AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 91 Friday,

No. 175 September 11, 2026

Pages 57775–58008

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 91 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115–120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 175

Friday, September 11, 2026

Agricultural Marketing Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57855
Continuance Referendum:
Avocados Grown in South Florida, 57855–57856

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service
See National Agricultural Statistics Service
See The U.S. Codex Office
PROPOSED RULES
Request for Information:
Modernization of Regulations, 57828–57829
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57856–57857

Animal and Plant Health Inspection Service
NOTICES
Domestic Quarantine:
Quarantined Areas and Regulated Articles, 57857

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57892

Civil Rights Cold Case Records Review Board
NOTICES
Formal Determination on Records Release, 57860–57861

Coast Guard
RULES
Safety Zone:
York River, Yorktown, VA, 57796–57798
Special Local Regulation:
Marine Events within the Sector Columbia River Captain of the Port Zone, Portland, OR, 57795–57796
Southern California Annual Marine Events for the San Diego Captain of the Port Zone, San Diego Bayfair, 57796

Commerce Department
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Hearings, Meetings, Proceedings, etc.:, 57864

Defense Department
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
Homeland Defense Board, 57865–57866
Environmental Assessments; Availability, etc., 57864–57865

Drug Enforcement Administration
NOTICES
Decision and Order:
Cheryl White, N.P., 57927–57928
Craig Cohen, DPM, 57922–57923
Emran Mohammad, RN, APRN, CNP, 57923–57927
Joseph John Stubbers III, DO, 57928–57929

Environmental Protection Agency
PROPOSED RULES
Approval of Wisconsin State Coal Combustion Residuals Permit Program, 57842–57854
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Soil and Non-Soil Fumigant Risk Mitigation, 57867–57868
Application for Emergency Exemption:
Ortho-phthalaldehyde, 57868–57869
Environmental Impact Statements; Availability, etc., 57866–57867
Hearings, Meetings, Proceedings, etc.:
Local Government Advisory Committee, 57869

Federal Aviation Administration
RULES
Airworthiness Directives:
Dassault Aviation Airplanes, 57777–57782
Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes, 57775–57777
Rolls-Royce Deutschland Ltd and Co KG Engines, 57782–57785
PROPOSED RULES
Airworthiness Directives:
Airbus SAS Airplanes, 57829–57832
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification: Air Carriers and Commercial Operators, 57956
Airport Property:
Mobile Regional Airport Mobile, AL, 57955
Petition for Authorization to Exceed Mach 1, 57955–57956

Federal Communications Commission
RULES
Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program, 57798–57801
NOTICES
Debarment:
Federal E-Rate Program, 57869–57889

Federal Highway Administration
RULES
Route Designations:
Vehicle Length, Width, and Weight Limitations, 57789–57791
NOTICES
Final Federal Agency Action:
Proposed Transportation Project in California, 57956–57957

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 57890

Federal Retirement Thrift Investment Board
NOTICES
Hearings, Meetings, Proceedings, etc., 57890

Fish and Wildlife Service
NOTICES
Permits; Applications, Issuances, etc.:
Incidental Take and Proposed Habitat Conservation Plan for Woodward 46 Specific Plan Project, City of San Marcos, CA, 57916–57917

Food and Drug Administration
RULES
Medical Devices:
Cardiovascular Devices; Classification of the Cardiovascular Machine Learning-Based Notification Software, 57785–57787
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Qualitative Data to Support Social and Behavioral Research for Food, Dietary Supplements, Cosmetics, and Animal Food and Feed, 57895–57896
Medical Device Tracking, 57893–57895
Amending Over-the-Counter Monograph M020:
Sunscreen Drug Products for Over-the-Counter Human Use, and Related Information; Aminobenzoic Acid and Trolamine Salicylate, 57892–57893

Foreign Assets Control Office
RULES
Publication of Global Terrorism Sanctions Regulations and Illicit Drug Trade Sanctions Regulations Web General License 35, 57794
Publication of Iran-Related Web General Licenses CC and DD, 57795
Publication of Nicaragua Sanctions Regulations Web General License 5, 57791
Publication of Venezuela Sanctions Regulations Web General Licenses 30B and 51, 57793–57794
Venezuela Sanctions Regulations Web General Licenses 50A and 51A, 57791–57793
NOTICES
Sanctions Actions, 57962–57966

Forest Service
PROPOSED RULES
Special Areas:
Roadless Area Conservation, 57841–57842

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
System for Award Management Annual Certification of Compliance with Executive Order 14400, Urgent National Action to Save College Sports, 57891
Federal Management Regulation:
Rescinding and Removing Bulletin B–51, 57890

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Rural Health Network Development Program Performance Improvement and Measurement System, 57897–57898
Supplemental Funding:
Appalachian Region Healthcare Support Program, 57897
Infant-Toddler Court Program—State Awards, 57898–57899
Rural Hospital Stabilization Pilot Program, 57899–57900

Homeland Security Department
See Coast Guard
PROPOSED RULES
Eliminating the Discretionary 60-day Grace Period, 57807–57828

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Manufactured Home Construction and Safety Standards Act Park Model RV Exemption, 57915–57916
Research Justifying Additional Incentives for Certain Activities to Reduce Homelessness, 57901–57915

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Office of Natural Resources Revenue

Internal Revenue Service
PROPOSED RULES
Allocation and Apportionment of Deductions to Foreign Source Section 951A Category Income and Deduction Eligible Income, 57832–57841
Information Reporting Regarding Qualified Opportunity Zones and Updated Qualified Opportunity Fund Certification and Decertification Procedures, 57968–58000

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Citric Acid and Certain Citrate Salts from Canada and India, 57920–57922
Polyvinyl Alcohol from China and Japan, 57920

Justice Department
See Drug Enforcement Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
2026 National Survey of Victim Service Providers, 57932–57933
Age, Sex, Race, and Ethnicity of Persons Arrested under 18 Years of Age; Age, Sex, Race, and Ethnicity of Persons Arrested under 18 Years of Age and Over, 57931–57932
Certification and Release of Records, 57930–57931

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Land Use Application and Permit, 57917–57918

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Proposal Submissions and Awards Management System for the NASA Small Business Innovation Research/Small Business Technology Transfer Program Solicitations, 57933–57934

National Agricultural Statistics Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57858–57860

National Highway Traffic Safety Administration
NOTICES
Petition for Decision of Inconsequential Noncompliance:
General Motors, LLC; Denial, 57957–57959

National Institute of Standards and Technology
NOTICES
Proposed Voluntary Product Standard PS 2–25, Performance Standard for Wood Structural Panels, 57861

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 57900–57901
National Heart, Lung, and Blood Institute, 57900
National Institute of Diabetes and Digestive and Kidney Diseases, 57900
National Institute on Aging, 57901

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone off Alaska:
Blackspotted and Rougheye Rockfish in the Central Aleutian and Western Aleutian Districts of the Bering Sea and Aleutian Islands Management Area, 57805–57806
Fisheries of the Northeastern United States:
Atlantic Bluefish Fishery; Quota Transfer from New Jersey to North Carolina, 57803–57804
Greater Atlantic Region Catch Share Cost Recovery Program Updates, 57804–57805
NOTICES
Marine Mammals and Endangered Species, 57862–57863
Permits; Applications, Issuances, etc.:
Endangered Species; File No. 29126; Correction, 57862
Taking or Importing of Marine Mammals:
Northeast Fisheries Science Center Fisheries and Ecosystem Research, 57863–57864

National Transportation Safety Board
NOTICES
Fiscal Year 2026–2030 Strategic Plan, 57934

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
IAEA Design Information Questionnaire Forms, 57938–57939
Licensee Event Report, 57936–57937
Qualifications Investigation Professional, Technical, and Administrative Positions, 57937–57938
Permits; Applications, Issuances, etc.:
Virginia Electric and Power Co. (d/b/a Dominion Energy Virginia), North Anna Site, 57934–57936

Office of Inspector General, Department of the Treasury
NOTICES
Performance Review Board Members, 57966

Office of Natural Resources Revenue
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Outer Continental Shelf Net Profit Share Payment Reporting, 57918–57920

Postal Regulatory Commission
NOTICES
New Postal Products, 57939–57940

Presidential Documents
EXECUTIVE ORDERS
Defense Production Act of 1950; Adjustment of Certain Delegations (EO 14427), 58007–58008
Veterans Benefits and Employment Opportunities; Efforts To Accelerate Access (EO 14426), 58001–58005

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57944, 57948
Application:
The RBB Fund Trust and Millburn Ridgefield LLC, 57949
Registration as a National Securities Exchange:
Bitnomial Exchange, LLC, 57949
Coinbase Derivatives, LLC, 57944
KalshiEX LLC, 57947–57948
Self-Regulatory Organizations; Proposed Rule Changes:
MEMX LLC, 57945–57947
Texas Stock Exchange LLC, 57940–57944

Small Business Administration
NOTICES
Disaster Declaration:
Colorado; Public Assistance Only, 57952
Mississippi; Public Assistance Only, 57950
Pennsylvania; Correction, 57950
Privacy Act; Matching Program, 57950–57952

State Department
RULES
International Traffic in Arms Regulations:
Prohibited Exports, Imports, and Sales to or from Certain Countries—Cyprus, 57787–57789

Surface Transportation Board
NOTICES
Exemption:
Intra-Corporate Family Transaction; Fortress Investment Group LLC, et al., 57952–57953

Susquehanna River Basin Commission
NOTICES
Minor Modification Approval, 57954–57955
Projects Approved for Consumptive Uses of Water, 57953–57954

The U.S. Codex Office
NOTICES
Hearings, Meetings, Proceedings, etc.:
Codex Alimentarius Commission; Committee on Nutrition and Foods for Special Dietary Uses, 57858

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
RULES
DOT Organizational Terminology; Technical Correction, 57801–57803
NOTICES
Request for Information:
America's Great Corridors of Commerce, 57959–57962

Treasury Department
See Foreign Assets Control Office
See Internal Revenue Service
See Office of Inspector General, Department of the Treasury

Separate Parts In This Issue

Part II
Treasury Department, Internal Revenue Service, 57968–58000

Part III
Presidential Documents, 58001–58005, 58007–58008

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:
14426.....58003
14427.....58007

8 CFR

Proposed Rules:
204.....57807
214.....57807

9 CFR

Proposed Rules:
101–118.....57828
123.....57828
124.....57828

14 CFR
39 (4 documents) 57775, 57777, 57780, 57782

Proposed Rules:
39.....57829

21 CFR
870.....57785

22 CFR
126.....57787

23 CFR
658.....57789

26 CFR

Proposed Rules:
1 (2 documents) 57832, 57968
301.....57968

31 CFR
Ch. V.....57795
582.....57791
591 (2 documents) 57791, 57793
594.....57794
599.....57794

33 CFR
100 (2 documents) 57795, 57796
165.....57796

36 CFR

Proposed Rules:
294.....57841

40 CFR

Proposed Rules:
257.....57842

47 CFR
1.....57798
2.....57798

49 CFR
92.....57801
98.....57801

50 CFR
648 (2 documents) 57803, 57804
679.....57805

Rules and Regulations

Federal Register
Vol. 91, No. 175
Friday, September 11, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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–2026–4654; Project Identifier MCAI–2026–00346–T; Amendment 39–23461; AD 2026–18–06]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–15–04, which applied to all Gulfstream Aerospace LP Model G150 airplanes. AD 2025–15–04 required revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation. Since the FAA issued AD 2025–15–04, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require actions in AD 2025–15–04 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 10, 2025 (90 FR 37786, August 6, 2025).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–4654; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Civil Aviation Authority of Israel (CAAI) material identified in this AD, contact CAAI, P.O. Box 1101, Golan Street, Airport City, 70100, Israel; telephone 972–3–9774665; fax 972–3–9774592; email *aip@mot.gov.il.* You may find this material on the CAAI website at *www.gov.il/en/pages/israeli-airworthiness-directives.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–4654.

FOR FURTHER INFORMATION CONTACT: Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 404–983–5288; email: *frank.huynh@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2025–15–04, Amendment 39–23091 (90 FR 37786, August 6, 2025) (AD 2025–15–04). AD 2025–15–04 applied to all Gulfstream Aerospace LP Model G150 airplanes. AD 2025–15–04 required revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation. The FAA issued AD 2025–15–04 to address failure of the nose landing gear (NLG) actuator-to-strut attachment pin. The unsafe condition, if not addressed, could result in failure of the NLG to retract and lock after take-off or extend and lock before landing.

The NPRM was published in the **Federal Register** on June 9, 2026 (91 FR 34788). The NPRM was prompted by CAAI AD ISR I–05–2025–10–1, dated October 15, 2025 (CAAI AD ISR I–05–2025–10–1) (also referred to as the MCAI), issued by CAAI, which is the aviation authority for Israel. The MCAI states that new or more restrictive airworthiness limitations have been developed as specified in Gulfstream 150 Maintenance Manual, Section 05–10–10, Revision 30, dated September 15, 2025, which includes an inspection reporting procedure.

In the NPRM, the FAA proposed to continue to require the actions in AD 2025–15–04 and require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in CAAI AD ISR I–05–2025–10–1.

The FAA is issuing this AD to address fatigue damage in principal structural elements of the horizontal stabilizer and elevator systems. The unsafe condition, if not addressed, could result in undetected fatigue cracking in critical empennage structural components, loss of elevator control authority, and reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4654.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one individual who supported the NPRM without change.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

CAAI AD ISR I–05–2025–10–1 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits, which include an inspection reporting procedure.

This AD also requires CAAI AD ISR I–32–24–10–01R1, which the Director of the Federal Register approved for incorporation by reference as of September 10, 2025 (90 FR 37786, August 6, 2025).

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

Costs of Compliance

The FAA estimates that this AD affects 82 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD: The FAA estimates the total cost per operator for the retained actions from AD 2025–15–04 to be $7,650 (90 work-hours × $85 per work-hour).

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

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

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2025–15–04, Amendment 39–23091 (90 FR 37786, August 6, 2025); and

■ b. Adding the following new AD:

2026–18–06 Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.): Amendment 39–23461; Docket No. FAA–2026–4654; Project Identifier MCAI–2026–00346–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 16, 2026.

(b) Affected ADs

This AD replaces AD 2025–15–04, Amendment 39–23091 (90 FR 37786, August 6, 2025) (AD 2025–15–04).

(c) Applicability

This AD applies to all Gulfstream Aerospace (Type Certificate previously held by Israel Aircraft Industries, Ltd.) LP Model Gulfstream G150 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time limits/Maintenance checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue damage in principal structural elements of the horizontal stabilizer and elevator systems, and to prevent failure of the nose landing gear (NLG) actuator to strut attachment pin. The unsafe condition, if not addressed, could result in undetected fatigue cracking in critical empennage structural components, loss of elevator control authority, and reduced structural integrity of the airplane, or the failure of the NLG to properly retract and lock after takeoff or extend and lock before landing.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2025–15–04, with a new terminating action. Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Civil Aviation Authority of Israel (CAAI) AD ISR

I–32–24–10–01R1, revised October 15, 2024 (CAAI AD ISR I–32–24–10–01R1). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to CAAI AD ISR I 32 24–10–01R1, With No Changes

This paragraph restates the exceptions specified in paragraph (h) of AD 2025–15–04, with no changes.

(1) Where CAAI AD ISR I–32–24–10–01R1 refers to its effective date, this AD requires using September 10, 2025 (the effective date of AD 2025–15–04).

(2) The initial compliance time for doing the task specified in the Action paragraph of CAAI AD ISR I–32–24–10–01R1 is at the applicable ''discard'' interval as specified in the material referenced in the Action paragraph of CAAI AD ISR I–32–24–10–01R1, or within 3 months after September 10, 2025 (the effective date of AD 2025–15–04), whichever occurs later.

(3) Where the Action paragraph of CAAI AD ISR I–32–24–10–01R1 specifies to ''incorporate AMM Revision 29'', this AD requires replacing that text with ''revise the existing maintenance or inspection program, as applicable, by incorporating the Nose Landing Gear Actuator to Nose Landing Gear Strut Attachment Pin task identified in AMM Revision 29''.

(i) Retained Provisions for Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2025–15–04, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed unless they are approved as specified in the provisions of paragraph (m)(1) of this AD.

(j) New Requirements

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, CAAI AD ISR I–05–2025–10–1, October 15, 2025 (CAAI AD ISR I–05–2025–10–1). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to CAAI AD ISR I–05–2025–10–1

(1) Where CAAI AD ISR I–05–2025–10–1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the Action paragraph of CAAI AD ISR I–05–2025–10–1 specifies to ''incorporate AMM Revision 30'', this AD requires replacing the text with ''revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Section 05–10–10 Airworthiness Limitations, Chapter 05 Time Limits/Maintenance Checks, Gulfstream G150 Maintenance Manual, Revision 30, dated September 15, 2025''.

(3) The initial compliance time for doing the tasks specified in the material referenced in the Action paragraph of CAAI AD ISR I–05–2025–10–1 is at the applicable initial inspection interval, comply within time, or discard interval specified in the material referenced in the Action paragraph of CAAI AD ISR I–05–2025–10–1, or within 90 days after the effective date of this AD, whichever occurs later.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the Action paragraph of CAAI AD ISR I–05–2025–10–1.

(m) 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 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 (n) 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 CAAI; or CAAI's authorized Designee. If approved by the CAAI Designee, the approval must include the Designee's authorized signature.

(n) Additional Information

For more information about this AD, contact Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 404–983–5288; email: *frank.huynh@faa.gov.*

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on October 16, 2026.

(i) Civil Aviation Authority of Israel (CAAI) AD ISR I–05–2025–10–1, dated October 15, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on September 10, 2025 (90 FR 37786, August 6, 2025).

(i) Civil Aviation Authority of Israel (CAAI) AD ISR I–32–24–10–01R1, revised October 15, 2024.

(ii) [Reserved]

(5) For CAAI material identified in this AD, contact CAAI, P.O. Box 1101, Golan Street, Airport City, 70100, Israel; telephone 972–3–9774665; fax 972–3–9774592; email *aip@mot.gov.il.* You may find this material on the CAAI website at *www.gov.il/en/pages/israeli-airworthiness-directives.*

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

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

Issued on August 31, 2026.

Christopher R. Parker,

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

[FR Doc. 2026–18600 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4662; Project Identifier MCAI–2026–00207–T; Amendment 39–23457; AD 2026–18–02]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023–22–12, which applied to all Dassault Aviation Model FALCON 2000 airplanes. AD 2023–22–12 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–22–12, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2023–22–12 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of December 27, 2023 (88 FR 81342, November 22, 2023).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–4662; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–4662.

FOR FURTHER INFORMATION CONTACT:

Amanda Pieraccini, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7329; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–22–12, Amendment 39–22596 (88 FR 81342, November 22, 2023) (AD 2023–22–12). AD 2023–22–12 applied to all Dassault Aviation Model FALCON 2000 airplanes. AD 2023–22–12 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–22–12 to address reduced controllability of the airplane.

The NPRM was published in the **Federal Register** on June 30, 2026 (91 FR 39575). The NPRM was prompted by AD 2026–0040, dated February 27, 2026 (EASA AD 2026–0040) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2023–22–12 and require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2026–0040. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4662.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0040 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2023–0099, dated May 11, 2023, which the Director of the Federal Register approved for incorporation by reference as of December 27, 2023 (88 FR 81342, November 22, 2023).

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

Costs of Compliance

The FAA estimates that this AD affects 150 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–22–12 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive (AD) 2023–22–12, Amendment 39–22596 (88 FR 81342, November 22, 2023); and
■ b. Adding the following new AD:

2026–18–02 Dassault Aviation: Amendment 39–23457; Docket No. FAA–2026–4662; Project Identifier MCAI–2026–00207–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 16, 2026.

(b) Affected ADs

This AD replaces AD 2023–22–12, Amendment 39–22596 (88 FR 81342, November 22, 2023) (AD 2023–22–12).

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 2000 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–22–12, with a new terminating action. 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 2023–0099, dated May 11, 2023 (EASA AD 2023–0099). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0099, With No Change

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–22–12, with no change.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0099.

(2) Paragraph (3) of EASA AD 2023–0099 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after December 27, 2023 (the effective date of AD 2023–22–12).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0099 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2023–0099, or within 90 days after December 27, 2023 (the effective date of AD 2023–22–12), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0099.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0099.

(i) Retained Provisions for Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–22–12, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2023–0099.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with EASA AD 2026–0040, dated February 27, 2026 (EASA AD 2026–0040). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2026–0040

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2026–0040.

(2) Paragraph (3) of EASA AD 2026–0040 specifies revising the approved aircraft maintenance program (AMP) within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2026–0040 is at the applicable limitations and associated thresholds as incorporated by the requirements of paragraph (3) of EASA AD 2026–0040.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2026–0040.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0040.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2026–0040.

(m) 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 (n) 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.

(n) Additional Information

For more information about this AD, contact Amanda Pieraccini, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7329; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on October 16, 2026.

(i) European Union Aviation Safety Agency (EASA) AD 2026–0040, dated February 27, 2026.

(ii) [Reserved]

(4) The following material was approved for IBR on December 27, 2023 (88 FR 81342, November 22, 2023).

(i) European Union Aviation Safety Agency (EASA) AD 2023–0099, dated May 11, 2023.

(ii) [Reserved]

(5) 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.*

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

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

Issued on August 31, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18602 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4663; Project Identifier MCAI–2026–00208–T; Amendment 39–23460; AD 2026–18–05]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023–23–06, which applied to certain Dassault Aviation Model FALCON 2000EX airplanes. AD 2023–23–06 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–23–06, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2023–23–06 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 16, 2024 (88 FR 86029, December 12, 2023).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–4663; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–4663.

FOR FURTHER INFORMATION CONTACT: Amanda Pieraccini, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7329; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–23–06, Amendment 39–22608 (88 FR 86029, December 12, 2023) (AD 2023–23–06). AD 2023–23–06 applied to certain Dassault Aviation Model FALCON 2000EX airplanes. AD 2023–23–06 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–23–06 to address reduced structural integrity of the airplane.

The NPRM was published in the **Federal Register** on June 30, 2026 (91 FR 39569). The NPRM was prompted by EASA AD 2026–0041, dated February 27, 2026 (EASA AD 2026–0041) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2023–23–06 and require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2026–0041. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4663.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0041 specifies procedures for new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2023–0100, dated May 11, 2023, which the Director of the Federal Register approved for incorporation by reference as of January 16, 2024 (88 FR 86029, December 12, 2023).

