipment of meat products, including by:

(i) accelerating outreach and streamlining processes to increase State participation in the USDA's State Meat and Poultry Inspection Program, the

Cooperative Interstate Shipment Program, and the Talmadge-Aiken Cooperative Inspection Program;

(ii) creating technical assistance and training programs for small and very small meat processors;

(iii) establishing, or collaborating with partners to establish, an easily accessible web resource with comprehensive information regarding local meat slaughter and processing availability, including federally inspected establishments that facilitate interstate shipment;

(iv) modernizing meat inspection to sharpen focus on core food safety, boost processing efficiency and technology, and lower costs to add value for ranchers and consumers;

(v) removing unnecessary Food Safety Inspection Service inspection reporting requirements and overly prescriptive requirements, consistent with applicable law, that do not advance essential food safety needs; and

(vi) establishing a coordinator position within USDA to implement these actions and serve as a conduit to ranchers and small and medium sized processors.

(b) Within 60 days of the date of this order, the Secretary shall submit to the President a report assessing current participation in the State-Federal cooperative inspection programs, identifying remaining statutory or regulatory barriers to greater interstate market access for State-inspected products, and providing recommendations for action to address any such challenges.

(c) Within 60 days of the date of this order, the Secretary shall submit to the President a report identifying Federal statutory provisions, as well as trade considerations, that restrict or prohibit State-inspected or custom exempt meat products from entering interstate commerce.

(d) The Secretary shall take actions as appropriate and consistent with applicable law to establish a Strengthening Processing for U.S. Ranchers guaranteed loan program for small and regional beef processors to help these processors continue operation, expand their footprint, and increase diversity of animal proteins being processed.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

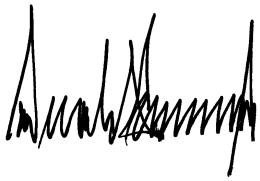
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Agriculture.



THE WHITE HOUSE,
September 4, 2026.

[FR Doc. 2026–18567
Filed 9–9–26; 11:15 am]
Billing code 3410–18–P

Presidential Documents

Executive Order 14425 of September 4, 2026

Supporting America's Ranchers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Policy.* Ranchers play a vital role in our Nation's food supply chain and cultural heritage. These hardworking Americans ensure that our country has a reliable domestic source of high-quality animal protein products, and a secure, plentiful domestic ranching industry vindicates this country's food security. But the national herd is at a 75-year low, while consumer demand for beef has grown almost 10 percent over the past decade. My Administration has already acted to support ranchers by, for example: enforcing voluntary ''Product of USA'' labeling to give American ranchers the recognition they deserve for producing in the United States; mapping over 2 million additional acres of grazing land managed by the Department of the Interior and identifying nearly 1.6 million acres of vacant allotments managed by the United States Forest Service and opening them for Federal grazing permit applications across the West; withdrawing burdensome Biden-era regulations that imposed substantial compliance costs in the name of speculative environmental benefits; and implementing a number of financially beneficial tax law changes for ranchers, such as lowering Death Taxes and promoting more rapid expensing and depreciation policies. More can and should be done to support this critical industry, and my Administration will continue to act to protect our domestic producers.

Sec. 2. *Comprehensive Policy and Regulatory Review.* Within 90 days of the date of this order, the Secretary of Agriculture, the Secretary of the Interior, the United States Trade Representative, the Commissioner of Food and Drugs, and the Administrator of the Small Business Administration shall submit to the President a report that assesses all executive department and agency (agency) regulations, guidance, and other agency policies affecting ranchers and that provides recommendations for action to promote financial viability and enhanced market access for American ranchers consistent with this order.

Sec. 3. *Helping Ranchers Combat Predation.* Within 90 days of the date of this order:

(a) The Secretary of the Interior shall make a determination as to whether the gray wolf and the Mexican wolf have met the recovery criteria for delisting or downlisting under the Endangered Species Act (ESA) and, if he determines that the recovery criteria has been met, shall begin the process of delisting or downlisting them.

(b) The Secretary of the Interior, in coordination with the Assistant to the President and Director of Legislative Affairs, shall prepare and submit to the President a legislative recommendation to fully delist or downlist the gray wolf and the Mexican wolf under the ESA.

(c) Upon a determination by the Secretary of the Interior that the ESA recovery criteria has been met with respect to the gray wolf and the Mexican wolf, the Deputy Assistant to the President and Director of Intergovernmental Affairs, in coordination with the Secretary of Agriculture, shall engage with States to encourage them to delist gray wolves and Mexican wolves from any State-specific lists of protected species and to revise their standards for lethal takings of gray wolves and Mexican wolves to assist ranchers in combating predation.