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

Costs of Compliance

The FAA estimates that this AD affects 315 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–23–06 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2023–23–06, Amendment 39–22608 (88 FR 86029, December 12, 2023); and

■ b. Adding the following new AD:

2026–18–05 Dassault Aviation: Amendment 39–23460; Docket No. FAA–2026–4663; Project Identifier MCAI–2026–00208–T.

(a) Effective Date

This airworthiness directive (AD) is effective October 16, 2026.

(b) Affected ADs

This AD replaces AD 2023–23–06, Amendment 39–22608 (88 FR 86029, December 12, 2023) (AD 2023–23–06).

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 2000EX airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 15, 2026.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–23–06, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 15, 2023: 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 2023–0100, dated May 11, 2023 (EASA AD 2023–0100). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0100, With No Change

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–23–06, with no change.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0100.

(2) Paragraph (3) of EASA AD 2023–0100 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after January 16, 2024 (the effective date of AD 2023–23–06).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0100 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2023–0100, or within 90 days after January 16, 2024 (the effective date of AD 2023–23–06), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0100.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0100.

(i) Retained Provisions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–23–06, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2023–0100.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2026–0041, dated February 27, 2026 (EASA AD 2026–0041). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2026–0041

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2026–0041.

(2) Paragraph (3) of EASA AD 2026–0041 specifies revising the approved aircraft maintenance program (AMP) within 12

months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2026–0041 is at the applicable limitations and associated thresholds as incorporated by the requirements of paragraph (3) of EASA AD 2026–0041.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2026–0041.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0041.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2026–0041.

(m) 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 (n) 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.

(n) Additional Information

For more information about this AD, contact Amanda Pieraccini, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7329; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on October 16, 2026.

(i) European Union Aviation Safety Agency (EASA) AD 2026–0041, dated February 27, 2026.

(ii) [Reserved]

(4) The following material was approved for IBR on January 16, 2024 (88 FR 86029, December 12, 2023).

(i) European Union Aviation Safety Agency (EASA) AD 2023–0100, dated May 11, 2023.

(ii) [Reserved]

(5) 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*.

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

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

Issued on August 31, 2026.

Paul R. Bernado,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–18601 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2287; Project Identifier MCAI–2025–01208–E; Amendment 39–23459; AD 2026–18–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–06–16 for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211 Trent 768–60, 772–60, and 772B–60 engines. AD 2020–06–16 required initial and repetitive ultrasonic inspections (UIs) of the affected low-pressure compressor (LPC) blades and, depending on the results of the UIs, replacement with a part eligible for installation. Since the FAA issued AD 2020–06–16, RRD issued updated service material providing improvements to the ultrasonic inspection procedures and updated initial inspection compliance times. This AD requires initial and repetitive UIs of the affected LPC blades for sub-surface anomalies and, depending on the results of the UIs, replacement with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2287; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–2287.

FOR FURTHER INFORMATION CONTACT: Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228–7309; email: *alexis.j.whitaker@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–06–16, Amendment 39–19885 (85 FR 17738, March 31, 2020) (AD 2020–06–16). AD 2020–06–16 applied to certain RRD Model RB211 Trent 768–60, 772–60, and 772B–60 engines. AD 2020–06–16 required initial and repetitive UIs of the affected LPC blades and, depending on the results of the UIs, replacement with a part eligible for installation. The FAA

issued AD 2020–06–16 to prevent LPC blade airfoil separation.

The NPRM was published in the **Federal Register** on March 3, 2026 (91 FR 10349). The NPRM was prompted by EASA AD 2025–0144, dated July 9, 2025 (EASA AD 2025–0144) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that occurrences have been reported of LPC partial airfoil blade release events on RRD Model Trent 700 engines. The MCAI also states that RRD issued updated service material providing improvements to the ultrasonic inspection procedures and updated initial inspection compliance times.

In the NPRM, the FAA proposed to continue to require initial and repetitive UIs of the affected LPC blades for sub-surface anomalies and, depending on the results of the UIs, replacement with a part eligible for installation.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2287.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. Commenters included the Air Line Pilots Association, International (ALPA) and an anonymous commenter. ALPA supported the NPRM without change. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Reporting Requirement

An individual commenter requested that the FAA clarify why paragraph (i) of the proposed AD eliminates the manufacturer's reporting requirement, including identifying what specific data elements are collected under the EASA AD specifications and whether the data is used by RRD to monitor fleet-wide anomaly rates, refine inspection intervals, or update service instructions. The commenter stated that the NPRM removes the requirement to submit inspection findings to RRD but does not describe the content of that requirement or provide any reasoned explanation for its omission. The commenter also stated that if the reporting requirement supports fleet-level surveillance or service bulletin development, its omission would disrupt the data feedback loop and reduce the completeness of data available to the manufacturer. The commenter asserted that if the requirement does not serve these functions, the FAA should explicitly state as much.

The FAA disagrees with the request. The FAA normally requires reporting if the results are needed to determine the scope of the identified unsafe condition or to develop future corrective actions. For this AD, reporting is not necessary as the inspection and replacement of the LPC blade addresses the unsafe condition. Operators are encouraged to voluntarily submit data to RRD by normal processes. The FAA did not change this AD as a result of this comment.

Request To Clarify Effective Date Exception

An individual commenter requested that the FAA clarify why paragraph (h)(1) of the proposed AD substitutes the effective date of the FAA AD for all references to the effective date of EASA AD 2025–0144. The commenter stated that the FAA should not replace EASA AD effective dates with FAA AD effective dates without identifying how EASA AD 2025–0144 measures its compliance times, the resulting inspection deadlines under both effective dates, and whether any affected engines would operate longer before initial inspection under the FAA rule than under the EASA AD specifications. The commenter noted that compliance times are date-relative and substitution of the FAA AD effective date extends the initial inspection window for U.S.-registered engines relative to the EASA AD specifications. The commenter asserted that without this comparison, the record does not demonstrate that the proposed framework avoids a timing gap for a known blade release hazard or maintains equivalence with EASA's safety intent.

The FAA acknowledges the commenter's concerns and clarifies that FAA standard procedure is to reference the FAA AD effective date rather than the EASA AD effective date because applying the EASA effective date would impose retroactive compliance requirements and could place operators in immediate noncompliance upon issuance of the FAA AD. The use of the FAA AD effective date rather than the EASA AD effective date prevents grounding of airplanes that are above the threshold while still allowing for an acceptable level of safety. The FAA did not change this AD as a result of this comment.

Request To Clarify Retainment of Affected Part Numbers

An individual commenter requested that the FAA clarify whether part numbers FK25441, FK25968, FW11901, and FW15393, which were removed from the applicability of EASA AD 2025–0144, are currently installed on U.S.-registered engines and, if so, identify the estimated number of affected engines or parts. The commenter stated that if the FAA lacks current installation data at the part-number level, it should consult RRD service records or require operators to report current installation status as part of the initial compliance action, rather than imposing indefinite regulatory applicability on parts that may no longer be in service.

The FAA disagrees with request because the unsafe condition applies to part numbers FK25441, FK25968, FW11901, and FW15393, regardless of whether they are currently in service or not. The LPC blades are rotable parts that can be later installed in engines. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0144, which specifies procedures for performing an ultrasonic inspection of the LPC blade for sub-surface anomalies, and replacement, if necessary.

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.

Differences Between This AD and the MCAI

Where EASA AD 2025–0144 applies to RRD Model RB211 Trent 772C–60 engines, this AD does not, as these engines do not have an FAA type certificate.

Where EASA AD 2025–0144 removes LPC part numbers FK25441, FK25968,

FW11901, and FW15393 from the affected parts list, this AD includes these part numbers in the applicability in the event that any of these parts remain in service.

Costs of Compliance

The FAA estimates that this AD affects 140 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect LPC blade	37 work-hours × $85 per hour = $3,145	$0	$3,145	$440,300

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The agency has no way of determining the number of engines that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace one LPC blade	6 work-hours × $85 per hour = $510	$225,000	$225,510

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–06–16, Amendment 39–19885 (85 FR 17738, March 31, 2020); and

■ b. Adding the following new airworthiness directive:

2026–18–04 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–23459; Docket No. FAA–2026–2287; Project Identifier MCAI–2025–01208–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 16, 2026.

(b) Affected ADs

This AD replaces AD 2020–06–16, Amendment 39–19885 (85 FR 17738, March 31, 2020).

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211 Trent 768–60, 772–60, and 772B–60 engines, with a low-pressure compressor (LPC) blade having part number (P/N) FK23411, FK25441, FK25968, FW11901, FW15393, FW23643, FW23741, FW23744, KH23403, KH23404, or LV11570, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of LPC partial airfoil blade release events. The FAA is issuing this AD to prevent LPC blade airfoil separation. The unsafe condition, if not addressed, could result in engine nose cowl loss, under cowl fires, forward projection of secondary debris, damage to the engine, damage to the airplane, and injury to persons on the ground.

(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: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0144, dated July 9, 2025 (EASA AD 2025–0144).

(h) Exceptions to EASA AD 2025–0144

(1) Where EASA AD 2025–0144 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the Groups definition in EASA AD 2025–0144 specifies ''NMSB'', this AD requires replacing that text with ''RR Alert NMSB RB.211–72–AL191, Initial Issue, dated May 30, 2025''.

(3) Where the definition of an affected part in EASA AD 2025–0144 specifies ''Part Number (P/N) FK23411, FW23643, FW23741,

FW23744, KH23403, KH23404 or P/N LV11570'', this AD requires replacing that text with ''P/N FK23411, FW23643, FW23741, FW23744, FK25441, FK25968, FW11901, FW15393, KH23403, KH23404, or LV11570, installed''.

(4) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2025–0144.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0144 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 (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 Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228–7309; email: *alexis.j.whitaker@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0144, dated July 9, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*; website: *easa.europa.eu.* You may find 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, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on August 28, 2026.

Brian Knaup,

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

[FR Doc. 2026–18559 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2026–N–9907]

Medical Devices; Cardiovascular Devices; Classification of the Cardiovascular Machine Learning-Based Notification Software

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the cardiovascular machine learning-based notification software 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 cardiovascular machine learning-based notification software. 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 11, 2026. The classification was applicable on August 3, 2023.

FOR FURTHER INFORMATION CONTACT: Hetal Odobasic, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2108, Silver Spring, MD 20993–0002, 240–402–6540, *Hetal.Odobasic@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the cardiovascular machine learning-based notification software 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 10, 2023, FDA received Viz.ai, Inc.'s request for De Novo classification of the Viz HCM 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 August 3, 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 870.2380.[1] We have named the generic type of device ''cardiovascular machine learning-based notification software,'' and it is identified as software that employs machine learning techniques to suggest the likelihood of a cardiovascular disease or condition for further referral or diagnostic follow-up. The software identifies a single condition based on one or more non-invasive physiological inputs as part of routine medical care. It is intended as the basis for further testing and is not intended to provide diagnostic quality output. It is not intended to identify or detect arrhythmias.

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 CARDIOVASCULAR MACHINE LEARNING-BASED NOTIFICATION SOFTWARE

Identified risks to health	Mitigation measures
False positive or false negative leading to incorrect treatment or diagnosis.	Clinical performance testing; Non-clinical performance testing; and Labeling.
Incorrect treatment or diagnosis due to model bias or failure to adequately generalize to the intended use population.	Clinical performance testing; and Labeling.
Device used in unsupported patient population or with unsupported input/hardware.	Labeling; Human factors assessment; and Software verification, validation, and hazard analysis.
Overreliance on device output for follow-up	Human factors assessment; 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 cardiovascular machine learning-based notification software. 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;

[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.

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, 360*l,* 371.

■ 2. Add § 870.2380 to subpart C to read as follows:

§ 870.2380 Cardiovascular machine learning-based notification software.

(a) *Identification.* Cardiovascular machine learning-based notification software employs machine learning techniques to suggest the likelihood of a cardiovascular disease or condition for further referral or diagnostic follow-up. The software identifies a single condition based on one or more non-invasive physiological inputs as part of routine medical care. It is intended as the basis for further testing and is not intended to provide diagnostic quality output. It is not intended to identify or detect arrhythmias.

(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. The following must be met:

(i) Clinical validation must use a test dataset of real-world data acquired from a representative patient population. Data must be representative of the range of data sources and data quality likely to be encountered in the intended use population and relevant use conditions in the intended use environment. The test dataset must be independent from data used in training/development and contain sufficient numbers of cases from important cohorts (*e.g.,* demographic populations, subsets defined by clinically relevant confounders, comorbidities, and subsets defined by hardware and acquisition characteristics) such that the performance estimates and confidence intervals of the device for these individual subsets can be characterized for the intended use population and acquisition systems (*e.g.,* acquisition hardware or preprocessing software). Study protocols must include a description of the adjudication process(es) for determining ground truth of training and test datasets;

(ii) Data must be provided within the clinical validation study or using equivalent datasets to demonstrate the consistency of the output over the full range of inputs;

(iii) Performance goals used to determine success of clinical validation must be justified in the context of risks associated with follow-up testing;

(iv) Objective performance measures (*e.g.,* sensitivity, specificity, positive predictive value or negative predictive value) must be reported with relevant descriptive or developmental performance measures. Summary level demographic information and sub-group analyses must be provided for each study site, relevant demographic sub-groups, and acquisition systems; and

(v) The test dataset must include a minimum of three geographically diverse sites, separate from sites used in training of the model.

(2) Software verification, validation, and hazard analysis must be performed. Software documentation must include:

(i) A description of the model/algorithm, algorithm inputs/outputs, and supported patient population;

(ii) Integration testing in the intended software system or software environment; and

(iii) A description of the expected impact of all applicable sensor acquisition hardware characteristics on performance and any associated hardware specifications, including:

(A) A description of input signal/data quality control measures; and

(B) A description of all mitigations for user error or failure of any subsystem components (including signal detection, signal analysis, data display, and storage) on output accuracy.

(3) Human factors assessment of the intended users in the intended use environment must evaluate the risk of misinterpretation of device output.

(4) Labeling must include:

(i) A summary of the performance testing methods, tested hardware, tested/supported patient population, results of the performance testing for tested performance measures/metrics, summary-level descriptions of patient demographics and associated subgroup analyses for training and test datasets, and the expected minimum performance of the device;

(ii) Device limitations or subpopulations for which the device may not perform as expected;

(iii) Warning that the user should not rely on the lack of a suspected finding to rule out follow-up;

(iv) A statement that the device output should not replace a full clinical evaluation of the patient and that the output may not be sufficient as the sole basis for further testing;

(v) Warnings identifying sensor acquisition factors that may impact measurement results;

(vi) Guidance for interpretation of the measurements and typical follow-up testing; and

(vii) The type(s) of hardware sensor data used, including specification of compatible sensors for data acquisition.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18612 Filed 9–10–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 13103]

RIN 1400–AG34

Amendment to the International Traffic in Arms Regulations: Prohibited Exports, Imports, and Sales to or From Certain Countries—Cyprus

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations to reflect current defense trade policy toward Cyprus.

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

FOR FURTHER INFORMATION CONTACT: Mr. Damon Smith, Foreign Affairs Officer, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 596–3616; email: *DDTCCustomerService@state.gov.* ATTN: Regulatory Change, ITAR Section 126.1 Cyprus Country Policy Update.

SUPPLEMENTARY INFORMATION: The Department of State (the Department) amends section 126.1 of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130) to specify that the Republic of Cyprus' status as a proscribed destination is suspended from October 1, 2026, through September 30, 2027. This action continues the Department's current policy, which originally lifted the arms embargo to the Republic of Cyprus, under section 126.1 of the ITAR, on October 1, 2022.

Specifically, section 1250A(d) of the National Defense Authorization Act for

Fiscal Year 2020 (P.L. 116–92) (2020 NDAA) and section 205(d) of the Eastern Mediterranean Security and Energy Partnership Act of 2019 (P.L. 116–94, Div. J.) (EMSEPA) provide that the policy of denial for exports, reexports, and transfers of defense articles on the United States Munitions List to the Republic of Cyprus shall remain in place unless the President determines and certifies to the appropriate congressional committees not less than annually that: (A) the Government of the Republic of Cyprus is continuing to cooperate with the United States Government in efforts to implement reforms on anti-money laundering regulations and financial regulatory oversight; and (B) the Government of the Republic of Cyprus has made and is continuing to take the steps necessary to deny Russian military vessels access to ports for refueling and servicing.

On April 14, 2020, the President delegated to the Secretary of State the functions and authorities vested by the 2020 NDAA and the EMSEPA (85 FR 35797, June 12, 2020). On July 10, 2026, utilizing these authorities, the Secretary of State certified to the appropriate congressional committees that the Republic of Cyprus meets the statutory requirements to remove the policy of denial for exports, reexports, and transfers of defense articles to the Republic of Cyprus for fiscal year 2027. The Secretary of State further approved the suspension of the policy of denial for exports, reexports, and transfers of defense articles and defense services to the Republic of Cyprus for fiscal year 2027. In conjunction with this action, the Secretary of State also suspended the policy of denial for retransfers and temporary imports destined for or originating in the Republic of Cyprus and brokering activities involving the Republic of Cyprus for fiscal year 2027.

As a result of this certification, certain exemptions to licensing requirements continue to be available for exports, reexports, retransfers, and temporary imports destined for or originating in the Republic of Cyprus and brokering activities involving the Republic of Cyprus, provided the conditions for use of those exemptions are met. Applications for licenses and other authorizations submitted to the Directorate of Defense Trade Controls involving the Republic of Cyprus and nationals of the Republic of Cyprus are subject to case-by-case review.

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking involves a military or foreign affairs function of the United States under 5 U.S.C. 553(a). As the provisions of section 553 do not apply to this rulemaking, the Department is publishing this rule with a specified effective date and without a request for public comment.

Regulatory Flexibility Act

This rule is exempt from the notice-and-comment rulemaking provisions of 5 U.S.C. 553, so it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this rulemaking is not a major rule under the criteria of 5 U.S.C. 804. This rule will not increase costs or prices and should have no adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets. The Department does not expect this rule to have an annual effect on the economy of $100 million or more.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Because this rule merely extends a governmental policy that has already been in place for four years and does not impose additional regulatory requirements or obligations, the Department believes costs associated with this rule will be minimal. This rule has been designated as a significant regulatory action by the Office of Information and Regulatory Affairs under Executive Order 12866, as amended.

Executive Order 14192

This rule is exempt from the requirements of Executive Order 14192 because it relates to a military, national security, or foreign affairs function of the United States.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, part 126 is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: 22 U.S.C. 287c, 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2780, 2791, 2797; sec. 1225, Pub. L. 108–375, 118 Stat. 2091; sec. 7045, Pub. L. 112–74, 125 Stat. 1232; sec. 1250A, Pub. L 116–92, 133 Stat. 1665; sec. 205, Pub. L. 116–94, 133 Stat. 3052; E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 2. Amend § 126.1 by revising paragraph (r)(2) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(r) * * *

(2) From October 1, 2026, through September 30, 2027, the policy of denial and the status of Cyprus as a proscribed destination is suspended.

* * * * *

Thomas G. DiNanno,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 2026–18630 Filed 9–10–26; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[Docket No. FHWA–2026–0498]

RIN 2125–AG31

Route Designations—Vehicle Length, Width, and Weight Limitations

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT or Department).

ACTION: Final rule.

SUMMARY: This final rule makes the following changes to the National Network (NN) in Syracuse, New York: the de-designation of the segment of the NN from Interstate 81 (I–81) between the New York, Susquehanna, and Western Railway bridge and the I–81/I–690 interchange (I–81 Viaduct); and the addition to the NN of the signalized surface urban arterial roadway system (Community Grid) that replaces the I–81 Viaduct and is designated as part of Business Loop 81 (BL 81). The remainder of I–81 between the I–81/I–690 interchange and the I–81/I–481 interchange (Exit 29) will be reclassified as BL 81 and remain on the NN. Interstate 481 (I–481) will be reclassified as I–81 and will remain on the NN. This rule will become effective immediately.

DATES: Effective on September 11, 2026.

FOR FURTHER INFORMATION CONTACT: For technical questions, contact Mike Latuszek, FHWA Office of Freight Management and Operations, (573) 638–2612, or by email at *Michael.Latuszek@dot.gov.* For legal questions, please contact William Winne, FHWA Office of the Chief Counsel, (202) 366–1397, or by email at *William.Winne@dot.gov.* Business hours for FHWA are from 8:00 a.m. to 4:30 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at *www.regulations.gov.* The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at: *www.federalregister.gov* and the Government Publishing Office's website at: *www.GovInfo.gov.*

Background

Title 23 of the Code of Federal Regulations (CFR) under § 658.11 provides for changes to the National Network (NN), a network of highways from each State on which certain authorized commercial vehicles are allowed to operate. The New York State Department of Transportation (NYSDOT) has requested FHWA modify the NN in Syracuse, New York.

National Network

This final rule makes changes to the NN. The NN consists of Interstate System routes (except exempted routes) and those non-Interstate System routes added through the rulemaking process. See 49 United States Code (U.S.C.) 31111(e)–(f) and 31113(e); 23 CFR 658 Appendix A; see also 49 FR 23302 (June 5, 1984). To ensure the NN remains substantially intact, FHWA retains the authority to rule upon all requests for additions to, and deletions from, the NN as well as requests for the imposition of certain restrictions. Pursuant to 23 CFR part 658, specifically § 658.11, requests for modifications to the NN, including justification, must be submitted in writing to the appropriate FHWA Division Office and endorsed by the Governor or the Governor's authorized representative. Proposals for the addition of routes to the NN must also be accompanied by an analysis of suitability based on the criteria in § 658.9. Once a non-Interstate System route is added to the NN, it is included in Appendix A of 23 CFR part 658—National Network-Federally Designated Routes.

On July 6, 2021, FHWA received a request from NYSDOT that proposes a modification to NN. The request proposes the de-designation of the segment of I–81 called the I–81 Viaduct from the NN and the addition of the signalized surface urban arterial roadway system called the Community Grid, which replaces the I–81 Viaduct, to the NN. The segment of I–81 between the I–81/I–481 interchange (Exit 16A) and the I–81/I–481 interchange (Exit 29) and the Community Grid would be reclassified as Business Loop 81 (BL 81) and be on the NN. I–481 would be reclassified as I–81, improved as needed to accommodate traffic demand, and would remain on the NN. In the northbound direction, BL 81 would include the Community Grid, which connects the reconstructed Almond Street to Erie Boulevard, to Pearl Street, and then to an on-ramp for the freeway section continuing to the I–81/I–481 interchange. In the southbound direction, BL 81 begins at the I–81/I–481 interchange and transitions from the freeway section to the Community Grid via an off-ramp to Oswego Boulevard, connects to Erie Boulevard and onto reconstructed Almond Street. I–81 northbound and southbound between the I–81/I–690 interchange and the I–81/I–481 interchange would remain as a freeway on the NN and would be reclassified as part of BL 81.

FHWA is acting on this request pursuant to its regulatory authority over revisions to the Interstate System (23 CFR 470.115(a) and 23 CFR 658.11(d)) and guidance on Interstate System de-designations.[1]

The NYSDOT requests to keep BL 81 on the NN. Pursuant to regulation, because the route would no longer be in the Interstate System, it must be added to NN as a non-Interstate System route and be listed in 23 CFR 658 Appendix A. The NYSDOT proposal also provided the required analysis of suitability based on the criteria in § 658.9, which includes a crash analysis and safety study, and documents the effects on interstate commerce, effects on alternate routes, effects on traffic operations, and consultation with local governments.

FHWA reviewed the NYSDOT's proposal and affirms the request to add BL 81 to the NN is consistent with the 23 U.S.C. 658.9 and 658.11, with respect to the criteria for the NN and the procedures for additions to the NN. FHWA approves the addition of BL 81 to the NN and revises existing regulations (23 CFR 658 Appendix A) to reflect the addition.

As the I–81 Viaduct is already part of the NN due to its Interstate designation,

[1] *https://www.fhwa.dot.gov/planning/national_highway_system/interstate_highway_system/withdrawalqa.cfm.*

FHWA has determined there would be no substantive impact to the public resulting from the addition of the reconstructed facility, BL 81, to the NN.

Basis for Issuing a Final Rule

For the reasons described in this section, FHWA has determined a final rule is the appropriate mechanism to update part 658. Under the Administrative Procedure Act (APA), the requirement for prior notice and an opportunity for public comment does not apply when the Agency, for good cause, finds those procedures are ''impracticable, unnecessary, or contrary to the public interest,'' 5 U.S.C. 553(b)(B). FHWA finds ''good cause'' to issue this final rule without notice and an opportunity for public comment because such procedures are ''impracticable'' and ''unnecessary'' for this rulemaking. First, prior notice and public comment are impracticable because FHWA has no discretion but to make changes to reflect the redesignation of this section of roadway for a nearly completed project. Construction on the project began with the first phase contract issued on January 12, 2023 and interstate traffic will be permanently rerouted in late 2026 as part of the final phase. Second, notice and opportunity for public comment are unnecessary because these changes are technical in nature to change the road designation.

For these same reasons, FHWA finds ''good cause'' exists under 5 U.S.C. 553(d)(3) for the rule to become effective immediately.

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Rulemaking Policies and Procedures (49 CFR Part 5)

This rule does not meet the criteria of a ''significant regulatory action'' under Executive Order 12866, as amended by Executive Orders 14215 and 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule. This final rule is not expected to have any economic impact because it is merely a procedural step to align a regulatory appendix with a project that is already underway and nearly complete.

Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not an Executive Order 14192 regulatory action.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), Agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). As discussed previously, FHWA has determined prior notice and opportunity for public comment is unnecessary under the APA. Because a notice of proposed rulemaking is not required for this action pursuant to 5 U.S.C. 553, or any other law, no regulatory flexibility analysis has been prepared for this final rule. See 5 U.S.C. 601(2), 603(a).

Unfunded Mandates Reform Act of 1995

FHWA has determined this action will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). As discussed above, FHWA finds this regulatory action will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1532). In addition, the definition of ''Federal mandate'' in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

FHWA has analyzed this action in accordance with the principles and criteria contained in Executive Order 13132. FHWA has determined this action will not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined this action will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal Agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulations. This action does not require the collection of information.

National Environmental Policy Act

FHWA has analyzed this action for the purpose of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and has determined this action would not have a significant effect on the quality of the environment and qualifies for the categorical exclusion (CE) at 23 CFR 771.117(c)(20), which applies to the promulgation of rules and regulations. Categorically excluded actions meet the criteria for CEs under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

Executive Order 13175 (Tribal Consultation)

FHWA has analyzed this rule under Executive Order 13175 and believes it would not have substantial direct effects on one or more Indian Tribes, would not impose substantial direct compliance costs on Indian Tribal governments, and would not preempt Tribal law. This rule would not impose any direct compliance requirements on Indian Tribal governments nor would it have any economic or other impacts on the viability of Indian Tribes. Therefore, a Tribal summary impact statement is not required.

Regulation Identification Number

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

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers.

Issued under authority delegated in 49 CFR 1.81(a)(3):

Sean McMaster,

Administrator, Federal Highway Administration.

In consideration of the foregoing, FHWA amends title 23, Code of Federal Regulations, part 658, as set forth below:

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

■ 1. The authority citation for part 658 continues to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. 31111, 31112, and 31114; sec. 347, Pub. L. 108–7, 117 Stat. 419; sec. 756, Pub. L. 109–58, 119 Stat. 829; sec. 1309, Pub. L. 109–59, 119 Stat. 1219; sec. 115, Pub. L. 109–115, 119 Stat. 2408; sec. 5516, Pub. L. 114–94, 129 Stat. 1312, 1557; 49 CFR 1.81(a)(3).

■ 2. Amend Appendix A to part 658 in the section for ''New York'' by adding an entry for ''Business Loop 81 (BL 81) to the end of the section:

Appendix A to Part 658—National Network—Federally-Designated Routes

* * * * *

Route	From	To
*	*	*
New York		
*	*	*
Business Loop 81 (BL 81).	I–81 Southern Interchange, Syracuse.	NY481/I–81 Northern Interchange, Cicero.
*	*	*

[FR Doc. 2026–18548 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 582

Publication of Nicaragua Sanctions Regulations Web General License 5

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Nicaragua Sanctions Regulations: GL 5, which was previously made available on OFAC's website.

DATES: GL 5 was issued on April 16, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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 April 16, 2026, OFAC issued GL 5 to authorize certain transactions otherwise prohibited by the Nicaragua Sanctions Regulations, 31 CFR part 582. This GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Nicaragua Sanctions Regulations

31 CFR Part 582

GENERAL LICENSE NO. 5

Authorizing the Wind Down of Transactions Involving Exportadora de Metales Sociedad Anonima

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Nicaragua Sanctions Regulations, 31 CFR part 582 (the NSR), that are ordinarily incident and necessary to the wind down of any transaction involving Exportadora de Metales Sociedad Anonima (EMSA), or any entity in which EMSA owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, May 16, 2026, provided that any payment to a blocked person is made into a blocked account in accordance with the NSR.

(b) This general license does not authorize any transactions otherwise prohibited by the NSR, including transactions involving any person blocked pursuant to the NSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: April 16, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18565 Filed 9–10–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General Licenses 50A and 51A

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two general licenses (GLs) issued pursuant to the Venezuela Sanctions Regulations: GLs 50A and 51A, each of which was previously made available on OFAC's website.

DATES: GL 50A was issued on February 18, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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 February 18, 2026, OFAC issued GL 50A to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations, 31 CFR part 591 (VSR). GL 50A replaced and superseded GL 50. On March 27, 2026, OFAC issued GL 51A to authorize certain transactions otherwise prohibited by VSR. GL 51A replaced and superseded GL 51. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 50A

Authorizing Transactions Related to Oil or Gas Sector Operations in Venezuela of Certain Entities

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), including those involving the Government of Venezuela, Petróleos de Venezuela, S.A. (PdVSA), or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest (collectively, ''PdVSA Entities''), that are related to oil or gas sector operations in Venezuela of the entities listed in the Annex to this general license and their subsidiaries are authorized, provided that:

(1) Any contract for such transactions with the Government of Venezuela, PdVSA, or PdVSA Entities specify that the laws of the United States or any

jurisdiction within the United States govern the contract and that any dispute resolution under the contract occur in the United States; and

(2) Any monetary payment to a blocked person, excluding payments for local taxes, permits, or fees, is made into the Foreign Government Deposit Funds, as specified in Executive Order 14373 of January 9, 2026, or any other account as instructed by the U.S. Department of the Treasury.

Note 1 to Paragraph (a)(2). Any payments of oil or gas taxes or royalties to the Government of Venezuela, PdVSA, or any PdVSA Entity must be paid into the Foreign Government Deposit Funds or any other account as instructed by the U.S. Department of the Treasury.

(b) This general license does not authorize:

(1) Payment terms that are not commercially reasonable, involve debt swaps or payments in gold, or are denominated in digital currency, digital coin, or digital tokens issued by, for, or on behalf of the Government of Venezuela, including the petro;

(2) Any transaction involving a person located in the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the People's Republic of China, or any entity that is owned or controlled by or in a joint venture with such persons;

(3) The unblocking of any property blocked pursuant to the VSR; or

(4) Any transaction involving a blocked vessel.

(c) Any person that engages in transactions pursuant to this general license must provide a detailed report to *Sanctions_inbox@state.gov* and *VZReporting@doe.gov* that identifies:

(1) The parties involved;

(2) A description of the transactions, including, as relevant, the quantities, values, and dates of the transactions; and

(3) Any taxes, fees, or other payments provided to the Government of Venezuela.

(d) Reports described in paragraph (c) are due ten days after the execution of the first of such transactions and every 90 days thereafter while such transactions are ongoing.

(e) Effective February 18, 2026, General License No. 50, dated February 13, 2026, is replaced and superseded in its entirety by this General License No. 50A.

Note to General License No. 50A. Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 18, 2026.

Annex—Entities Described in Paragraph (a) of General License 50A

List of Entities Described in Paragraph (a) of General License 50A as of February 18, 2026:

Entity

BP PLC
Chevron Corporation
Eni S.p.A.
Établissements Maurel & Prom SA
Repsol S.A.
Shell PLC

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 51A

Authorizing Certain Activities Involving Venezuelan-Origin Minerals, Including Gold

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), including those involving the Government of Venezuela, CVG Compania General de Mineria de Venezuela CA (Minerven), or any entity in which Minerven owns, directly or indirectly, a 50 percent or greater interest (collectively, ''Minerven Entities''), that are ordinarily incident and necessary to the exportation, reexportation, sale, resale, supply, storage, purchase, delivery, or transportation of Venezuelan-origin minerals, including gold, by an established U.S. entity, are authorized, provided that:

(1) Any contract for such transactions with the Government of Venezuela, Minerven, or Minerven Entities specify that the laws of the United States or any jurisdiction within the United States govern the contract and that any dispute resolution under the contract occur in the United States; and

(2) Any monetary payment to a blocked person, excluding payments for local taxes, permits, or fees, is made into the Foreign Government Deposit Funds, as specified in Executive Order 14373 of January 9, 2026, or any other account as instructed by the U.S. Department of the Treasury.

Note 1 to Paragraph (a). For purposes of this general license, the term ''established U.S. entity'' means any entity organized under the laws of the United States or any jurisdiction within the United States on or before January 29, 2025.

Note 2 to Paragraph (a). Transactions authorized by paragraph (a) include conducting commercial, legal, technical, safety, and environmental due diligence and assessments ordinarily incident to the activity authorized in paragraph (a). Transactions authorized by paragraph (a) also include arranging shipping and logistics services, including chartering vessels, arranging security services, obtaining marine insurance and protection and indemnity (P&I) coverage, and arranging port and terminal services, including with port authorities or terminal operators that are part of the Government of Venezuela.

Note 3 to Paragraph (a). Transactions authorized by paragraph (a) include the processing or refining of such minerals, except as provided by paragraph (b).

(b) This general license does not authorize:

(1) Payment terms that are not commercially reasonable, involve debt swaps or in-kind payments, or are denominated in digital currency, digital coin, or digital tokens issued by, for, or on behalf of the Government of Venezuela, including the petro;

(2) Any transaction involving a person located in or organized under the laws of the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, or any entity that is owned or controlled, directly or indirectly, by or in a joint venture with such persons;

(3) Any transaction involving an entity located in or organized under the laws of Venezuela or the United States that is owned or controlled, directly or indirectly, by or in a joint venture with a person located in or organized under the laws of the People's Republic of China;

(4) Any transaction involving the processing or refining of Venezuelan-origin minerals, including gold, in the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, or the People's Republic of China;

(5) The unblocking of any property blocked pursuant to the VSR;

(6) Any transaction involving a blocked vessel; or

(7) Exploration, development, mining, extraction, processing, refining, or production of minerals in Venezuela or the formation of joint ventures or other entities in Venezuela to engage in the foregoing activities.

(c) Any person that exports, reexports, sells, resells, purchases, or supplies Venezuelan-origin minerals, including gold, pursuant to this general license must provide a detailed report to *Sanctions_inbox@state.gov* and *ofac_intake@doi.gov* that identifies, for each of these transactions:

(1) The parties involved;

(2) Documentation demonstrating supply chain due diligence plans to determine the chain of custody of the minerals;

(3) Quantities, descriptions, and purchase prices of the minerals;

(4) The dates the transactions occurred; and

(5) Any taxes, fees, or other payments provided to the Government of Venezuela.

(d) Reports described in paragraph (c) are due ten days after the execution of the first of such transactions and every 30 days thereafter while such transactions are ongoing.

(e) Effective March 27, 2026, General License No. 51, dated March 6, 2026, is replaced and superseded in its entirety by this General License No. 51A.

Note to General License No. 51A. Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: March 27, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18572 Filed 9–10–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General Licenses 30B and 51.

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two general licenses (GLs) issued pursuant to the Venezuela Sanctions Regulations: GLs 30B and 51, each of which was previously made available on OFAC's website.

DATES: GL 30B was issued on February 10, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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 February 10, 2026, OFAC issued GL 30B to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations, 31 CFR part 591 (VSR). GL 30B replaced and superseded GL 30A. On March 6, 2026, OFAC issued GL 51, also to authorize certain transactions otherwise prohibited by the VSR. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 30B

Authorizing Certain Transactions Necessary to Port and Airport Operations

(a) Except as provided in paragraph (c) of this general license, all transactions and activities involving the Government of Venezuela prohibited by Executive Order (E.O.) 13884 of August 5, 2019, as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), that are ordinarily incident and necessary to operations or use of ports and airports in Venezuela are authorized.

(b) Except as provided in paragraph (c) of this general license, all transactions and activities prohibited by E.O. 13850 of November 1, 2018, as amended by E.O. 13857 of January 25, 2019, and incorporated into the VSR, involving the Instituto Nacional de los Espacios Acuaticos (INEA), or any entity in which INEA owns, directly or indirectly, a 50 percent or greater interest, that are ordinarily incident and necessary to operations or use of ports and airports in Venezuela are authorized.

(c) This general license does not authorize any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V, or any transactions or activities with any blocked person other than INEA, or any entity in which INEA owns, directly or indirectly, a 50 percent or greater interest, or any Government of Venezuela person that is blocked solely pursuant to E.O. 13884, unless separately authorized.

(d) Effective February 10, 2026, General License No. 30A, dated February 2, 2021, is replaced and superseded in its entirety by this General License No. 30B.

Note to General License No. 30B: Nothing in this general license relieves any exporter from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 10, 2026.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 51

Authorizing Certain Activities Involving Venezuelan-Origin Gold

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), including those involving the Government of Venezuela, CVG Compania General de Mineria de Venezuela CA (Minerven), or any entity in which Minerven owns, directly or indirectly, a 50 percent or greater interest (collectively, ''Minerven Entities''), that are ordinarily incident and necessary to the exportation, sale, supply, storage, purchase, delivery, or transportation of Venezuelan-origin gold for importation into the United States, the refining of such gold in the United States, and the resale or exportation of such gold from the United States, by an established U.S. entity, are authorized, provided that:

(1) Any contract for such transactions with the Government of Venezuela, Minerven, or Minerven Entities specify that the laws of the United States or any jurisdiction within the United States govern the contract and that any dispute resolution under the contract occur in the United States; and

(2) Any monetary payment to a blocked person, excluding payments for local taxes, permits, or fees, is made into the Foreign Government Deposit Funds, as specified in Executive Order 14373 of January 9, 2026, or any other account as instructed by the U.S. Department of the Treasury.

Note 1 to Paragraph (a). For purposes of this general license, the term ''established U.S. entity'' means any entity organized under the laws of the United States or any jurisdiction within the United States on or before January 29, 2025.

Note 2 to Paragraph (a). Transactions authorized by paragraph (a) include conducting commercial, legal, technical, safety, and environmental due diligence and assessments ordinarily incident to the activity authorized in paragraph (a). Transactions authorized by paragraph (a) also include arranging shipping and logistics services, including chartering vessels, arranging security services, obtaining marine insurance and protection and indemnity (P&I) coverage, and arranging port and terminal services, including with port authorities or terminal operators that are part of the Government of Venezuela.

(b) This general license does not authorize:

(1) Payment terms that are not commercially reasonable, involve debt swaps or in-kind payments, or are denominated in digital currency, digital coin, or digital tokens issued by, for, or on behalf of the Government of Venezuela, including the petro;

(2) Any transaction involving a person located in or organized under the laws of the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, or any entity that is owned or controlled, directly or indirectly, by or in a joint venture with such persons;

(3) Any transaction involving an entity located in or organized under the laws of Venezuela or the United States that is owned or controlled, directly or indirectly, by or in a joint venture with a person located in or organized under the laws of the People's Republic of China;

(4) The unblocking of any property blocked pursuant to the VSR;

(5) Any transaction involving a blocked vessel; or

(6) Mining, exploration, production, or refining of gold in Venezuela or the formation of joint ventures or other entities in Venezuela to engage in the foregoing activities.

(c) Any person that exports, reexports, sells, resells, purchases, or supplies Venezuelan-origin gold pursuant to this general license must provide a detailed report to *Sanctions_inbox@state.gov* and *ofac_intake@doi.gov* that identifies, for each of these transactions:

(1) The parties involved;

(2) Documentation demonstrating supply chain due diligence plans to determine the chain of custody of the gold;

(3) Quantities, descriptions, and purchase prices of the gold;

(4) The dates the transactions occurred; and

(5) Any taxes, fees, or other payments provided to the Government of Venezuela.

(d) Reports described in paragraph (c) are due ten days after the execution of the first of such transactions and every 30 days thereafter while such transactions are ongoing.

Note to General License No. 51. Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: March 6, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18569 Filed 9–10–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 594 and 599

Publication of Global Terrorism Sanctions Regulations and Illicit Drug Trade Sanctions Regulations Web General License 35

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a general license (GL) issued pursuant to the Global Terrorism Sanctions Regulations and the Illicit Drug Trade Sanctions Regulations: GL 35. This GL was previously made available on OFAC's website.

DATES: GL 35 was issued on April 14, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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 April 14, 2026, OFAC issued GL 35 to authorize certain transactions otherwise prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594, and the Illicit Drug Trade Sanctions Regulations, 31 CFR part 599. GL 35 has an expiration date of May 14, 2026. GL 35 was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Global Terrorism Sanctions Regulations

31 CFR Part 594

Illicit Drug Trade Sanctions Regulations

31 CFR Part 599

GENERAL LICENSE NO. 35

Authorizing the Wind Down of Transactions Involving Entities Blocked on April 14, 2026

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594 (GTSR), or the Illicit Drug Trade Sanctions Regulations, 31 CFR part 599 (IDTSR), that are ordinarily incident and necessary to the wind down of any transaction involving the following entities are authorized through 12:01 a.m. eastern daylight time, May 14, 2026, provided that any payment to a blocked person is made into a blocked account in accordance with the IDTSR and GTSR:

(1) Comercializadora y Arrendadora de Mexico, S.A. de C.V. (CAMSA);

(2) Casino Centenario;

(3) Diamante Casino; or

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize any transactions otherwise prohibited by the GTSR or IDTSR, including transactions involving any person blocked pursuant to the GTSR or IDTSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: April 14, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18563 Filed 9–10–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Publication of Iran-Related Web General Licenses CC and DD.

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two Iran-related general licenses (GLs): GLs CC and DD, which were previously made available on OFAC's website upon issuance.

DATES: GL CC was issued on September 4, 2026. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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 September 4, 2026, OFAC issued GL CC to authorize certain transactions otherwise prohibited by Executive Order (E.O.) 13902 of January 10, 2020, ''Imposing Sanctions With Respect to Additional Sectors of Iran'' (85 FR 2003, January 14, 2020) that are ordinarily incident and necessary to the wind down of transactions involving certain entities through 12:01 a.m. eastern daylight time, September 19, 2026. On September 8, 2026, OFAC issued GL DD to authorize, through 12:01 a.m. eastern daylight time, September 23, 2026, certain transactions otherwise prohibited by the Iranian Transactions and Sanctions Regulations (ITSR), 31 CFR part 560, that are ordinarily incident and necessary to the wind down of transactions that were previously authorized by the general licenses listed in GL DD. These GLs were made available on OFAC's website (*https://ofac.treasury.gov*) when they were issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13902 of January 10, 2020

(''Imposing Sanctions With Respect to Additional Sectors of Iran'')

GENERAL LICENSE CC

Authorizing the Wind Down of Transactions Involving Certain Persons Blocked on September 4, 2026

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 13902 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked persons are authorized through 12:01 a.m. eastern daylight time, September 19, 2026, provided that any payment to a blocked person must be made into a blocked, interest-bearing account located in the United States:

(1) Golden Global Yatirim Bankasi Anonim Sirketi;

(2) Golden Global Varlik Kiralama Anonim Sirketi;

(3) Golden Global Portfoy Yonetimi Anonim Sirketi; or

(4) Any entity in which one or more of the above persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest.

(b) This general license does not authorize any transactions otherwise prohibited by E.O. 13902, including transactions involving any person blocked pursuant to E.O. 13902 other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: September 4, 2026.

OFFICE OF FOREIGN ASSETS CONTROL

Iranian Transactions and Sanctions Regulations

31 CFR part 560

GENERAL LICENSE DD

Authorizing the Wind Down of Certain Civil Aviation-Related and Other Transactions Previously Authorized Under the Iranian Transactions and Sanctions Regulations

(a) Except as provided in paragraph (b), all transactions prohibited by the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (the ITSR), that are ordinarily incident and necessary to the wind down of any transaction previously authorized by one or more of the following general licenses are authorized through 12:01 a.m. eastern daylight time, September 23, 2026, provided that any payment to a blocked person is made into a blocked, interest-bearing account located in the United States in accordance with the ITSR:

(1) 31 CFR § 560.522 (''Allowable payments for overflights of Iranian airspace'');

(2) 31 CFR § 560.529 (''Bunkering and emergency repairs''); or

(3) Iran General License J–1 (''Authorizing the reexportation of certain civil aircraft to Iran on temporary sojourn and related transactions'').