(d) The Secretary of the Interior and the Secretary of Agriculture shall consider developing or amending their respective Departments' producer compensation regulations, evidentiary standards, and program handbooks, consistent with applicable law, to ensure that all depredation claims adjudicated by their respective Departments are consistently, accurately, and expeditiously assessed, including by setting adequate standards to investigate depredations by gray wolves and Mexican wolves and by considering additional factors beyond subcutaneous hemorrhaging when appropriate.

(e) The Secretary of the Interior shall consider amending regulations or providing additional guidance, consistent with applicable law, to revise the Department's criteria for authorizing lethal gray wolf and Mexican wolf removal and to enable greater emergency responsiveness, including precision targeting, for situations involving predator threats to human safety or threats to domestic livestock.

Sec. 4. *Country-of-Origin Labeling.* Within 90 days of the date of this order, the Secretary of Agriculture, in consultation with the United States Trade Representative, shall review all statutory and regulatory authorities that may permit the establishment of mandatory country-of-origin labeling for beef products and shall provide the Assistant to the President for Economic Policy with a summary of such authorities as well as an economic analysis of the impacts of mandatory country-of-origin labeling that reflects current conditions and modernized practices. Based on these assessments, the Secretary of Agriculture, in consultation with the United States Trade Representative and the Assistant to the President for Economic Policy, may issue or amend regulations, to the extent permitted under applicable law, to require mandatory country-of-origin labeling for beef products, or may, in further coordination with the White House Office of Legislative Affairs, develop legislative recommendations regarding such labeling.

Sec. 5. *Supporting American Consumers.* To the extent consistent with applicable law, the head of each agency shall take such steps as may be appropriate to ensure that the measures directed in this order, as well as other measures taken by my Administration with respect to food production and supply, benefit American consumers in the form of lower prices to the maximum extent possible.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

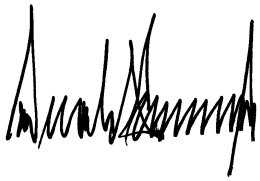
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Agriculture.



THE WHITE HOUSE,
September 4, 2026.

[FR Doc. 2026–18571
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Billing code 3410–18–P

Presidential Documents

Proclamation 11060 of September 4, 2026

Labor Day, 2026

By the President of the United States of America

A Proclamation

This Labor Day, we recognize the hard work, dedication, and unwavering commitment of the American worker. Their inspiring skill and unbreakable spirit have propelled our country forward for generations. Their strength built our cities, their genius launched and sustained our most advanced industries, and their ingenuity carried American craftsmanship to every corner of the globe. Time and again, their resilience has seen our people through hardship and has consistently brought us to even greater heights of wealth and prosperity. The American worker deserves a Government that is determined to fight for them, as they have fought for us for generations, and we are delivering.

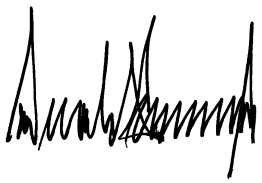
Since returning to office, my Administration has remained steadfast in its mission to empower the American worker and families by strengthening the economy, bolstering manufacturing, and unleashing innovation like never before. Last year, I proudly signed the Working Families Tax Cuts Act into law, making the largest tax cuts in American history permanent and boosting take-home pay for millions of hardworking families across our Nation. The law also makes the small business tax deduction permanent, allowing small business owners to deduct 20 percent of their qualified business income.

After decades of disastrous trade policies that surrendered our industrial strength to foreign nations, companies are now returning home, investing trillions of dollars into the United States economy, and adding over 900,000 American jobs. Thanks to my protective tariffs, our Nation's workers are being shielded from unfair foreign competition, ensuring that their labor is honored, their businesses are defended, and their jobs remain on American soil. Through landmark trade deals, American manufacturing has expanded for 6 months straight, and more auto plants are being built in America today than ever before. To ensure we are hiring and training American workers, we are proposing a new fee on H–1B visa petitions that will encourage companies to invest in qualified Americans before looking overseas for labor.

Our Nation is entering a bold new era of American manufacturing, technological innovation, and economic prosperity—powered by the might of the American worker. Today and every day, we commit to ensuring their hard work remains the driving force behind our Nation's strength and prosperity and the foundation for an even greater future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 7, 2026, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.



[FR Doc. 2026–18573
Filed 9–9–26; 11:15 am]
Billing code 3395–F4–P

FEDERAL REGISTER

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No. 174 September 10, 2026

Part V

The President

Notice of September 8, 2026—Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Federal Register
Vol. 91, No. 174
Thursday, September 10, 2026

Presidential Documents

Title 3—

The President

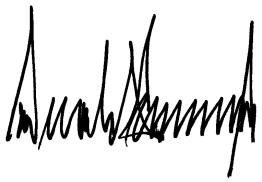
Notice of September 8, 2026

Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency previously declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency must continue in effect beyond September 14, 2026. Therefore, I am continuing in effect for an additional year the national emergency that was declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
September 8, 2026.

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