(b) This general license does not authorize any other transactions or activities prohibited by any other Executive order or by any other part of 31 CFR chapter V, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: September 8, 2026.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18576 Filed 9–10–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–1133]

Special Local Regulations; Marine Events Within the Sector Columbia River Captain of the Port Zone, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations at one location in the Sector Columbia River Captain of the Port Zone in Portland, OR from September 12, 2026, to September 13, 2026. This action is necessary to provide for the safety of life and property on these navigable waters during marine events. During the enforcement periods, the operator of any vessel in the regulated area must comply with the directions from the Patrol Commander or any official patrol vessel.

DATES: The regulations in 33 CFR 100.1302 will be enforced from 8 a.m. until 5 p.m., each day from September 12, 2026, through September 13, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Commander Jesse Wallace, Waterways Management Division, Sector Columbia River, Coast Guard; telephone 503–572–3524, email *SCRWWM@USCG.MIL.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.1302 for the following event found in line 7 of Table 1 to § 100.1302. The event in line 7, Portland Dragon Boat Races, will be held from 8 a.m. to 5 p.m. on September 12, 2026, through September 13, 2026 in Portland, OR. Regulated area includes the western side of the Willamette River extending from Tom McCall Waterfront Park between the Hawthorne and Marquam Bridges, Portland, OR: Line one starting at 45–30′49″ N/122–40′24″ W then heading east to 45–30′49″ N/122–40′22″ W then heading south to 45–30′29″ N/122–40′08″ W then heading west to 45–30′26″ N/122–40′14″ W then heading north ending at 45–30′49″ N/122–40′24″ W.

During the enforcement periods, as reflected in § 100.1302, if you are the operator of a vessel in the regulated area you must comply with the lawful directions from the Patrol Commander or any official patrol vessel. Vessels may not transit the regulated areas without approval from the Patrol Commander. Vessels permitted to transit must operate at a no wake speed, in a manner which will not endanger participants or other crafts in the event. Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through Local Notice to Mariners, unless authorized by an official patrol vessel. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of these enforcement periods via the Local Notice to Mariners and marine information broadcasts.

Anthony R. Migliorini,

CAPT, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2026–18670 Filed 9–10–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–0423]

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

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego Bayfair special local regulation on the waters of Mission Bay, California from September 18, 2026, through September 20, 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. 9, will be enforced from 6 a.m. until 6 p.m., each day from September 18, 2026, through September 20, 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. 9, for the San Diego Bayfair race regulated area daily from 6 a.m. to 6 p.m., from September 18, 2026, through September 20, 2026. This action is being taken to provide for the safety of life on navigable waterways during this 3-day event. Our regulation for Southern California Annual Marine Events for the San Diego Captain of the Port Zone, § 100.1101, Table 1 to § 100.1101, Item No. 9, specifies the location of the regulated area for the San Diego Bayfair which encompasses the waters of Mission Bay to include Fiesta Bay, the east side of Vacation Isle, and Crown Point shores. 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. 2026–18558 Filed 9–10–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1125]

RIN 1625–AA00

Safety Zone; York River, Yorktown, VA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the York River. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with an over water drone show. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Virginia, or their designated representative.

DATES: This rule is effective from 9 p.m. through 10 p.m. on October 16, 2026.

ADDRESSES: To view documents mentioned as being available in the docket, go to *https://www.regulations.gov* and search for USCG–2026–1125.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Justin Strassfield, Sector Virginia Waterways Management

Division, U.S. Coast Guard; telephone 206–815–7367, or email *VirginiaWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

On August 17, 2026, the Coast Guard received notification that a drone show will be launched on the York River in Yorktown, VA. Typically, drone shows are comprised of approximately 500 to 1,000 lighted drones, weighing approximately four pounds each, moving throughout a predetermined airspace creating images in the night sky. On average, these drones fly between 100 feet and 400 feet above the waterline but can fly as low as 75 feet and reach heights up to 600 feet. Risks associated with drone shows include, but are not limited to, the overhead hazard created by drones potentially falling from the sky and vessel clearance reduction. Some commercial vessel pilothouses and sailboat masts can reach upwards of 200 feet above the waterline, thus creating potential for colliding with drones' mid-flight. The Captain of the Port, Virginia (COTP) has determined that potential hazards associated with the drone show are a safety concern for anyone within 40 meters of the drone show. The COTP is issuing this rule under the authority in 46 U.S.C. 70034, to protect personnel and vessels who might, but for this rule, be in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The period between August 17, 2026, when the Coast Guard was notified of this event, and October 16, 2026, when this safety zone must be in place to protect personnel and vessels is not sufficient to solicit and respond to comments prior to publishing a temporary final rule.

For the same reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from October 16, 2026 at 9:00 p.m. through October 16, 2026 at 10:00 p.m. The safety zone will cover a portion of navigable waters in the York River in the vicinity of Yorktown Beach and Waterfront. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port, Sector Virginia.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–1125 to read as follows:

§ 165.T05–1125 Safety Zone; York River, Yorktown, VA.

(a) *Location.* The following area is a safety zone: All waters of the York River from surface to bottom, encompassed by a line connecting the following points beginning at 37°14′18″ N, 076°30′19″ W; 37°14′16″ N, 076°30′13″ W; 37°14′7″ N, 076°30′18″ W; 37°14′12″ N, 076°30′23″

W. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer with law enforcement authority designated by or assisting the Captain of the Port Virginia (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (877)-722–5727. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 p.m. to 10 p.m. on October 16, 2026.

Dated: September 8, 2026.

B.R. Workman,

CAPT, U.S. Coast Guard, Captain of the Port Sector Virginia.

[FR Doc. 2026–18557 Filed 9–10–26; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 2

[ET Docket No. 21–232; FCC 26–50; FR ID 365005]

Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) takes further steps to strengthen its equipment authorization program against national security risks to the communications supply chain. The Commission closes a component-part loophole by prohibiting authorization of devices that incorporate logic-bearing hardware components produced by an entity identified on the Commission's Covered List, where the device would itself be prohibited from authorization had the Covered List entity produced the entire device. The Commission also requires that any modification or permissive change to equipment by an entity identified on the Covered List undergo full certification, clarifies that its marketing rules reach any entity (including online marketplaces) that markets unauthorized equipment, and requires online marketplaces, subject to limited exceptions, to display a device's FCC ID at the online point of sale. Finally, the Commission amends its definition of ''critical infrastructure,'' as used on the Covered List, and corrects two administrative errors in its rules.

DATES: This final rule is effective October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Mateo Dunne, (202) 418–2615, *mateo.dunne@fcc.gov*, for the Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Report and Order, in ET Docket No. 21–232, FCC 26–50, adopted on July 22, 2026, and released on July 23, 2026. The full text of this document, including the accompanying Third Further Notice of Proposed Rulemaking, is available for public inspection and can be downloaded at *https://docs.fcc.gov/public/attachments/FCC-26-50A1.pdf*. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the *Third Report and Order* on small entities. The FRFA is set forth in Appendix C to the Third Report and Order.

Paperwork Reduction Act. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public and the Office of Management and Budget (OMB) to comment on any information collection requirements contained in this document. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

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 will send a copy of the Third Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

In this document, the Commission continues its multi-year effort, undertaken pursuant to the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) and the Secure Equipment Act of 2021, to protect the communications supply chain from national security threats. Building on the First Report and Order (87 FR 71739, Nov. 22, 2022) and the Second Report and Order (90 FR 53227, Nov. 25, 2025), and on recent Covered List additions identifying uncrewed aircraft systems (UAS), UAS critical components, and routers ''produced in a foreign country,'' the Commission adopts targeted rule changes to close remaining gaps in its equipment authorization, modification, and marketing rules.

A. Logic-Bearing Hardware Components

The Commission prohibits authorization of devices that incorporate a logic-bearing hardware component produced by an entity identified on the Covered List, where the device would itself be prohibited from authorization under 47 CFR 2.903(a) had the Covered List entity produced the device as a whole. The Commission finds that, from a technical perspective, such components pose essentially the same unacceptable risks to national security or the safety and security of U.S. persons as covered equipment itself, because a compromised logic-bearing component can enable interception, disruption, sabotage, or unauthorized access regardless of who assembles or brands the finished device. This action extends the approach the Commission previously took with respect to covered modular transmitters in the Second Report and Order.

The Commission defines ''logic-bearing hardware component'' as any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques, or that generates and uses radio frequency energy to perform data processing functions such as computation, storage, or transfer of data, drawing on the Commission's existing ''digital device'' definition in § 15.3(k) to provide a workable, bright-line standard. The definition excludes purely mechanical or passive components, such as housings, fasteners, resistors, wiring, and plain battery cells. The Commission declines, at this time, to adopt broader proposals that would prohibit all components (rather than only logic-bearing hardware components) produced by Covered List entities, or that would extend the prohibition to components produced by any entity owned or controlled by a foreign adversary regardless of Covered List status, and keeps the record open on those questions. The Commission also declines to extend the prohibition to software or firmware components at this time.

The prohibition applies only to logic-bearing hardware components produced by entities subject to producer/provider-based Covered List determinations; it does not apply to production location-based Covered List entries (*e.g.,* UAS, UAS critical components, or routers produced in a foreign country) unless the producing entity is independently identified on the Covered List. The rule is effective 30 days after publication in the **Federal Register** and applies prospectively to new equipment authorization applications; it does not affect previously authorized equipment. Applications pending as of the effective date are exempt from the new prohibition unless later amended to add, substitute, or change a logic-bearing hardware component.

B. Marketing

The Commission clarifies and strengthens its marketing rules under 47 CFR 2.803. First, the Commission amends § 2.803(a) to clarify that the term ''distribution for the purpose of selling'' includes the listing of regulated equipment on an online marketplace in combination with activities such as consignment, warehousing, inventory management, order processing, labeling, packaging, billing, or fulfillment services—even where the equipment is sold by a third-party seller. The Commission finds this interpretation consistent with the plain text and legislative history of section 302 of the Communications Act, which reaches sale, offer for sale, and shipment of noncompliant devices, and confirms that carriers that merely transport devices without trading in them remain outside the scope of the marketing rules under section 302(c).

Second, the Commission confirms that online marketplaces that market unauthorized devices are subject to enforcement of the marketing rules on the same basis as any other person, without a willfulness or knowledge element, consistent with section 302(b) of the Communications Act.

Third, the Commission amends § 2.803(c) to require online marketplaces to display a certified device's FCC ID at the online point of sale. Online marketplaces that sell their own devices, or that have physical access to or take title to a third-party seller's device, must display a valid and accurate FCC ID. Online marketplaces that market third-party listings without physical access to or title over the device need only verify that the FCC ID supplied is validly issued and require the seller to certify its accuracy. The requirement excludes: listings published before the rule's effective date that are not later amended or updated; listings by sellers that are not ''high-volume third-party sellers'' as defined in the INFORM Consumers Act; and listings for used devices. The Commission adopts differentiated compliance dates (March 1, 2027 for online marketplaces with physical access to or title over the device, and June 1, 2027 for marketplaces relying on third-party seller certifications) in recognition of the differing implementation burdens. The Commission declines, at this time, to require display of FCC IDs on external product packaging, but keeps the record open on that question.

C. Clarifications Regarding Modifications to Previously Authorized Equipment

The Commission clarifies that the prohibition on permissive changes and modifications set forth in §§ 2.932 and 2.1043 applies both to equipment that is already prohibited from authorization under § 2.903 and to equipment that would become prohibited as a result of the proposed modification, consistent with the Commission's stated intent in the First and Second Reports and Orders and with the Secure Equipment Act's bar on approving covered equipment. The prohibition applies to changes such as a shift in production to a Covered List entity or a change that would cause a device to lose ''domestic end product'' status. The Commission confirms it is not imposing new component-lineage investigation obligations beyond those already required for compliance, and that the ''produced by'' standard continues to be evaluated under a totality-of-the-circumstances test that looks to substantial responsibility for or control over a device's design, development, manufacture, or assembly.

D. Re-Certification Required of Covered List Entities for Any Change to Equipment

The Commission requires that any entity identified on the Covered List seeking a permissive change to equipment, whether or not the equipment is itself covered, must submit an application for recertification rather than relying on the more limited permissive-change process. The Commission confirms that no Covered List entity may use the Supplier's Declaration of Conformity (SDoC) process for any modification. This requirement applies only where the applicant for the modification is itself a Covered List entity; it does not apply to a non-Covered List manufacturer's modification of equipment originally produced by a Covered List entity where the modification does not itself render the device ''produced by'' that entity. The requirement does not apply to production location-based Covered List entries. Limited waivers previously granted by the Office of Engineering and Technology permitting Class I and Class II permissive changes for Covered List UAS equipment and covered routers, through January 1, 2029, remain in effect according to their terms.

E. Definition of ''Critical Infrastructure''

Responding to the partial remand issued by the U.S. Court of Appeals for the District of Columbia Circuit, the Commission adopts a revised definition of ''critical infrastructure'' for purposes of implementing section 889(f)(3) of the 2019 National Defense Authorization Act, as incorporated into the Covered List. The Commission retains the definition set forth in section 1016(e) of the USA PATRIOT Act of 2001: systems and assets ''so vital to the United States that the incapacity or destruction of such systems would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters,'' relying on the 16 critical infrastructure sectors identified by the Department of Homeland Security (DHS) and the 55 National Critical Functions (NCFs) published by DHS's National Risk Management Center.

However, the Commission eliminates the prior ''connected to'' language that the D.C. Circuit found ''unjustifiably broad.'' The revised definition instead encompasses systems and assets used in the provision of services or functions in the 16 critical infrastructure sectors when used to provide any of the 55 NCFs. The Commission finds this revision responsive to the court's remand while remaining consistent with existing Executive Branch critical-infrastructure policy.

F. Rule Correction and Clarification

The Commission corrects a scrivener's error in § 2.903, restoring cross-references within redesignated paragraphs (d)(1) through (d)(3) that had inadvertently continued to refer to former paragraph (b). The Commission also corrects administrative errors in § 2.1204(a): adding the omitted word ''and'' between ''technical'' and ''administrative'' in paragraph (a)(2), and removing paragraph (a)(4)(iv) as duplicative of paragraph (a)(4)(iii).

G. Benefits and Costs

The Commission finds that the benefits of the rules adopted in the Third Report and Order substantially outweigh their costs. The Commission estimates one-time implementation costs of no more than $300 million, largely attributable to online marketplace platforms updating listing systems to support FCC ID display, and recurring annual costs under $40 million, largely attributable to sellers identifying and including FCC IDs in covered listings. These estimates account for the exemptions adopted for low-volume sellers, used devices, and certain pre-existing listings. Because the logic-bearing hardware component prohibition applies only prospectively and affects a comparatively narrow subset of manufacturers, and because the marketing and modification clarifications largely codify existing interpretations, the Commission does not expect these measures to impose significant additional compliance burdens. Against these costs, the Commission finds that closing the identified component, marketing, and modification loopholes will generate substantial, if difficult to quantify, benefits by reducing the risk of espionage, network disruption, and unauthorized access to U.S. communications infrastructure, benefits the Commission estimates could exceed $1 billion annually given the scale of the U.S. communications economy. The Commission considered and rejected two alternatives: taking no action, which would leave existing vulnerabilities unaddressed, and adopting a categorical ban on all components (not only logic-bearing hardware components) produced by Covered List entities, which the record shows would impose disproportionate redesign, retesting, and supply-chain costs without a commensurate increase in national security benefit.

List of Subjects in 47 CFR Parts 1 and 2

Administrative practice and procedure, Communications equipment, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 2 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

■ 2. Amend § 1.50001 by:

■ a. Redesignating paragraphs (g), (h), and (i) as paragraphs (h), (i), and (j), respectively;

■ b. Redesignating paragraph (e) as paragraph (g);

■ c. Redesignating paragraph (f) as paragraph (e); and

■ d. Adding new paragraph (f).

The revisions read as follows:

§ 1.50001 Definitions.

* * * * *

(f) *Critical Infrastructure.* For purposes of implementing section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232; 132 Stat. 1918), the term ''critical infrastructure'' has the meaning given in 42 U.S.C. 5195c(e). This definition encompasses systems and assets used in the provision of services or functions in the 16 critical infrastructure sectors, as identified in National Security Memorandum 22 and further clarified by the Department of Homeland Security, to provide any of the 55 National Critical Functions published by the Department of Homeland Security through the National Risk Management Center.

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336 unless otherwise noted.

■ 4. Amend § 2.803 by:

■ a. Adding paragraph (a)(1);

■ b. Adding and reserving paragraph (a)(2);

■ c. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e); and

■ d. Adding new paragraph (c).

The additions read as follows:

§ 2.803 Marketing of radio frequency devices prior to equipment authorization.

(a) * * *

(1) Marketing includes the listing of regulated equipment on an online marketplace, in combination with any of the following activities: consignment, warehousing, inventory management, order processing, labelling, packaging, billing, or fulfilment services—even if that equipment is sold or offered for sale by a third-party seller.

(2) [Reserved]

* * * * *

(c) FCC IDs must be displayed in online marketplaces as follows:

(1) An online marketplace that markets a radiofrequency device subject to certification, or that offers for sale a radiofrequency device subject to certification on behalf of a third-party seller and has physical access to or takes title to that device, must display a valid and accurate FCC ID, as set forth in § 2.925, for the device at the online point of sale.

Note 1 to paragraph (c)(1): Compliance with this paragraph is not required until March 1, 2027.

(2) An online marketplace that markets a radiofrequency device subject to certification on behalf of a third-party seller, but does not have physical access to or take title to that device, must display a valid FCC ID, as set forth in § 2.925, at the point of sale. An online marketplace is not liable under this paragraph for the inaccuracy of an FCC ID or related equipment authorization information supplied by a third-party seller, provided the marketplace has

(i) Taken reasonable steps to verify that the FCC ID supplied corresponds to a validly issued FCC ID in the Commission's Equipment Authorization System database, and

(ii) Required the third-party seller to certify the accuracy of the information supplied.

Note 2 to paragraph (c)(2): Compliance with this paragraph is not required until June 1, 2027.

(3) Paragraphs (c)(1) and (2) of this section shall not apply to:

(i) A listing for a radiofrequency device published before the effective date of this rule, unless and until that listing is amended, updated, or republished on or after the effective date of this rule. For purposes of this paragraph, an amendment or update includes a change to a listing's product description, product images, product specifications, or seller information, but does not include a non-substantive or automated change such as a change to search ranking, page layout, translation, pricing, or currency display.

(ii) A listing for a radiofrequency device made by a third-party seller that is not a ''high-volume third-party seller,'' as defined in 15 U.S.C. 45f(f)(6).

(iii) A listing for a used radiofrequency device. For purposes of this section a ''used radio frequency device'' refers to ''any device that was previously sold to a retail customer and is marketed as a 'used' or otherwise not 'new' device.''

* * * * *

■ 5. Amend § 2.902 by adding the definitions for ''Logic-bearing hardware component'' and ''Online marketplace'' in alphabetical order, to read as follows:

§ 2.902 Terms and definitions.

Logic-bearing hardware component. Any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques; inclusive of telephone equipment that uses digital techniques or any device, system, module, sub-assembly, integrated circuit, or other physical component that generates and uses radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer.

Online marketplace. An ''online marketplace'' as that term is defined in 15 U.S.C. 45f(f)(4).

* * * * *

■ 6. Amend § 2.903 by revising the section heading and revising paragraphs (b) and (d) to read as follows:

§ 2.903 Prohibition on authorization of equipment on the Covered List and related equipment.

* * * * *

(b) All devices that incorporate one or more of the following components are prohibited from obtaining an equipment authorization under this subpart:

(1) Equipment meeting the descriptions in paragraph (a)(1) or (2) of this section; and

(2) A logic-bearing hardware component produced by an entity identified on the Covered List pursuant to § 1.50002 of this chapter if—had such entity produced the device itself, rather than just a component—the device would be prohibited from receiving authorization under paragraph (a) of this section.

* * * * *

(d) Each entity named on the Covered List as producing covered communications equipment, as established pursuant to § 1.50002 of this chapter, must provide to the Commission the following information: the full name, mailing address or physical address (if different from mailing address), email address, and telephone number of each of that named entity's associated entities (*e.g.,* subsidiaries or affiliates) identified on the Covered List as producing covered communications equipment.

(1) Each entity named on the Covered List as producing covered communications equipment must provide the information described in this section no later than March 8, 2023;

(2) Each entity named on the Covered List as producing covered communications equipment must provide the information described in this section no later than 30 days after the effective date of each updated Covered List; and

(3) Each entity named on the Covered List as producing covered communications equipment must notify the Commission of any changes to the information described in this section no later than 30 days after such change occurs.

■ 7. Amend § 2.932 by adding a sentence to the end of paragraph (a) and adding paragraph (f) to read as follows:

§ 2.932 Modification of equipment.

(a) * * * The exceptions set forth in this section do not apply to changes made by Covered List entities or changes that would result in the modified device being considered covered communications equipment.

* * * * *

(f) Notwithstanding other provisions of this section, use of the permissive change procedures to modify equipment that is produced by any entity identified on the Covered List, established pursuant to § 1.50002 of this chapter, is prohibited. Any modification to such equipment must be authorized under the equipment certification provisions under subpart J of this part.

■ 8. Amend § 2.1043 by revising paragraph (a) to read as follows:

§ 2.1043 Changes in certificated equipment.

(a) Any changes made by Covered List entities or changes that would result in the modified device being considered Covered Equipment shall not be performed without application for and authorization of a new grant of certification. In all other instances, except as provided in paragraph (b)(3) of this section, changes to the basic frequency determining and stabilizing circuitry (including clock or data rates), frequency multiplication stages, basic modulator circuit or maximum power or field strength ratings shall not be performed without application for and authorization of a new grant of certification. Variations in electrical or mechanical construction, other than these indicated items, are permitted provided the variations either do not affect the characteristics required to be reported to the Commission or the variations are made in compliance with the other provisions of this section. Changes to the software installed in a transmitter that do not affect the radio frequency emissions do not require any additional filings and may be made by parties other than the holder of the grant of certification.

* * * * *

■ 9. Amend § 2.1204 by:

■ a. Revising paragraph (a)(2) and

■ b. Removing paragraph (a)(4)(iv)

The revision reads as follows:

§ 2.1204 Import conditions.

* * * * *

(a) * * *

(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical and administrative regulations.

* * * * *

[FR Doc. 2026–18535 Filed 9–10–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 92 and 98

RIN 2105–AF42

DOT Organizational Terminology; Technical Correction

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Final rule; technical correction.

SUMMARY: This final rule makes technical updates to and rescinds certain DOT regulations to ensure they accurately reflect current DOT Operating Administration names and statutory authorities.

DATES: This rule is effective September 11, 2026.

FOR FURTHER INFORMATION CONTACT: Allie Garza, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590, *allie.garza@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

This rulemaking makes technical corrections to definitions in 49 CFR 92.5(g) to reflect current DOT Operating Administration names and rescinds 49 CFR part 98 due to the repeal of the underlying statute on which it is based.

The procedures set forth in 49 CFR part 92 govern how DOT collects debts owed to the United States by current and former DOT employees, determines and collects interest and other charges on that indebtedness, offsets the salary of DOT employees to collect debts owed to the United States by those employees, and obtains salary offset to collect debts owed to the United States by employees of other agencies under programs administered by DOT. A list of applicable DOT Operating Administrations is set forth in part 92 at 49 CFR 92.5(g). However, the list of Operating Administrations is not accurate due to statutory changes to Operating Administration names and agency reorganization. This final rule revises those Operating Administration names listed in 49 CFR 92.5(g) for accuracy.

Part 98 sets forth the administrative enforcement procedures that DOT follows when there is an allegation that a former DOT employee has violated 18 U.S.C. 207, which imposes certain post-employment restrictions on former officers and employees of Federal agencies, both the Executive Branch and Legislative Branch, and former Members of Congress. Although 18 U.S.C. 207 remains in place, the subsection of the statute on which part 98 is based was repealed in 1989 and accordingly it no longer has a statutory basis of authority. This final rule removes part 98 because it lacks a basis in law.

Part 92

This final rule adds the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration to 49 CFR 92.5(g) because these Operating Administrations were established after the regulation was promulgated. The Federal Motor Carrier Safety Administration was established by the Motor Carrier Safety Improvement Act of 1999, Public Law 106–159 (1999). The Pipeline and Hazardous Materials Safety Administration was established by the Norman Y. Mineta Research and Special Programs Improvement Act of 2004, Public Law 108–426 (2004).

This final rule updates the names of the Great Lakes St. Lawerence Seaway Development Corporation and the Federal Transit Administration, which are listed in 49 CFR 92.5(g) under their previous names, St. Lawerence Seaway Development Corporation and Urban Mass Transit Administration. The St. Lawerence Seaway Development Corporation was renamed the Great Lakes St. Lawerence Seaway Development Corporation by the Consolidated Appropriations Act of 2021, Public Law 116–260 (2021). The Urban Mass Transit Administration was renamed the Federal Transit Administration by the Transportation Efficiency Act of 1991, Public Law 102–240 (Dec. 18, 1991).

This final rule amends part 92 by removing two agencies that are no longer DOT Operating Administrations. Currently, the United States Coast Guard and the Research and Special Programs Administration are listed as DOT Operating Administrations in 49 CFR 92.5(g). However, Congress transferred the United States Coast Guard from DOT to the U.S. Department of Homeland Security in the Homeland Security Act of 2002, Public Law 107–296 (2002). The Research and Special Programs Administration was eliminated by Congress and its functions transferred to other DOT Operating Administrations in the Norman Y. Mineta Research and Special Programs Improvement Act of 2004, Public Law 108–426 (2004).

Part 98

In addition, this final rule rescinds 49 CFR part 98. The Ethics Reform Act of 1989 Public Law 101–194 (1989) repealed 49 U.S.C. 207 and thus removed the underlying statutory authority for 49 CFR part 98. Accordingly, there is no statutory basis for part 98.

Administrative Procedure

The Administrative Procedure Act generally requires agencies to provide the public with notice of proposed rulemaking and an opportunity to comment prior to publication of a substantive rule. However, 5 U.S.C. 553(b)(B) authorizes agencies to publish a final rule without first seeking public comment on a proposed rule ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' DOT finds that providing advance notice and an opportunity to comment on these regulatory changes is unnecessary because this rule merely makes technical corrections to conform the regulations to current departmental organizational structure and rescind regulations no longer supported by underlying statutory authorities. For the same reasons, the good cause exception in 5 U.S.C. 553(d)(3) also applies to DOT's decision to make this final rule effective upon publication.

Regulatory Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Rulemaking Procedures

This final rule is not a significant regulatory action within the meaning of Executive Order (E.O.) 12866 or E.O. 13563 and, therefore, has not been reviewed by the Office of Management and Budget (OMB). This final rule is not significant under DOT's Rulemaking Procedures found in 49 CFR part 5, subpart B. This rulemaking amends and removes DOT regulations to correct errors and make necessary updates based on statutory changes. These technical corrections are intended to revise and remove DOT Operating Administration names that do not accurately reflect the current organizational structure of DOT and to rescind a regulation that no longer has a statutory basis. As a result, DOT anticipates that this rulemaking will not impose any economic costs. However, DOT anticipates some unquantified cost-savings to the public associated with updating these regulations, such as eliminating public confusion and saving time and research to understand the existing organizational structure and applicability of the regulations.

Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is an E.O. 14192 deregulatory action. Cost-savings are not quantified.

Regulatory Flexibility Act

Because notice and comment rulemaking is not necessary for this rule under 5 U.S.C. 553 or any other law, the analytical provisions of the Regulatory

Flexibility Act (Public Law 96–354, 5 U.S.C. 601–612) do not apply.

Unfunded Mandates Reform Act of 1995

This final rule does not impose an unfunded mandate as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48). It does not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $148.1 million or more in any one year.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulations. DOT has analyzed this final rule under the PRA and has determined that this rule does not contain collection of information requirements.

Executive Order 13132 (Federalism Assessment)

The final rule does not have a substantial direct effect on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. This final rule does not include sufficient federalism implications to warrant consultation processes.

Executive Order 13175 (Tribal Consultation)

This final rule was analyzed according to E.O. 13175, ''Consultation and Coordination with Indian Tribal Governments.'' The final rule does not include sufficient tribal implications to warrant consultation processes.

National Environmental Policy Act

DOT has analyzed the environmental effects of this action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1D, available at *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts*.

List of Subjects

49 CFR Part 92

Claims, Government employees, Wages.

49 CFR Part 98

Conflict of interest.

Issued in Washington, DC, under authority delegated in 49 CFR Part 1.27(c).

Gregory Zerzan,

General Counsel.

For the reasons stated in the preamble, the Office of the Secretary amends 49 CFR parts 92 and 98 as follows:

Title 49—Transportation

PART 92—RECOVERING DEBTS TO THE UNITED STATES BY SALARY OFFSET

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 5 U.S.C. 5514, as amended; 5 CFR part 550, subpart K; 4 CFR parts 101–105.

■ 2. Amend § 92.5 by revising paragraph (g) to read as follows:

§ 92.5 Definitions.

* * * * *

(g) *DOT operating element* (see 49 CFR 1.3) means the Office of the Secretary or a DOT Operating Administration including—

(1) Federal Aviation Administration.

(2) Federal Highway Administration.

(3) Federal Motor Carrier Safety Administration.

(4) Federal Railroad Administration.

(5) Federal Transit Administration.

(6) Great Lakes St. Lawerence Seaway Development Corporation.

(7) Maritime Administration.

(8) National Highway Traffic Safety Administration.

(9) Pipeline and Hazardous Materials Safety Administration.

* * * * *

PART 98—[REMOVED AND RESERVED]

■ 3. Under the authority of 49 U.S.C. 322(a), remove and reserve part 98.

[FR Doc. 2026–18560 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241203–0308; RTID 0648–XG045]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer From New Jersey to North Carolina

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of New Jersey is transferring a portion of their 2026 commercial bluefish quota to the State of North Carolina. This quota adjustment is necessary to comply with the Atlantic Bluefish Fishery Management Plan (FMP) quota transfer provisions. This announcement informs the public of the revised 2026 commercial bluefish quotas for New Jersey and North Carolina.

DATES: Effective September 10, 2026 through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Matthew Rigdon, Fishery Management Specialist, (978) 281–9336.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2026 allocations were published on February 19, 2026 (91 FR 7896).

The final rule implementing amendment 1 to the FMP, as published in the **Federal Register** on July 26, 2000 (65 FR 45844), provided a mechanism for transferring bluefish commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: (1) the transfers would not preclude the overall annual quota from being fully harvested; (2) the transfers address an unforeseen variation or contingency in the fishery; and (3) the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Regional Administrator has determined these criteria have been met for the transfers approved in this notification.

New Jersey is transferring 250,000 pounds (lb) (113,398 kilograms (kg)) of Atlantic bluefish to North Carolina through mutual agreement of the states. This transfer was requested to ensure North Carolina would not exceed its

2026 state quota. The revised bluefish quotas for 2026 are: New Jersey, 408,379 lb (185,238 kg); and North Carolina, 1,743,521 lb (790,848 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: September 9, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–18623 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260908–0006]

RIN 0648–BM54

Fisheries of the Northeastern United States; Greater Atlantic Region Catch Share Cost Recovery Program Updates

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

ACTION: Final rule.

SUMMARY: This final rule implements regulatory and administrative changes to improve the Greater Atlantic Region's Catch Share Cost Recovery Programs. These updates are intended to simplify regulations and reduce costs for the Atlantic Sea Scallop Individual Fishing Quota (IFQ), Golden Tilefish IFQ, and Atlantic Surfclam and Ocean Quahog Individual Transferable Quota (ITQ) fisheries. This action will result in improved administration and management of the Atlantic sea scallop, golden tilefish, and Atlantic surfclam and ocean quahog fisheries.

DATES: This rule is effective October 13, 2026.

ADDRESSES: Copies of the supporting documents for this rule are available from Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, *douglas.potts@noaa.gov*, (978) 281–9341.

SUPPLEMENTARY INFORMATION:

Background

The Greater Atlantic Regional Fisheries Office (GARFO) manages three Limited Access Privilege Programs (LAPP): (1) Limited Access General Category (LAGC) Atlantic Sea Scallop IFQ; (2) Golden Tilefish IFQ; and (3) Atlantic Surfclam and Ocean Quahog ITQ. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the collection of fees to recover ''the actual costs directly related to the management, data collection, and enforcement'' of a LAPP (16 U.S.C. 1854(d)(2)(A)(i)). Permit holders in these three LAPPs must pay an annual cost recovery fee, based on the ex-vessel value of fish landed under the program. The fee may be up to, but cannot exceed, 3 percent of the ex-vessel value of the fish harvested under the LAPP (16 U.S.C 1854(d)(2)(B)). Permits cannot be renewed until the previous year's fee is paid (see 50 CFR 648.53(h)(4)(iii), 648.74(c)(6)(iii)(C)(1), and 648.294(h)(5)(vi)).

A proposed rule for this action was published in the **Federal Register** on May 1, 2026 (91 FR 23385), and public comments were accepted through June 1, 2026. Additional information on the developmental history and need for this action is contained in the proposed rule and is not repeated here.

This action waives fees under $25 to avoid the disproportionate costs associated with administering these bills. The cost of staff time spent working on billing for fees less than the U.S. Department of Treasury's $25 minimum threshold for debt collection significantly exceeds the value of the bills themselves, ultimately costing the fishing industry more in the subsequent billing cycle. The unbilled amounts below $25 will be rolled over into the following year's cost recovery accounting, so GARFO would still collect the total ''actual costs'' of the LAPPs as required by the Magnuson-Stevens Act.

This action also standardizes the billing timeline for GARFO, and payment periods for permit holders, across the regulations implementing the three LAPPs administered by GARFO. Setting a standard timeline for billing and payment periods will reduce uncertainty for members of the fishing industry and reduce the administrative burden on the agency. This action requires NMFS to send out bills within 6 months of the end of the cost recovery period and sets payments due within 30 days from the date bills are sent for all three LAPPs. Currently, Atlantic Surfclam and Ocean Quahog ITQ bills are due within 30 days, Golden Tilefish IFQ bills are due within 45 days, and Atlantic Sea Scallop IFQ bills are due within 60 days. Requiring payment within 30 days of the bill date, also known as ''Net 30,'' is standard practice across many industries. Providing 6 months from the end of the cost recovery period to send fee notices allows time for GARFO staff to compile the cost of managing the LAPPs as well as sufficient time to receive, review, and correct, if necessary, landings and price data from fishing vessels and dealers. The Atlantic Sea Scallop IFQ cost recovery year runs from October 1 through September 31, and GARFO would send out bills before the end of the following March. The cost recovery year for Golden Tilefish IFQ and Atlantic Surfclam and Ocean Quahog ITQ follows the calendar year, and GARFO would send out bills before the end of the following June.

Comments and Responses

We received three comments on the proposed rule. One comment expressed general support for the proposed action because it would improve efficiency without negatively impacting sustainability of the fisheries. Two of the comments received were not relevant to this rule and are, therefore, not discussed further.

Changes From the Proposed Rule

There are no changes from the proposed rule.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. The reason for using this regulatory authority is that this action addresses the agency's administration of the cost recovery provisions of the Atlantic Sea Scallop Fishery Management Plan (FMP), Golden Tilefish FMP, and Atlantic Surfclam and Ocean Quahog FMP to minimize agency inefficiencies and unnecessary costs for the industry. NMFS notified the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council of its intention to implement these changes using this authority. Neither Council objected, nor did they express interest in addressing these issues through the Council process. The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Sea Scallop FMP, Golden Tilefish FMP, and Atlantic Surfclam and Ocean Quahog FMP, the Magnuson-Stevens Act, and other applicable law.

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

This final rule is considered to be an Executive Order 14192 deregulatory action.

A tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2) of Executive Order 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian tribal governments and this action does not preempt tribal law. A tribal summary impact statement is not required and has not been prepared.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

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 amends 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.53, revise paragraph (h)(4)(ii) to read as follows:

§ 648.53 Overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), annual projected landings (APL), DAS allocations, and individual fishing quotas (IFQ).

* * * * *

(h) * * *

(4) * * *

(ii) *Fee Payment Procedure.* Within 6 months from the end of a cost recovery billing period, NMFS shall mail a cost recovery bill to each IFQ scallop permit holder. An IFQ scallop permit holder who has incurred a cost recovery fee must pay the fee to NMFS within 30 days from the date of mailing of the recovery bill. Cost recovery payments shall be made electronically via the Federal web portal, *https://www.pay.gov,* or other internet sites as designated by the Regional Administrator. Instructions for electronic payment shall be available on both the payment website and the paper bill. Payment options shall include payment via a credit card, as specified in the cost recovery bill, or via direct automated clearing house (ACH) withdrawal from a designated checking account. Payment by check may be authorized by NMFS if it has determined that electronic payment is not possible (for example, if the geographical area of an individual(s) is affected by catastrophic conditions).

* * * * *

■ 3. In § 648.74, revise paragraph (c)(5) introductory text to read as follows:

§ 648.74 Individual Transferable Quota (ITQ) Program.

* * * * *

(c) * * *

(5) *Fee payment and collection.* NMFS will send a bill to ITQ permit holders within 6 months from the end of a cost recovery billing period for any applicable ITQ cost recovery fee.

* * * * *

■ 4. In § 648.294, revise paragraph (h)(3) introductory text, and paragraph (h)(3)(i) to read as follows:

§ 648.294 Golden tilefish individual fishing quota (IFQ) program.

* * * * *

(h) * * *

(3) *Fee payment procedure.* NMFS will create an annual IFQ allocation bill for each cost recovery billing period and provide it to IFQ allocation permit holders with quota share within 6 months from the end of a cost recovery billing period. The bill will include information regarding the amount and value of IFQ allocation landed during the prior cost recovery billing period, and the associated cost recovery fees.

(i) *Payment due date.* An IFQ allocation permit holder who has incurred a cost recovery fee must pay the fee to NMFS within 30 days of the date of the bill.

* * * * *

[FR Doc. 2026–18607 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066; RTID 0648–XF984]

Fisheries of the Exclusive Economic Zone Off Alaska; Blackspotted and Rougheye Rockfish in the Central Aleutian and Western Aleutian Districts of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of blackspotted and rougheye rockfish in the Central Aleutian and Western Aleutian districts (CAI/WAI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2026 blackspotted and rougheye rockfish total allowable catch (TAC) in the CAI/WAI of the BSAI will soon be or has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 9, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–206–6783.

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

The 2026 blackspotted and rougheye rockfish TAC in the CAI/WAI of the BSAI is 325 metric tons as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The Regional Administrator, Alaska Region, NMFS has determined that the 2026 blackspotted and rougheye rockfish TAC in the CAI/WAI of the BSAI will soon be or has been reached. Therefore, in accordance with § 679.20(d)(2), NMFS is prohibiting retention of blackspotted and rougheye rockfish in the CAI/WAI of the BSAI

and requiring that blackspotted and rougheye rockfish in the CAI/WAI of the BSAI be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except blackspotted and rougheye rockfish species in the CAI/WAI caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j). This action is necessary to prevent exceeding the 2026 blackspotted and rougheye rockfish TAC in the CAI/WAI of the BSAI. While this prohibition is effective the requirements at § 679.20(j)(4) apply.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of blackspotted and rougheye rockfish in the CAI/WAI of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on the total catch of blackspotted and rougheye rockfish in the CAI/WAI of the BSAI only became available as of September 8, 2026.

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

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

Dated: September 8, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–18583 Filed 9–9–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 175

Friday, September 11, 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 Parts 204 and 214

[CIS No. 2858–26; DHS Docket No. USCIS–2026–0364]

RIN 1615–AD22

Eliminating the Discretionary 60-Day Grace Period

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) proposes to remove regulations at 8 CFR 214.1(l)(2) to restore its previous and long-standing policy of not providing aliens in certain nonimmigrant classifications (and their dependents) with an up to 60-day grace period upon cessation of employment prior to the expiration of the alien's authorized period of stay. This proposal restores a direct relationship between an alien's nonimmigrant status and the specific employment or activity that formed the basis of his or her admission or grant of status in the United States and reduces administrative burden.

DATES: Written comments on the notice of proposed rulemaking (NPRM) must be submitted on or before November 10, 2026. The electronic Federal Docket Management System will accept comments before midnight eastern time at the end of that day.

ADDRESSES: *You may submit comments on the entirety of this proposed rulemaking package, identified by DHS Docket No. USCIS–2026–0364 through the Federal eRulemaking Portal: https://www.regulations.gov.* In accordance with 5 U.S.C. 553(b)(4), the summary of this rule found above may also be found at *https://www.regulations.gov.* Follow the website instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Business and Foreign Workers Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Public Participation
II. Executive Summary
  A. Purpose and Summary of the Regulatory Action
  B. Legal Authority
  C. Costs and Benefits
III. Background
  A. E–1, E–2, and E–3 Nonimmigrant Visa Classifications
  B. H–1B and H–1B1 Nonimmigrant Visa Classifications
  C. L–1 Nonimmigrant Visa Classification
  D. O–1 Nonimmigrant Visa Classification
  E. TN Nonimmigrant Visa Classification
  F. Creation of the Up to 60-Day Discretionary Grace Period
IV. Discussion of Proposed Rule
  A. Need for the Proposed Rule
  B. Requiring Nonimmigrants To Depart Upon Cessation of Employment or Activity
  C. Reducing Administrative Burden
  D. Reliance Interests and Potential Impact of This Rule
  E. Alternatives Considered
V. Statutory and Regulatory Requirements
  A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)
  B. Regulatory Flexibility Act (RFA)
  C. Unfunded Mandates Reform Act of 1995 (UMRA)
  D. Executive Order 13132 (Federalism)
  E. Executive Order 12988 (Civil Justice Reform)
  F. Family Assessment
  G. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
  H. National Environmental Policy Act (NEPA)
  I. Paperwork Reduction Act (PRA)

Table of Abbreviations

AC21—American Competitiveness in the Twenty-First Century Act of 2000
BLS—Bureau of Labor Statistics
CDAO—Chief Data and Analytics Office
CFR—Code of Federal Regulations
CPI–U—Consumer Price Index for All Urban Consumers
DHS—U.S. Department of Homeland Security
DOJ—U.S. Department of Justice
DOL—U.S. Department of Labor
DOW—U.S. Department of War
EAD—Employment Authorization Document
EB—Employment-Based
E.O.—Executive Order
EOIR—Executive Office for Immigration Review
FAM—Foreign Affairs Manual
FR—Federal Register
FY—Fiscal Year
HSA—Homeland Security Act of 2002
ICE—U.S. Immigration and Customs Enforcement
INA—Immigration and Nationality Act
IRFA—Initial Regulatory Flexibility Analysis
LPR—Lawful Permanent Resident
NAICS—North American Industry Classification System
NEPA—National Environmental Policy Act
NPRM—Notice of Proposed Rulemaking
OMB—Office of Management and Budget
PRA—Paperwork Reduction Act of 1995
Pub. L.—Public Law
RFA—Regulatory Flexibility Act of 1980
RIA—regulatory impact analysis
SBA—U.S. Small Business Administration
Secretary—Secretary of Homeland Security
UMRA—Unfunded Mandates Reform Act 1995
U.S.C.—United States Code
USCIS—U.S. Citizenship and Immigration Services

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by

submitting written data, views, comments and arguments on all aspects of this proposed rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS–2026–0364 for this rulemaking. Please note, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at *http://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received, go to *http://www.regulations.gov,* referencing DHS Docket No. USCIS–2026–0364. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

The purpose of this proposed rule is to remove the availability of the up to 60-day discretionary grace period from the regulations at 8 CFR 214.1(l)(2). The up to 60-day discretionary grace period disconnects the alien's lawful status from the very basis of eligibility under these employment-based nonimmigrant classifications. By statute, an alien's lawful status in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, or TN nonimmigrant classification is directly connected to and contingent upon the alien conducting certain employment activities or otherwise providing services in the United States that is generally tied to a petitioning employer. In order for an alien in any one of these classifications to maintain his or her status, the alien generally must maintain the employment or continue to perform the activity that was the basis of the alien's eligibility for the classification and associated admission or grant of status. However, under current regulations, these aliens, and their dependents, are not considered to have failed to maintain nonimmigrant status for a grace period of up to 60 days following cessation of the employment or activity that was the basis of their nonimmigrant status, unless that grace period is shortened or eliminated as a matter of DHS discretion. Typically, the decision whether or not to shorten or eliminate the grace period is made by DHS when a petitioner submits a petition on behalf of an alien, or the alien submits an application on behalf of him or herself, which seeks to extend the stay or change or adjust the status of the alien following the cessation of employment or activity that was the basis of his or her initial classification or grant of status.

The proposed rule, by removing the up to 60-day discretionary grace period, would better align the regulations with the statutory provisions governing the relevant classifications by requiring an alien to depart from the United States immediately upon his or her failure to maintain the employment or activity that was the basis for the nonimmigrant classification or status (unless otherwise authorized to lawfully remain in the United States). It would also reduce the administrative burden on USCIS associated with the grace period.

DHS originally extended this grace period to aliens in the listed classifications, and their dependents, to encourage aliens who ceased employment prior to the end of the petition validity period to remain in the United States to pursue other immigration options to maintain a lawful immigration status and, depending on the classification sought, continue or regain employment authorization; and to help U.S. employers to more easily facilitate changes in employment for existing and newly recruited nonimmigrant workers.[1] However, the relevant rulemaking did not sufficiently consider the negative impacts of the grace period provision. Upon reconsideration, and consistent with the Secretary of Homeland Security's (Secretary) broad authority to set the time and conditions of admission of nonimmigrants and to require that they depart the United States upon failure to maintain the employment or activity that was the basis for the classification or status, DHS believes that removing the up to 60-day discretionary grace period through this proposed rule is necessary to better align the regulations with the statutory basis for nonimmigrant status and to reduce administrative burden associated with administering the grace period.

B. Legal Authority

The Secretary's authority for regulatory amendments is found in various provisions of the Immigration and Nationality Act (INA or the Act), 8 U.S.C. 1101, *et seq.,* and the Homeland Security Act (HSA) of 2002, Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 101, *et seq.,* General authority for issuing this rule is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws, and to establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.[2] Additional authority for this rule is found in:

- Section 101(a)(15) of the INA, 8 U.S.C. 1101(a)(15), which establishes classifications for aliens who are coming temporarily to the United States as nonimmigrants, including the E–1, E–2, E–3, H–1B, H–1B1, L–1 and O–1 classifications, *see* INA sec. 101(a)(15)(E)(i), (ii) and (iii), (H)(i)(b) and (b1), (L) and (O), 8 U.S.C. 1101(a)(15)(E)(i), (ii) and (iii), (H)(i)(b) and (b1), (L) and (O);

[1] *See* Retention of EB–1, EB–2, EB–3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers, 81 FR 82398 (Nov. 18, 2016) (''This grace period allows high-skilled workers in these classifications, including those whose employment ceases prior to the end of the petition validity period, to more readily pursue new employment should they be eligible for other employer-sponsored nonimmigrant classifications or employment in the same classification with a new employer. The grace period also allows U.S. employers to more easily facilitate changes in employment for existing or newly recruited nonimmigrant workers'').

[2] Although several provisions of the INA discussed in this proposed rule refer exclusively to the ''Attorney General,'' such provisions are now to be read as referring to the Secretary of Homeland Security by operation of the HSA. *See, e.g.,* INA secs. 103(a)(1) and 214(a), 8 U.S.C. 1103(a)(1) and 1184(a); *Nielsen* v. *Preap,* 139 S. Ct. 954, 959 n.2 (2019).

- Section 214(a) of the INA, 8 U.S.C. 1184(a), which authorizes the Secretary to prescribe by regulation the time and conditions of the admission of nonimmigrants.
- Section 214(e) of the INA, 8 U.S.C. 1184(e), which authorizes the admission of aliens under the TN classification pursuant to the provisions of Section D of Annex 16–A of the USMCA (United States-Mexico-Canada Agreement) (as defined in 19 U.S.C. 4502); and
- Section 451(a)(3) and (b) of the HSA, 6 U.S.C. 271(a)(3) and (b), transferring to USCIS the authority to adjudicate petitions for nonimmigrant status, establish policies for performing that function, and set national immigration services policies and priorities.

C. Costs and Benefits

The purpose of this NPRM is to propose removing 8 CFR 214.1(1)(2) from DHS regulations and no longer providing an up to 60-day discretionary grace period for aliens admitted or otherwise provided status in the E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications, and their dependents, following cessation of the employment or activity that was the basis for the alien's admission or grant of status. As discussed fully in Section V.A.3 Costs and Benefits of the Proposed Rule of this preamble, DHS conducted a qualitative assessment of the impact of the proposed rulemaking on primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN nonimmigrants and their dependents who are authorized to work. DHS recognizes that as a consequence of this change, a subset of these aliens may incur lost income if they require additional days to conduct their job search and return to the United States because they would need to leave the country instead of being able to stay and begin new employment without departing. DHS estimates that under this proposed rule, some aliens may be issued Notices to Appear (NTA),[3] thereby incurring costs of attending immigration hearings with the Department of Justice Executive Office for Immigration Review (EOIR) as part of removal proceedings. However, the proposed rule would enable DHS to conduct the administration and adjudication of immigration benefit requests for E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications with increased fidelity and is conducive to program integrity. DHS acknowledges that the proposed rulemaking would marginally increase the volume of USCIS referrals to EOIR annually and lead to a minor increase in workload demands on both DOJ and U.S. Immigration and Customs Enforcement (ICE).

III. Background

Many aliens come to the United States under a nonimmigrant visa classification. Certain nonimmigrant visa classifications, including E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN, permit aliens to be employed or otherwise provide services in the United States for temporary periods. Each classification for purposes of employment or otherwise performing services in the United States has its own eligibility requirements, and terms and conditions related to the period of admission of status and maintenance of status, the ability to renew the status, and the ability to change jobs or employers.

A. E–1, E–2, and E–3 Nonimmigrant Visa Classifications

The E–1 nonimmigrant classification allows aliens of certain treaty countries to be admitted to the United States solely to engage in international trade on their own behalf. To qualify for E–1 classification, the treaty trader must be (1) a national of a country with which the United States maintains a qualifying treaty, and (2) carry on substantial trade, principally between the United States and the treaty country that qualifies the treaty trader for E–1 classifications. *See* INA sec. 101(a)(15)(E)(i), 8 U.S.C. 1101(a)(15)(E)(i); 8 CFR 214.2(e)(1). Additionally, certain employees of a treaty trader, the treaty organization's parent company or one of its subsidiaries may also be eligible for the classification. *See* 8 CFR 214.2(e)(3) and (8). An E–1 nonimmigrant's employment is restricted, and he or she may only engage in trade activity and work in the employment for which he or she was admitted or otherwise granted E–1 status. *See* 8 CFR 214.2(e)(8) and 274a.12(b)(5).

The E–2 nonimmigrant classification concerns nationals of treaty countries who invest a substantial amount of capital in a U.S. enterprise. To qualify for E–2 classification, the treaty investor must (1) be a national of a country with which the United States maintains a qualifying treaty, (2) have invested or be actively in the process of investing a substantial amount of capital in a bona fide enterprise in the United States and (3) be seeking to enter the United States solely to develop and direct the enterprise. *See* INA sec. 101(a)(15)(E)(ii), 8 U.S.C. 1101(a)(15)(E)(ii); 8 CFR 214.2(e)(2). Certain employees of treaty investors or the treaty investor's qualifying organization may also be eligible for the classification, but the employee's work is limited to the investment activity. *See* 8 CFR 214.2(e)(3) and (8) and 274a.12(b)(5). A treaty investor or employee in E–2 nonimmigrant status may only engage in the investment activity or work in the employment for which he or she was approved at the time the classification was granted. *See* 8 CFR 214.2(e)(8)(i). E–2 nonimmigrant employees, however, may also work for the treaty organization's parent company or one of its subsidiaries in certain circumstances. *See* 8 CFR 214.2(e)(8)(ii).

E–1 and E–2 nonimmigrants generally may be admitted or otherwise granted nonimmigrant status for an initial period of up to 2 years and such status may be renewed indefinitely, in increments of up to 2 years, so long as the alien continues to meet the relevant qualifications.[4] *See* 8 CFR 214.2(e)(19) and (20). Additionally, E–1 and E–2 nonimmigrants must intend to depart the United States upon expiration or termination of their status. *See* 8 CFR 214.2(e)(1) and (2).

The E–3 nonimmigrant visa classification concerns specialty occupation workers who are nationals of the Commonwealth of Australia. *See* INA sec. 101(a)(15)(E)(iii), 8 U.S.C. 1101(a)(15)(E)(iii). The definition of the term ''specialty occupation'' is the same as for the H–1B classification. *See* INA sec. 214(i)(1), 8 U.S.C. 1184(i)(1). To qualify for the E–3 classification, the employer must file a Labor Condition Application (LCA) in accordance with section 212(t)(1) of the INA, 8 U.S.C. 1182(t)(1), and may then apply directly to the Department of State if the alien is outside of the United States or the employer may file a petition requesting E–3 status with USCIS if the alien is present in the United States in another classification. *See* 9 Foreign Affairs

[3] A Notice to Appear (NTA), Form I–862, is issued by DHS to initiate removal proceedings under section 240 of the Act, 8 U.S.C. 1229a. For more information on NTAs, see Department of Justice, Executive Office for Immigration Review, The Notice to Appear, *https://www.justice.gov/eoir/notice-appear* (last updated Dec. 14, 2025).

[4] Aliens assigned to the Taipei Economic and Cultural Representative Office (TECRO) or Taipei Economic and Cultural Office (TECO) in the United States, and their dependents, are issued E–1 visas and admitted in E–1 nonimmigrant status for duration of status. 9 FAM 402.3–5(I)(2). Additionally, the CNMI-Only Investor (E–2) visa classification allows certain foreign, long-term investors to remain lawfully present in the CNMI through December 31, 2029, while they resolve their immigration status. *See* 8 CFR 214.2(e)(23). This classification is intended to help as the CNMI transitions from the CNMI permit system to U.S. immigration laws. E–2 CNMI investors, and their dependents, may extend their E–2 status in two-year increments ending on December 31, 2029.

Manual (FAM) 402.9–8(C). E–3 nonimmigrant workers may be admitted or otherwise granted status for an initial period not to exceed the validity period of the accompanying LCA (granted for 2 years) and may be granted indefinite extensions of stay in increments of up to 2 years. *See* 20 CFR 655.750(a)(2). An E–3 nonimmigrant's employment is restricted, and he or she may only engage in the specialty occupation employment for which he or she was admitted or otherwise granted E–3 status. *See* 8 CFR 274a.12(b)(5). As with other nonimmigrant visa classifications, the E–3 classification requires the alien intend to depart the United States upon expiration or termination of his or her status.

B. H–1B and H–1B1 Nonimmigrant Visa Classifications

The H–1B nonimmigrant visa program allows U.S. employers to temporarily employ foreign workers in specialty occupations, defined by statute as occupations that require the theoretical and practical application of a body of highly specialized knowledge and a bachelor's or higher degree in the specific specialty, or its equivalent (referred to as a ''specialty occupation'').[5] *See* INA sec.101(a)(15)(H)(i)(b) and 214(i), 8 U.S.C. 1101(a)(15)(H)(i)(b) and 1184(i); *see also* 8 CFR 214.2(h)(1)(ii)(B). Congress set the current annual cap for the H–1B visa category at 65,000, which limits the number of beneficiaries who may be issued an initial H–1B visa or otherwise provided initial H–1B status each fiscal year.[6]

An employer who seeks to temporarily employ an alien as an H–1B in a specialty occupation must file an LCA in accordance with section 212(n)(1) of the INA, 8 U.S.C. 1182(n)(1), and a petition to obtain H–1B nonimmigrant classification on behalf of the alien. *See* INA sec. 214(c)(1), 8 U.S.C 1184(c)(1). Employers and certain agents that satisfy DHS regulatory requirements are eligible to file H–1B petitions. *See* 8 CFR 214.2(h)(2)(i)(A) and (F). H–1B specialty occupation workers generally may be admitted or otherwise granted nonimmigrant status for an initial period of up to 3 years. *See* 8 CFR 214.2(h)(9)(iii)(A)(*1*). The maximum period of authorized admission of an alien in the H–1B classification is generally 6 years. *See* INA sec. 214(g)(4), 8 U.S.C. 1184(g)(4). Typically, an H–1B petition may not be approved for an alien who has stayed for the maximum allowable amount of time in the United States in either H–1B or L–1[7] nonimmigrant worker status unless the alien has resided and been physically present outside the United States for the immediate prior year. *See* 8 CFR 214.2(h)(13)(iii)(A). An H–1B nonimmigrant's employment is restricted, and he or she may only engage in the employment for which he or she was admitted or otherwise granted H–1B status, or as otherwise authorized under H–1B portability. *See* 8 CFR 274a.12(b)(9).[8]

The H–1B1 program allows U.S. employers to temporarily employ nationals of Singapore and Chile in specialty occupations. *See* INA sec.101(a)(15)(H)(i)(b1) and 214(i), 8 U.S.C. 1101(a)(15)(H)(i)(b1). An employer who seeks to temporarily employ an alien in H–1B1 status must file an LCA in accordance with section 212(t)(1) of the INA, 8 U.S.C. 1182(t)(1), and may then apply directly to the Department of State if the alien is outside of the United States or may file a petition requesting H–1B1 status with USCIS if the alien is present in the United States in another classification. *See* 9 FAM 402.10–5(C)–(D). Aliens may be granted status in 1-year increments, with no maximum on the number of extensions. *See* INA sec. 214(g)(8)(C), 8 U.S.C. 1184(g)(8)(C). Up to 6,800 visas are set aside from the 65,000 H–1B cap each fiscal year for the H–1B1 visa program under terms of the legislation implementing the U.S.-Chile and U.S.-Singapore free trade agreements. *See* INA secs. 101(a)(15)(H)(i)(b1), 214(g)(8), 8 U.S.C. 1101(a)(15)(H)(i)(b1), 1184(g)(8). An H–1B1 nonimmigrant's employment is restricted, and he or she may only engage in the employment for which he or she was admitted or otherwise granted H–1B1 status. *See* 8 CFR 274a.12(b)(9).

C. L–1 Nonimmigrant Visa Classification

The L–1 nonimmigrant classification allows for the temporary transfer of aliens with the requisite management, executive, or specialized knowledge skills to the United States to continue employment with an office of the same employer, its parent, branch, subsidiary, or affiliate. *See* INA sec. 101(a)(15)(L), 8 U.S.C. 1101(a)(15)(L); 8 CFR 214.2(l).[9] In order to obtain L–1 status for an employee, a qualifying organization must file a petition with USCIS that must be approved before the alien can obtain a visa to the United States or change status. *See* INA sec. 214(c)(1), 8 U.S.C. 1184(c)(1); 8 CFR 214.2(l)(2). Executive and managerial employees qualify for L–1A status and are admitted for a maximum initial stay of 3 years with extensions of stay granted in increments up to 2 years, until the employee has reached the maximum limit of 7 years. *See* INA sec. 214(c)(1)(D)(i), 8 U.S.C. 1184(c)(1)(D)(i); 8 CFR 214.2(l)(12)(i) and (15)(ii). Specialized knowledge employees qualify for L–1B status and are admitted for a maximum initial stay of 3 years with extensions of stay granted in increments up to 2 years, until the employee has reached the maximum limit of 5 years. *See* INA sec. 214(c)(1)(D)(ii), 8 U.S.C. 1184(c)(1)(D)(ii); 8 CFR 214.2(l)(12)(i) and (15)(ii). An L–1 nonimmigrant's employment is restricted, and he or she may only engage in the employment for which he or she was admitted or otherwise granted L–1 status. *See* 8 CFR 274a.12(b)(12).

D. O–1 Nonimmigrant Visa Classification

The O–1 nonimmigrant visa classification includes individuals who either (1) have extraordinarily ability in the science, arts, education, business or athletics as demonstrated by sustained national or international acclaim; or (2) who have a demonstrated record of extraordinary achievements in the motion picture or television industry, as recognized in the field through extensive documentation. *See* INA sec. 101(a)(15)(O), 8 U.S.C. 1101(a)(15)(O); 8 CFR 214.2(o)(1)(ii)(A). O–1 nonimmigrants must be coming temporarily to the United States to

[5] An H–1B petition can be filed for a foreign national to perform services in a specialty occupation, services relating to a Department of War (DOW) cooperative research and development project or coproduction project, or services of distinguished merit and ability in the field of fashion modeling. *See* 8 CFR 214.2(h)(4)(i)(A).

[6] The 65,000 annual H–1B numerical limitation was increased for FYs 1999–2003. *See* INA section 214(g)(1)(A), 8 U.S.C. 1184(g)(1)(A), as amended by section 411 of the ACWIA, Public Law 105–277, div. C, tit. IV, 112 Stat. 2681, and the American Competitiveness in the Twenty-first Century Act of 2000 (AC21), Public Law 106–313, 114 Stat. 1251, as amended by the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107–273, 116 Stat. 1758 (2002). Congress also created several exemptions from the 65,000 numerical limitation. *See* INA sec. 214(g)(5), 8 U.S.C. 1184(g)(5).

[7] The L–1 nonimmigrant worker classification is described in Section III.C. of this preamble.

[8] Under H–1B portability, H–1B nonimmigrants may be authorized to work in new employment upon the filing of an H–1B petition for new employment rather than having to wait for the petition to be approved. *See* INA sec. 214(n), 8 U.S.C. 1184(n).

[9] In 1970 Congress amended the INA and established the L visa category for intracompany transferees. *See* INA sec. 101(a)(15)(L), 8 U.S.C. 1101(a)(15)(L). Section 214(c)(2) of the Act, 8 U.S.C. 1184(c)(2), contains the current provisions for the L nonimmigrant visa classification.

continue work in the relevant area of extraordinary ability or achievement and may only be admitted after being petitioned for by an importing employer. *See* INA sec. 101(a)(15)(O), 8 U.S.C. 1101(a)(15)(O) and INA sec. 214(c), 8 U.S.C. 1184(c); 8 CFR 214.2(o)(1)(ii)(A). An O–1 nonimmigrant may be admitted for up to 3 years, plus a period of up to 10 days before the validity period begins and 10 days after the validity period ends. *See* 8 CFR 214.2(o)(6)(iii)(A) and (o)(10). Extension of status may be authorized in increments of up to 1 year, and such status may be renewed indefinitely to continue to complete the same event or activity. *See* 8 CFR 214.2(o)(12)(ii). An O–1 nonimmigrant's employment is restricted, and he or she may only engage in the work that formed the basis of his or her status, with a limited exception for traded professional athletes. *See* 8 CFR 274a.12(b)(13).

E. TN Nonimmigrant Visa Classification

The TN nonimmigrant classification, established in the North American Free Trade Agreement,[10] permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level. *See* INA sec. 214(e), 8 U.S.C. 1184(e); 8 CFR 214.6(b). The TN nonimmigrant worker must not intend to establish a business or be self-employed in the United States, and he or she must be arriving pursuant to a prearranged agreement with a U.S. employer. *See* INA sec. 214(e), 8 U.S.C. 1184(e); 8 CFR 214.6(b). An eligible alien seeking TN classification may be granted TN status for an initial period not to exceed 3 years. *See* 8 CFR 214.6(e). Extensions of stay may be granted for periods not to exceed 3 years at a time. *See* 8 CFR 214.6(h)(1)(iii). TN is a temporary nonimmigrant classification, although there is no specific limit to the total period of time an alien may remain in the United States in TN status as long as he or she continues to be engaged in TN business activities for a U.S. employer or entity at a professional level, and otherwise continues to properly maintain TN status. *See* 8 CFR 214.6(h)(1)(iv). While there is no specific limit on the total period of time an alien may remain in the United States in TN status, the alien's period of stay is expected to have a ''reasonable, finite end'' and he or she must demonstrate this temporary intent to the satisfaction of the inspecting immigration officer. *See* 8 CFR 214.6(b).

F. Creation of the Up to 60-Day Discretionary Grace Period

DHS regulations provide for a discretionary grace period to aliens in certain nonimmigrant status at various times during their admission period. During a grace period, these aliens are not considered to have failed to maintain status solely by not engaging in the qualifying employment or activity for which they were admitted to the United States. *See, e.g.,* 8 CFR 214.1(l); 8 CFR 214.2(f)(5)(iv); 8 CFR 214.2(j)(1)(ii); 8 CFR 214.2(o)(12)(ii).

Before 2017, there was no grace period for nonimmigrant workers in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, or TN classification whose employment or activity ended during their period of lawful status. At that time, an alien who was admitted or otherwise provided status in the impacted nonimmigrant classifications was generally considered to have failed to maintain his or her status beginning on the day after the end of his or her employment or activity with the sponsoring employer and was expected to depart the United States immediately, unless otherwise authorized to lawfully remain in the United States. If an alien nonimmigrant fails to maintain status in the United States, he or she also becomes removable from the United States. *See* INA sec. 237(a)(1)(C), 8 U.S.C. 1227(a)(1)(C). Additionally, such an alien generally was not permitted to seek an extension of his or her stay in the United States in accordance with 8 CFR 214.1(c),[11] or an application for change of status under section 248 of the Act, 8 U.S.C. 1258, and 8 CFR part 248.[12] Failure to maintain status may also carry other immigration consequences for the alien in the future.[13]

In 2016, DHS promulgated a final rule establishing an up to 60-day discretionary grace period following cessation of employment for aliens present in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN status (and their dependents). *See* Retention of EB–1, EB–2, EB–3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers, 81 FR 82398 (Nov. 18, 2016) (AC21 final rule).[14] The rule was effective on January 17, 2017. *Id.* The purpose of the up to 60-day discretionary grace period was to enhance job portability, stability, and flexibility for these high-skilled nonimmigrant workers upon cessation of employment. *See* 80 FR 81900, 81923 (Dec. 31, 2015); *see also* 81 FR 82398, 82439 (Nov. 18, 2016). The up to 60-day discretionary grace period was codified at 8 CFR 214.1(l)(2) and allowed an alien present in the United States in one of those statuses, and their dependents, to remain in the United States for up to 60 days or until the end of the authorized validity period, whichever is shorter, without being considered to have failed to maintain his or her status on the basis of cessation of employment or activity of the principal alien, unless such grace period was shortened or eliminated by DHS.[15] *See* 8 CFR

[10] *See* 58 FR 69205 (Dec. 1993); 58 FR 68526 (Dec. 28, 1993). NAFTA was substituted by the United States-Mexico-Canada Agreement (USMCA) which entered into force on July 1, 2020. For the full text of the USMCA, see, Office of the United States Trade Representative, Agreement between the United States of America, the United Mexican States and Canada 07/01/20, *https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between* (last visited June 29, 2026).

[11] *See* 8 CFR 214.1(c)(4)(i) (an extension or amendment of stay may not be approved for an alien who failed to maintain the previously accorded status or where such status expired before the application or petition was filed, except in certain circumstances).

[12] *See* 8 CFR 248.1(a) (any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain his or her nonimmigrant status may apply to have his or her nonimmigrant classification changed to any nonimmigrant classification other than the categories specified in that part).

[13] For example, depending on when the alien departs, the alien may risk accruing unlawful presence which could lead to the alien being inadmissible under INA 212(a)(9)(B) for either 3 or 10 years. Additionally, if either USCIS (as part of adjudicating a future request for an immigration benefit) or an Immigration Judge (as part of removal proceedings) determines that the nonimmigrant violated his or her status, accrual of unlawful presence begins on the date of determination if such date is earlier than the expiration date of the I–94. *See* USCIS Memorandum from Donald Neufeld/Lori Scialabba/Pearl Chang, ''Consolidation of Guidance Concerning Unlawful Presence for Purposes of Sections 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act'' (May 6, 2009) (describing when aliens accrue unlawful presence). Failure to maintain status and the failure to depart after the alien fails to maintain status may also carry consequences for purposes of obtaining discretionary immigration benefits in the future, as it may be deemed a negative factor in the alien's immigration history. Failure to maintain status may also subject the alien to certain bars to adjusting status to that of a lawful permanent resident. *See, e.g.,* INA sec. 245(c)(2), 8 U.S.C. 1255(c)(2).

[14] *See also* Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvement Affecting High-Skilled Nonimmigrant Workers, 80 FR 81900 (Dec. 31, 2015) (AC21 proposed rule). The rule is referred to as the ''AC21'' rule because it implemented the provisions of the American Competitiveness in the 21st Century Act, Public Law 106–313, 114 Stat. 1251 (Oct. 17, 2000).

[15] The up to 60-day grace period extends to dependent alien spouses or children (under the age of 21 and unmarried) who accompany or follow to join the principal alien. *See* 8 CFR 214.1(l)(2). During the up to 60-day discretionary grace period during which USCIS considers the principal nonimmigrant worker to have maintained nonimmigrant status following cessation of employment, his or her dependents may also be considered to have maintained nonimmigrant status. *See* 81 FR 82398, 82466 (Nov. 18, 2016). Depending on their classification, some of these dependents are authorized (but are not required) to

Continued

214.1(l)(2).[16] In the AC21 final rule, DHS stated that it may consider such an alien to have not violated his or her nonimmigrant status and allow that alien to extend his or her stay with a new petitioner, or change status, if otherwise eligible. *See* 81 FR 82398, 82436 (Nov. 18, 2016).

DHS also noted in a comment response that the decision whether to shorten or eliminate the up to 60-day grace period is discretionary, stating that ''such adjudications require individualized assessments that consider the totality of the circumstances surrounding the cessation of employment and the beneficiary's activities after such cessation'' and provided a list of non-exclusive circumstances that could impact DHS's discretionary determination. *See* 81 FR 82398, 82436 (Nov. 18, 2016). USCIS assesses whether the alien warrants the grace period and exercises discretion to eliminate or shorten this up to 60-day period when adjudicating any subsequent request for extension of stay or change of status or other applicable benefit request.[17]

During the up to 60 days following the cessation of their authorized employment, aliens may potentially obtain new job offers from employers that seek to file new nonimmigrant petitions [18] that are coupled with a request for a change of status or an extension of stay, on the alien's behalf. *See* 8 CFR 214.1(c)(4) and (l)(3), 8 CFR 248.1. Alternatively, the alien may, without the assistance of a petitioner, seek to change his or her status to a nonimmigrant status that is not related to working in the United States, such as change of status to student (F) nonimmigrant visa classification to pursue studies in the United States, or seek to adjust his or her status.

Finally, DHS explained in the AC21 final rule that while a nonimmigrant worker may only receive one grace period in an authorized validity period, he or she would be eligible for a new up to 60-day discretionary grace period in connection with any subsequently authorized validity period. *See* 8 CFR 214.1(l)(2); 81 FR 82398, 82438 (Nov. 18, 2016).

IV. Discussion of Proposed Rule

DHS is firmly committed to better aligning the regulations with the statutory purpose for which the alien was admitted or otherwise provided nonimmigrant status and to reducing administrative burdens. Removal of the up to 60-day discretionary grace period furthers these essential goals.

DHS believes that restoring the expectation that aliens depart the United States upon cessation of the employment or activity upon which the alien's status was based, would better promote program integrity and be more consistent with statutory purpose. DHS also believes that removal of the up to 60-day discretionary grace period would reduce administrative burden, as the process of determining when the up to 60-day grace period may apply, reviewing the information submitted, and determining whether to shorten or eliminate the grace period may be time consuming and complex for the agency and confusing or unpredictable for the petitioner, alien and the alien's dependents.

As such, DHS proposes to remove the discretionary up to 60-day grace period provided in 8 CFR 214.1(l)(2).[19]

A. Need for the Proposed Rule

As noted, the up to 60-day discretionary grace period was added in the AC21 final rule. In that rule, DHS's reasoning for the addition of the grace period heavily emphasized the benefit to certain high-skilled immigrants and their U.S. employers. 81 FR 82398, 82436 (Nov. 18, 2016). DHS now believes, based on its experience administering the up to 60-day discretionary grace period over the last 10 years, that the existence of the grace period is inconsistent with the purpose for which Congress created the relevant nonimmigrant classifications. DHS also believes the grace period increases administrative burden on USCIS by adding complexity to the documentation and adjudication process. While many of the factors that USCIS considers in adjudicating a subsequent immigration benefit request where a grace period is applicable are also relevant to a discretionary decision whether to shorten or eliminate the grace period, the need for adjudicators to consider the grace period can add steps to the process. For example, officers adjudicating subsequent benefit requests (such as an extension petition which generally requires the beneficiary to have maintained status) must also determine whether the grace period would impact the benefit request, as this is not always clear from the request itself. The officer must also determine whether to eliminate the grace period as a matter of discretion and, if an officer decides not to eliminate the grace period, the officer then must determine and verify the end date of the alien's prior employment to determine the start and end date of the grace period.

In the AC21 proposed rule, DHS claimed a need for the addition of a grace period because, under the policies in effect at the time, aliens such as H–1B nonimmigrant workers whose employment ended (voluntarily or upon being terminated by the employer) were generally considered to be present in violation of their status, and thus, were required to depart the United States immediately. *See* 80 FR 81900, 81923–24 (Dec. 31, 2015). DHS explained that the proposal to afford these workers, who are facing sudden changes to their employment, up to 60 days to seek new employment and thereby extend their status without having to immediately depart the country, would remedy that situation. *See* 80 FR 81900, 81923–24 (Dec. 31, 2015). Furthermore, DHS also explained the up to 60-day discretionary grace period would allow these high-skilled workers to more readily pursue new employment should they be

be employed in the United States, including E nonimmigrant spouses pursuant to section 214(e)(2) of the Act, 8 U.S.C. 1184(e)(2). The focus of the grace period under 8 CFR 214.1(l)(2), however, is on the work performed by the principal and whether the principal nonimmigrant is maintaining nonimmigrant status. *See* 80 FR 81900, 81924 (Dec. 31, 2015). The cessation of a dependent's employment, if authorized to work as a nonimmigrant in a dependent status, does not impact the nonimmigrant status of the dependent or the principal.

[16] The AC21 final rule also codified an up-to 10-day grace period at 8 CFR 214.1(l)(1), extending availability of the grace period available to H–1B nonimmigrants to aliens in the E–1, E–2, E–3, L–1 and TN classifications, and including reference to H–1B in 8 CFR 214.1(l)(1) to align the regulations (a 10-day grace period for O–1 nonimmigrants was codified elsewhere). *See* 81 FR 82398, 82435–82438 (Nov. 18, 2016); *see also* 8 CFR 214.2(h)(13) (2015), and 8 CFR 214.2(o)(12). Because 8 CFR 214.1(l)(1) specifies that this 10-day grace period applies ''after the validity period ends,'' it would not apply to a worker who ceases employment during the approved validity period.

[17] Certain nonimmigrants present in the United States who are admitted for a specific period of time, or their petitioning employers, may request an extension of the nonimmigrant's admission period in order to continue to engage in those activities permitted under the nonimmigrant classification in which they were admitted. *See, generally,* 8 CFR 214.1(c). Additionally, certain nonimmigrants who are present in the United States, or their petitioners, may seek to change the nonimmigrant's status to another nonimmigrant classification in accordance with section 248 of the Act, 8 U.S.C. 1258 and 8 CFR part 248. A change of status or extension of stay may be filed on Form I–129, Petition for Nonimmigrant Worker, or Form I–539, Application to Extend/Change Nonimmigrant Status, depending on the nonimmigrant's circumstances. An extension of stay or change of status is ordinarily only granted if the alien is still in, and has maintained, his or her nonimmigrant status at the time the request is filed. *See, generally,* 8 CFR 214.1(c) and 8 CFR part 248; Form I–129, Petition for Nonimmigrant Workers, *https://www.uscis.gov/i-129* (last updated June 15, 2026), and Form I–539, Application to Extend/Change Nonimmigrant Status, *https://www.uscis.gov/i-539* (last updated June 1, 2026).

[18] These petitions are generally filed on Form I–129, Petition for Nonimmigrant Workers, *https://www.uscis.gov/i-129* (last updated June 15, 2026).

[19] DHS also proposes a technical revision to remove a cross-reference to 8 CFR 214.1(l)(2) from 8 CFR 204.5(p)(1)(i).

eligible for other employer-sponsored nonimmigrant classifications or for the same classification with a new employer, and would allow U.S. employers to more easily facilitate changes in employment for existing or newly recruited nonimmigrant workers. *See* 80 FR 81900, 81902 (Dec. 31, 2015). Similarly, in the AC21 final rule, DHS explained that the up to 60-day discretionary grace period allows such nonimmigrants to remain in the United States without violating their status and potentially obtain new job offers from employers that seek to file new nonimmigrant petitions, and requests for an extension of stay, on their behalf. *See* 81 FR 82398, 82436 (Nov.18, 2016). DHS explained that in such cases, even though prior employment may have terminated several weeks prior to the filing of the new petition, DHS may consider such an alien to have not violated his or her nonimmigrant status and allow that alien to extend his or her stay with a new petitioner, if otherwise eligible. *See* 81 FR 82398, 82436 (Nov. 18, 2016).

DHS repeatedly made it clear that the purpose of the up to 60-day discretionary grace period was to increase mobility for certain high-skilled aliens and to improve the ability of U.S. employers to more easily facilitate changes in employment for existing and newly recruited nonimmigrant workers. DHS now believes that the justification did not sufficiently consider the fact that the introduction of the up to 60-day discretionary grace period created a misalignment with statutory provisions governing the impacted classifications. DHS also now believes the rule did not adequately consider how the up to 60-day discretionary grace period would add administrative burden for USCIS.

Given its broad discretionary authority to regulate the time and conditions of nonimmigrants under section 214(a) of the Act, 8 U.S.C. 1184(a), DHS is now reconsidering [20] the up to 60-day discretionary grace period and believes that it should be removed. DHS acknowledges that it is changing position, and notes that based on its experience administering the rule and its reevaluation of the results of the rule in relation to the statute governing nonimmigrant classifications, DHS believes that removal of the up to 60-day discretionary grace period is the better course.[21] DHS has also carefully considered reliance interests that may have been engendered by the current policy,[22] and believes that any such reliance interests are outweighed by the goals described in this preamble.

B. Requiring Nonimmigrants To Depart Upon Cessation of Employment or Activity

DHS has determined that removal of the up to 60-day discretionary grace period best aligns the regulatory provisions with the statute and restores the expectation that aliens depart the United States upon cessation of the employment or activity on which the visa classification was based.

By statute, an alien's lawful status in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, or TN classification is directly connected to and contingent upon the alien conducting certain employment activities or otherwise performing services in the United States that are generally tied to the petitioning employer. In pertinent part, section 101(a)(15)(E)(i) of the INA, 8 U.S.C. 1101(a)(15)(E)(i) describes an E–1 alien as entering the United States ''solely to carry on substantial trade, including trade in services or trade in technology.'' Section 101(a)(15)(E)(ii) of the INA, 8 U.S.C. 1101(a)(15)(E)(ii) describes an E–2 alien as entering the United States ''solely to develop and direct the operations of an enterprise in which the alien has invested, or of an enterprise in which the alien is actively in the process of investing, a substantial amount of capital.'' Section 101(a)(15)(E)(iii) of the INA, 8 U.S.C. 1101(a)(15)(E)(iii) describes an E–3 alien as entering ''solely to perform services in a specialty occupation in the United States . . . [on behalf of] the intending employer.'' Section 101(a)(15)(H)(i)(b) of the INA, 8 U.S.C. 1101(a)(15)(H)(i)(b) describes an H–1B alien as ''coming temporarily to the United States to perform services . . . in a specialty occupation . . . [on behalf of] the intending employer.'' Section 101(a)(15)(H)(i)(b1) of the INA, 8 U.S.C. 1101(a)(15)(H)(i)(b1) describes an H–1B1 alien as one who is ''engaged in a specialty occupation.'' Section 101(a)(15)(L) of the INA, 8 U.S.C. 1101(a)(15)(L) describes an L–1 alien as entering the United States ''temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.'' Section 101(a)(15)(O) of the INA, 8 U.S.C. 1101(a)(15)(O) describes an O–1 alien as entering the United States to continue work in the area of extraordinary ability in the sciences, arts, education, business or athletics or extraordinary achievement with regard to motion picture and television productions. Section 214(e) of the INA, 8 U.S.C. 1184(e) describes a TN alien as entering the United States to engage in certain business activities at a professional level.

In each of these cases, the statute ties eligibility for the classification and associated admission or grant of status in each of these classifications directly to the qualifying work that is the basis of the alien's admission or grant of status. Although each classification has different requirements for maintenance of status based on the eligibility requirements of the classification, maintenance of status in employment-based nonimmigrant classifications generally requires continued compliance with the terms and conditions of the petition approval or admission. If an alien does not comply with the terms and conditions of his or her status throughout the admission period, the alien will not be maintaining his or her nonimmigrant status.[23] In order to maintain status, an alien must also only engage in the specified employment or activity that is the basis for his or her admission or grant of status.[24] An alien who fails to maintain his or her nonimmigrant status is deportable. *See* INA sec. 237(a)(1)(C)(i), 8 U.S.C. 1227(a)(1)(C)(i).

The up to 60-day discretionary grace period is not mandated by statute and disconnects the alien's lawful status from the basis of eligibility under these employment-based classifications. After further consideration, DHS now believes that removing the up to 60-day discretionary grace period currently codified at 8 CFR 214.1(l)(2) would better align with the statute because it requires that nonimmigrants depart the United States immediately upon cessation of the employment or activity on which their nonimmigrant status is

[20] *See Motor Vehicle Mfrs., Ass'n* v. *State Farm Mu. Auto. Ins. Co.,* 463 U.S. 29, 57 (1983) (finding that an agency's view of what is in the public interest may change, either with or without a change in circumstances, but the agency changing its course must supply a reasoned analysis).

[21] *See F.C.C.* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009) (an agency ''need not demonstrate to a court's satisfaction that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates.'' (emphasis in original)).

[22] *See* section IV.D below.

[23] *See, e.g., ITServe Alliance, Inc.* v. *U.S. Dep't of Homeland Sec.,* 71 F.4th 1028, 1037 (D.C. Cir. 2023) (''an admitted H–1B worker who fails to maintain qualifying employment will lose non-immigrant status and become removable.'').

[24] *See, e.g.,* 8 CFR 214.1(e) (''A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized.'').

based (unless otherwise authorized to lawfully remain in the United States).

As noted previously, each one of the listed classifications requires the alien to perform specific work or services that are generally tied to the intending or petitioning employer. The continued performance of the employment or activity on which their status is based is required in order for the alien to maintain status.[25] DHS now believes that once the alien is no longer fulfilling the very specific conditions under which he or she was admitted or otherwise provided status, such status, as well as the authorization to remain in the United States, should definitively cease and the impacted alien should immediately depart the United States (unless otherwise authorized to lawfully remain in the United States). This is generally consistent with the requirements for aliens admitted or otherwise provided status in other nonimmigrant categories when the alien fails to fulfill the very specific conditions under which he or she was admitted or otherwise provided status.[26] Similar to aliens admitted or otherwise provided status in other nonimmigrant categories, aliens subject to this rule would, however, be able to apply for readmission into the United States in a nonimmigrant employment-based status after finding new qualifying employment and obtaining the prerequisite approvals to apply for admission in the applicable classification.

C. Reducing Administrative Burden

DHS further believes that elimination of the up to 60-day discretionary grace period would reduce the administrative burden on USCIS. DHS has found that exercising this discretion when adjudicating benefit requests following a cessation of an alien's employment is burdensome. The process of assessing whether a grace period is warranted; and then of adjudicating the request and determining start and end dates of a grace period may be time consuming and complex for the agency and confusing or unpredictable for petitioners, the alien, and the alien's dependents. Adjudicating officers must verify the evidence provided by the petitioner or the alien, as applicable, to ascertain whether the up to 60-day discretionary period applies and whether the alien warrants a favorable exercise of discretion. For USCIS to assess the applicability of the up to 60-day discretionary grace period, the benefit requestor[27] (for example, a new employer filing a Form I–129, Petition for Nonimmigrant Worker (Form I–129) petition on behalf of the alien following the cessation of the alien's previous employment; or the alien, if he or she is seeking a change of status to a visa classification that is unrelated to employment) must provide evidence to establish the date the alien's previous employment ended. The USCIS adjudicator would designate the end of the previous employment as the start date of the discretionary grace period if the adjudicator does not make the discretionary determination to eliminate it. As noted in the AC21 final rule, the discretionary decision of whether to eliminate or shorten a grace period requires individualized assessments that consider the totality of the circumstances surrounding the cessation of employment and the beneficiary's activities after such cessation. *See* 81 FR 82398, 82439 (Nov. 18, 2016). While many cases might result in grants of the up to 60-day discretionary grace periods, some cases may present factors that do not support the favorable exercise of this discretion. Circumstances that may lead DHS to make a discretionary determination to shorten or entirely eliminate the up to 60-day discretionary grace period include violations of status, unauthorized employment during the grace period, fraud or national security concerns, or criminal convictions, among other reasons. *See* 81 FR 82398, 82439 (Nov. 18, 2016).

Additionally, the availability of clear documentation of employment cessation date may differ from case to case. Evidence that documents the employment cessation date is non-standard and requires officers to familiarize themselves with the documentation type, review the contents, and assess its veracity and credibility. Officers must often review numerous different document types per filing and the level of review is more extensive than that conducted when the grace period is not applicable. In some instances, the only evidence of the termination that a petitioner or an applicant can provide is a generalized payroll document from an alien that reflects payments made on the last month of employment. In many instances, these payroll documents do not definitively state the last day of employment. Rather, the officer must infer the employment end date based on prorating the payment across the pay period. Further, petitioners or applicants may or may not proactively flag that they are requesting consideration of the up to 60-day discretionary grace period. USCIS officers therefore must review each benefit request for aliens potentially covered by 8 CFR 214.1(l)(2) to determine whether the up to 60-day discretionary grace period applies and, if it does, must determine whether the up to 60-day discretionary grace period should be shortened or eliminated as a matter of discretion. If the petitioner or the applicant is unable to provide credible evidence establishing the date of employment cessation, the officer may not be able to determine whether the grace period applies, either in part or in full. Collectively this lack of clarity increases the complexity of the adjudication and prolongs the adjudication of individual cases imposing an additional burden.

In order to determine the additional workload USCIS faces when administering the grace period, DHS calculated the number of petitions and applications that required USCIS to assess whether the up to 60-day discretionary grace period could have potentially applied. That number comprises the following petitions and applications: (1) the number of Form I–129 petitions filed for an alien in one of the listed classifications that requested an extension of stay for purposes of new employment; (2) the number of Form I–

[25] *See, e.g., ITServe Alliance, Inc.* v. *U.S. Dep't of Homeland Sec.,* 71 F.4th 1028, 1037 (D.C. Cir. 2023) (''an admitted H–1B worker who fails to maintain qualifying employment will lose non-immigrant status and become removable.'').

[26] For example, an F–1 nonimmigrant student who drops below a full course of study without designated school official authorization is failing to maintain status even if the reason for the reduction in course load is not within the control of the student. *See generally,* 8 CFR 214.2(f). In the AC21 proposed rule, the agency also reasoned that providing flexibilities such as the up-to 60 day discretionary grace period provided to E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, or TN nonimmigrants was not unprecedented, as, for example, other nonimmigrant categories are provided similar flexibilities such as F and J nonimmigrants, citing to 8 CFR 214.2(f)(5)(iv) and (j)(1)(ii) respectively. *See* 80 FR 81900, 8923 (Dec. 31, 2025). 8 CFR 214.2(f)(5)(iv) provides F–1 students who have completed their course of study and any subsequently authorized practical training an additional 60-day period to prepare for departure or transfer to another school. 8 CFR 214.2(j)(1)(ii) provides J–1 nonimmigrant exchange visitors a 30-day grace period available to them during the validity period of their J–1 duration of status, which includes the duration of their J–1 exchange program and a 30-day departure preparation period. *See* 8 CFR 214.2(j)(1)(ii). However, these grace periods also do not apply when the F–1 or J–1 nonimmigrant prematurely ceases the activity voluntarily or involuntarily for which he or she was admitted, because such premature ceasing of the activity for which he or she is admitted will likely result immediately in the alien's failure to maintain status. *See also* INA sec. 237(a)(1)(C)(i), 8 U.S.C. 1227(a)(1)(C)(i) (providing that a nonimmigrant who fails to maintain their nonimmigrant status is deportable).

[27] A requestor is a person who files an application, petition, motion, appeal or another request relating to an immigration or naturalization benefit. *See* 8 CFR 1.2 (Benefit request).

129 petitions filed for an alien in one of the listed classifications that requested a change of status to another nonimmigrant category for purposes of new employment; (3) the number of Forms I–539, Application to Extend/Change Nonimmigrant Status filed by an alien in one of the listed classifications requesting a change of status to a non-employment based nonimmigrant status; (4) the number of Forms I–485, Application to Register Permanent Residence or Adjust Status, filed in an employment-based category by an alien in one of the listed classifications seeking to become a lawful permanent resident (LPR); [28] and (5) the number of Forms I–765, Application for Employment Authorization requesting compelling circumstances employment authorization, filed by an alien in one of the listed classifications.

DHS believes that this set of petitions and applications reasonably represents the potential number of cases for which USCIS must assess whether the up to 60-day discretionary grace period applies, and if so, perform the additional grace period analysis that was previously discussed for a subset of these petitions (see Costs and Benefits of the Proposed Rule).[29] From the beginning of fiscal year 2018 (October 1, 2017) through May 20, 2026, this population totaled over 1.9 million petitions or applications on which USCIS potentially had to perform this additional initial assessment thus representing a great adjudicative burden.[30] USCIS has reconsidered the grace period in light of this experience and now believes it should not be expending its limited resources to adjudicate a burdensome, discretionary benefit that not only is not required by statute, but in fact is inconsistent with the purpose of the nonimmigrant classifications. Eliminating the up to 60-day discretionary grace period would therefore reduce the administrative burden on USCIS.

D. Reliance Interests and Potential Impact of This Rule

DHS is cognizant that it is changing a longstanding policy that may impact aliens, employers, family members and potentially communities as a whole.[31] For example, U.S. employers who seek to employ recently terminated aliens in the relevant classifications may have made business arrangements based on an assumption that the aliens would be able to begin new employment, without the potentially lengthier process of seeking admission from outside the United States, following the cessation of their previous employment. Similarly, aliens in the relevant classifications, and their dependents, may have made career and/or personal plans in the United States based on the assumption that they may remain in legal status in the United States for up to 60 days during the grace period during which time they may be able to apply for a new status. DHS also acknowledges that aliens and their dependents may participate in activities in the local community. They may have, for example, purchased houses, paid taxes, and may have otherwise invested in the local community in reliance on the alien's continued stay in the United States.[32] Further, aliens may have, under the expectation that the up to 60-day discretionary grace period will apply, remained in the United States after the cessation of their employment while searching for new employment or waiting for the adjudication of the petition or application to change status or extend stay; yet during this time, they would have been considered to be failing to maintain status if USCIS later shortened or eliminated the up to 60-day grace period.

By removing the up to 60-day discretionary grace period, as this rule proposes, aliens in these nonimmigrant classifications would know with certainty that they are required to depart the United States, unless otherwise authorized to lawfully remain in the United States, upon cessation of employment or activity, because they, and their dependents, would be considered to be immediately failing to maintain their nonimmigrant status the day after the principal alien's employment or activity ceases.[33]

DHS has considered these potential reliance interests and impacts and believes the negative impacts of the up to 60-day discretionary grace period on the legal immigration system, discussed in this preamble, outweigh any potential benefits to employers, aliens, and the community at large of retaining the grace period. DHS notes that any reliance on the existing up to 60-day discretionary grace period would be misplaced because the decision to shorten or eliminate the up to 60-day discretionary grace period and consider the alien to have not maintained nonimmigrant status following cessation of employment is within the discretion of USCIS and only determined when adjudicating a subsequent immigration benefit request.[34] Additionally, DHS

[28] Adjustment of status is the process for eligible aliens physically present in the United States to apply for lawful permanent residence (LPR) without returning to their home country, by filing Form I–485.

[29] DHS acknowledges that the review and analysis of the applicability of the grace period will vary depending on the benefit request that was filed. For example, the grace period analysis for a petition requesting a change of employer with an extension of stay request would be different than the analysis for an employment-based application to adjust status, due to the specific regulations governing the different requests. Because each analysis is case specific, where some cases will require a more in-depth analysis due to the facts presented, DHS cannot estimate the time this analysis adds to each adjudication.

[30] *See* DHS, USCIS, CDAO, CLAIMS3 & ELIS, queried 02/2026, 03/2026, and 05/2026 PAER0020503, PAER0020655, and PAER0021448. DHS calculated the burden based on the number of petitions or applications received from FY 2018 forward because FY 2018 was the first fiscal year in which the AC21 rule was effective for the entire fiscal year. Note that this estimate is different from the numbers DHS used in its cost-benefit analysis. *See* section V.A.3. of this preamble. DHS believes that the adjudicative burden to USCIS to administer the grace period is greater than what is reflected in the cost-benefit analysis because the burden discussed here includes the time and resources spent reviewing applicable petitions or applications where the grace period could potentially apply, whereas the cost-benefit analysis is based on the estimated number of benefit requests that hindsight now allows DHS to see could have actually used the grace period because they met certain parameters; chiefly, the benefit requests followed a prior revocation of petition approval. USCIS does not know which benefit requests these are upon receiving an application or petition; rather USCIS can only determine this after spending time adjudicating the case. The impact of the rule discussed in section V.A.3. of this preamble examines the potential impact of the rule using information that is not available to adjudicators when they first receive a case and need to determine if a grace period may apply. The administrative burden discussed here represents the time and effort to identify the possible population and perform additional review, whereas the impact of the rule focuses on a subset of that population that was identified and reviewed throughout the adjudication process.

[31] *See, e.g., FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 513–16 (2009) (''the agency may change policy if it acknowledges the change, offers a rational explanation, and considers any serious reliance interests); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 43 (1983) (''the agency must examine relevant data and articulate a satisfactory explanation showing a rational connection between the facts found and the choice made'') (internal quotations omitted).

[32] Under the proposed rule, an alien (and his or her dependents) would have to immediately depart the United States on the day of the cessation of the employment or activity to avoid the consequences of failing to maintain status in the United States. Consequently, aliens whose employment or other activity ceased would also have to immediately cease any activity related to the local community. DHS notes that this type of loss, is common to the departure of aliens who have completed their stay in the United States and is not specific to this rulemaking; however, removing the up to 60-day discretionary grace period would accelerate a potential impact.

[33] Failure to maintain status carries other consequences, including, among other things, being subject to removability as a deportable alien under section 237(a)(1)(C) of the Act, 8 U.S.C. 1227.

[34] *See, e.g., Wages & White Lion Invs.,* L.L.C., 604 U.S. 542, 585 (2025) (stating that a belief about how an agency is likely to exercise its enforcement discretion is not a ''serious reliance interes[t]'') citing *Fox Television,* 556 U.S., at 515.

acknowledges that removal of the up to 60-day discretionary grace period may result in increased departures following cessation of employment. However, DHS concludes that such outcomes would be consistent with statutory design, would likely not alter numerical visa limits (as applicable), and would generally not preclude the alien from applying for admission in the future based on approval of a new nonimmigrant or immigrant benefit request. For the reasons articulated in the preamble, DHS believes that any potential negative impacts of the proposed rule, if finalized, on the regulated public would be outweighed by the government's competing interests articulated in this rule.

DHS invites comments on any potential impact of this rulemaking, including comments on any potential reliance interests that are implicated by the provisions of this NPRM.

E. Alternatives Considered

DHS considered alternatives to eliminating the up to 60-day discretionary grace period for all of the classifications listed in current 8 CFR 214.1(l)(2). First, DHS considered only eliminating the up to 60-day discretionary grace period for some of the listed classifications. However, as discussed in section IV. B. of this preamble, DHS is removing the up to 60-day grace period because it does not align with the statute. Allowing some classifications to remain in the United States and be considered to be maintaining status, while not adhering to the conditions of admission or grant of status, does not support the goal of requiring aliens, and their dependents, to depart the United States upon cessation of the employment or activity on which their nonimmigrant status is based, unless otherwise authorized to lawfully remain in the United States, and would therefore remain inconsistent with the statute with respect to those classifications. In addition, this alternative would not reduce the administrative burden described above for the classifications for which the up to 60-day discretionary grace period was not eliminated.

DHS also considered shortening, rather than eliminating the up to 60-day discretionary grace period. However, shortening the grace period would not address the burden borne by USCIS to administer this grace period. A shorter grace period would not reduce the number of applications and petitions that USCIS must review for grace period applicability and would not reduce the additional adjudication that must be undertaken to determine whether to reduce or eliminate the up to 60-day discretionary grace period, or to determine the start and end dates of the period. Shortening the up to 60-day discretionary grace period would also not meet the goal of requiring aliens, and their dependents, to depart the United States upon cessation of the employment or activity on which their nonimmigrant status is based, unless otherwise authorized to lawfully remain in the United States because aliens would still be allowed to remain in the United States and be considered to be maintaining status beyond the time in which the alien is adhering to the specific employment or activity that formed the basis of his or her admission or grant of status.

DHS also considered an alternative that would reduce the administrative burden on USCIS, specifically by imposing precise and stringent evidentiary requirements in order for USCIS to even consider whether a grace period applies. Under this approach, USCIS adjudicators would not have the burden of determining whether the grace period would impact the benefit request, as the evidence submitted with the filing would make it clear that the petition was relying on a grace period. However, DHS decided against this alternative. While it may ostensibly reduce administrative burden on USCIS, adjudicators would still have the added burden of scrutinizing the documentation and verifying the end date of the alien's prior employment to determine whether the alien is actually eligible to benefit from the grace period. Additionally, even acknowledging a potential reduction in administrative burden from this alternative, as with the above alternatives this approach would not address DHS's goal of aligning the regulatory provisions with the statute and restoring the expectation that aliens depart the United States upon cessation of the employment or activity on which their visa classification was based.

Considering the need to reduce administrative burden and better protect the integrity of the legal immigration system by requiring that aliens, and their dependents, depart the United States upon failing to meet the conditions that were the basis of their nonimmigrant status, unless otherwise authorized to lawfully remain in the United States, DHS believes that the harm of the up to 60-day discretionary grace period outweighs the potential benefit it provides to the impacted aliens and employers, the alien's dependents, and the community at large. Therefore, DHS believes that eliminating the up to 60-day discretionary grace period for all relevant classifications is the most effective way to achieve the goals of this rulemaking.

V. Statutory and Regulatory Requirements

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

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

The Office of Management and Budget (OMB) has designated this rule a ''significant regulatory action'' under section 3(f) of E.O. 12866, although not economically significant under section 3(f)(1). Accordingly, the rule has been reviewed by OMB.

This rule is not an Executive Order 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The primary purpose of this rule is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

1. Summary

The purpose of this NPRM is to remove the E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications from 8 CFR 214.1(l)(2), which currently provides for a discretionary grace period of up to 60 days for an alien admitted or otherwise provided status in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN

classifications, and his or her dependents, following cessation of their qualifying employment prior to the expiration of the alien's authorized validity period. DHS estimates that under this proposed rule, some aliens may be issued Notices to Appear (NTA),[35] thereby incurring costs of attending immigration hearings with the Department of Justice Executive Office for Immigration Review (EOIR) as part of removal proceedings. In addition, some aliens would leave the country and then apply for readmission under a nonimmigrant employment-based status after finding a new job. The proposed rule would enable DHS to conduct the administration and adjudication of E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN immigration benefit requests with decreased complexity and is conducive to program integrity, as described in Section IV Discussion of Proposed Rule of the preamble.

Table 1 provides a detailed summary of estimated quantifiable and unquantifiable impacts of the proposed rule.

TABLE 1—SUMMARY OF PROVISIONS AND IMPACTS OF THE NPRM

Proposed rule provisions	Description of the proposed change to provisions	Estimated costs of provisions	Estimated benefits of provisions
8 CFR 214.1(l)(2)—Removal of Discretionary Grace Period.	To remove the up to 60-day discretionary grace period at 8 CFR 214.1(l)(2) and restore a direct relationship between maintenance of nonimmigrant status with the basis for which E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications, and their dependents, were admitted or otherwise provided nonimmigrant status.	Quantitative: Beneficiaries— ☐ Beneficiaries of nonimmigrant visa classifications who must respond to a Notice to Appear (NTA) by attending an immigration hearing would incur opportunity costs of time and travel costs ranging from $204.43 to $300.53 per person. ☐ A subset of 3,795 nonimmigrant visa beneficiaries may incur lost income if additional time is required to conduct the job search after departing the United States. Petitioners— ☐ None. DHS/USCIS— ☐ Devote resources to issue NTAs and initiate removal proceedings against aliens. Qualitative: Beneficiaries— ☐ None. Petitioners— ☐ H–1B and O–1 petitioners would be liable for the reasonable costs of return transportation abroad if an H–1B or O–1 beneficiary is dismissed from employment by the petitioner before the end of period of authorized admission and the beneficiary decides to depart the country.[36] DHS/USCIS— ☐ None.	Quantitative: Petitioners— ☐ None. DHS/USCIS— ☐ None. Qualitative: Beneficiaries— ☐ None. Petitioners— ☐ None. DHS/USCIS— ☐ Improve program integrity and consistency between nonimmigrant status and the basis of the activity for their admittance. ☐ Reduce the administrative burden associated with the up to 60-day discretionary grace period.

In addition to the impacts summarized in Table 1, and as required by OMB Circular A–4, Table 2 presents the prepared accounting statement showing the costs, benefits, and transfers associated with this rule.[37]

TABLE 2—OMB A–4 ACCOUNTING STATEMENT

[$ millions, FY 2025]

Category	Primary estimate	Minimum estimate	Maximum estimate	Source citation
Time Period: FY 2027 through FY 2036				
BENEFITS				
Annualized Monetized Benefits	Not Estimated.			Regulatory impact analysis (RIA).
Annualized quantified, but unmonetized, benefits	N/A	N/A	N/A	RIA.
Qualitative (unquantified) Benefits	This proposed rule would improve program integrity by introducing administrative simplicity in certain classifications and increasing consistency between maintenance of nonimmigrant status with the basis for which aliens and their dependents were admitted or otherwise provided nonimmigrant status.			RIA.
COSTS				
Annualized monetized costs at 3%	Not Estimated.			RIA.
Annualized monetized costs at 7%	Not Estimated.			

[35] A Notice to Appear (NTA), Form I–862, is issued by DHS to initiate removal proceedings under section 240 of the Act, 8 U.S.C. 1229a. For more information on NTAs, see Department of Justice, Executive Office for Immigration Review, The Notice to Appear, *https://www.justice.gov/eoir/notice-appear* (last updated Dec. 14, 2025).

[36] *See* INA sec. 214(c)(5), 8 U.S.C. 1184(c)(5); 8 CFR 214.2(h)(4)(iii)(E) and (o)(16).

[37] OMB, ''Circular A–4'' (Sept. 17, 2003), *trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf* (last visited Aug. 1, 2025).

TABLE 2—OMB A–4 ACCOUNTING STATEMENT—Continued
[$ millions, FY 2025]

Category	Primary estimate	Minimum estimate	Maximum estimate	Source citation
Annualized quantified, but unmonetized, costs	This proposed rule would result in USCIS devoting resources to issue NTAs and initiate removal proceedings against aliens who failed to maintain their nonimmigrant status, and to maintain program integrity. This rule may result in some nonimmigrant workers whose prior employment has ended to depart the United States. For those who depart, this proposed rule would cause a temporary loss of productivity to their prospective employers. Some employers who decide to terminate the employment of nonimmigrant workers have to provide return transportation or other relocation costs when the H–1B or O–1 beneficiary decides to depart whereas some of these costs could have been avoided without this rule.			RIA.
Qualitative (unquantified) costs	N/A			RIA.
TRANSFERS				
Annualized monetized transfers: ''on budget''	N/A			RIA.
From whom to whom?	N/A			RIA.
Annualized monetized transfers: ''off-budget''	N/A			RIA.
From whom to whom?	N/A			RIA.
Miscellaneous Analyses/Category	Effects.			Source Citation (RIA, preamble, etc.).
Effects on State, local, or tribal governments	N/A			RIA.
Effects on small businesses	For some small entities offering employment to E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN nonimmigrant workers whose prior employment has ended, they may adjust their behavior but would continue to seek workers to fill job openings. DHS assumes that almost all these entities would offer the same jobs to equally qualified U.S. workers, go through the I–129 petition process to sponsor nonimmigrant workers, or reassign the work to other current employees. DHS acknowledges that some of these petitioners may incur a temporary loss of productivity due to labor turnover.			Regulatory Flexibility Act (RFA) analysis.
Effects on wages	N/A			RIA.
Effects on growth	N/A			RIA.

2. Background and Population

The H–1B nonimmigrant visa program allows U.S. employers to temporarily hire foreign workers to perform services in a specialty occupation, services related to a DOW cooperative research and development project or coproduction project, or services of distinguished merit and ability in the field of fashion modeling.[38] A specialty occupation is defined as an occupation that requires the (1) theoretical and practical application of a body of highly specialized knowledge and (2) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum qualification for entry into the occupation in the United States. *See* INA sec. 214(i)(l), 8 U.S.C. 1184(i)(l).

The number of aliens who may be issued initial H–1B visas or otherwise provided initial H–1B nonimmigrant status during any fiscal year has been capped at various levels by Congress over time, with the current numerical limit being 65,000 per fiscal year. *See* INA sec. 214(g)(1)(A), 8 U.S.C. 1184(g)(1)(A). Congress has also provided for various exemptions from this annual numerical limit, including an exemption for 20,000 aliens who have earned a master's or higher degree from a U.S. institution of higher education. *See* INA sec. 214(g)(5) and (7), 8 U.S.C. 1184(g)(5) and (7). In general, prior to filing an H–1B petition, the employer is required to obtain a certified LCA from the DOL. *See* 8 CFR 214.2(h)(4)(i)(B)(*1*). The LCA collects information about the employer and the occupation for the H–1B worker(s). The LCA requires certain attestations from the employer, including, among others, that the employer will pay the H–1B worker(s) at least the required wage. *See* 20 CFR 655.731 through 655.735. H–1B specialty occupation workers generally may be admitted or otherwise granted nonimmigrant status for an initial period of up to 3 years, *see* 8 CFR 214.2(h)(9)(iii)(A)(*1*), with a maximum period of authorized admission generally limited to 6 years, *see* INA sec. 214(g)(4), 8 U.S.C. 1184(g)(4).

The spouses and unmarried children under the age of 21 of H–1B nonimmigrants are eligible for H–4 nonimmigrant status. *See* 8 CFR 214.2(h)(9)(iv). Certain H–4 dependent spouses of H–1B nonimmigrants can seek employment authorization by filing Form I–765, Application for Employment Authorization, if the H–1B nonimmigrant: (1) is the principal beneficiary of an approved Form I–140, Immigrant Petition for Alien Worker; or (2) has been granted H–1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act (AC21). *Id.*

The H–1B1 nonimmigrant visa program, specifically applicable to nationals of Chile and Singapore, allows for the temporary employment of such nonimmigrant aliens in specialty occupations. *See* INA sec. 101(a)(15)(H)(i)(b1), 8 U.S.C 1101(a)(15)(H)(i)(b1). Of the current H–1B annual numerical limit of 65,000 initial visas or grants of status per fiscal year, 6,800 are reserved for use by H–1B1 nonimmigrants: 1,400 for nonimmigrants from Chile and 5,400 for nonimmigrants from Singapore. *See* INA sec. 214(g)(8)(B), 8 U.S.C. 1184(g)(8)(B). An employer who seeks to temporarily employ an alien in H–1B1 status may apply directly to the Department of State if the alien is outside of the United States or may file a petition requesting H–1B1 status with USCIS if the alien in

[38] *See* INA sec. 101(a)(15)(H)(i)(b), 8 U.S.C. 1101(a)(15)(H)(i)(b); Immigration Act of 1990, Public Law 101–649, sec. 222(a)(2), 104 Stat. 4978 (Nov. 29, 1990); 8 CFR 214.2(h).

in the United States in another classification. Aliens may be granted H–1B1 nonimmigrant status in one-year increments, with no maximum on the number of extensions. *See* INA sec. 214(g)(8)(C), 8 U.S.C. 1184(g)(8)(C). The spouses and unmarried children under the age of 21 of H–1B1 nonimmigrants are eligible for H–4 nonimmigrant status but are not employment authorized or eligible to apply for employment authorization. *See* 8 CFR 214.2(h)(9)(iv).

An L–1 nonimmigrant visa is for multinational companies to transfer executives, managers (L–1A), or employees with specialized knowledge (L–1B) from an overseas office to a U.S. office, requiring the employee to have worked abroad for a related entity for at least one year out of the preceding three years in a similar role. *See* INA sec. 101(a)(15)(L), 8 U.S.C. 1101(a)(15)(L). The L–1A and L–1B visa classifications also enable a foreign company that does not yet have an affiliated U.S. office to send an executive or manager or a professional employee with specialized knowledge to the United States with the purpose of establishing one. *See* 8 CFR 214.2(l)(3)(v) and (vi). Qualified employees under L–1A or L–1B visa classifications entering the United States to establish a new office are allowed a maximum initial stay of one year. *See* 8 CFR 214.2(l)(7)(i)(A)(*3*). All other qualified employees under L–1A or L–1B visa classifications are allowed a maximum initial stay of three years. *See* 8 CFR 214.2(l)(7)(i)(A)(*2*). For all employees under L–1A and L–1B visa classifications, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of 7 years under L–1A and 5 years under L–1B. *See* 8 CFR 214.2(l)(15)(ii).

The alien employee may be accompanied by his or her spouse and unmarried children who are under 21 years of age. *See* 8 CFR 214.2(l)(7)(ii). Spouses and children may seek admission under the L–2 nonimmigrant classification and, if approved, they will generally be granted the same period of stay as the L–1 nonimmigrant worker. *Id.* Spouses of L–1 workers in valid L–2 nonimmigrant status are considered employment authorized incident to status. *See* INA sec. 214(c)(2)(E), 8 U.S.C. 1184(c)(2)(E). L spouses are not required to request employment authorization by filing Form I–765, but may still file the form, with fee, in order to obtain an Employment Authorization Document (EAD). They can be granted evidence of work authorization by way of an L–2S designation on their Arrival-Departure Record (Form I–94).[39]

The E–1 nonimmigrant classification allows a national of a treaty country (a country with which the United States maintains a treaty of commerce and navigation, or which the United States maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States solely to engage in international trade on his or her own behalf. *See* INA sec. 101(a)(15)(E)(i), 8 U.S.C. 1101(a)(15)(E)(i); 8 CFR 214.2(e)(1). Certain employees of such a person or of a qualifying organization may also be eligible for this classification. *See* 8 CFR 214.2(e)(3). Qualified treaty traders and employees are allowed a maximum initial stay of two years. *See* 8 CFR 214.2(e)(19)(i). Requests for extension of stay in E–1 classification may be granted in increments of up to two years each. *See* 8 CFR 214.2(e)(20). There is no limit to the number of extensions an E–1 nonimmigrant may be granted. *See* 8 CFR 214.2(e)(20)(iii). All E–1 nonimmigrants, however, must maintain an intention to depart the United States when their status expires or is terminated.[40]

The E–2 nonimmigrant classification allows a national of a treaty country (a country with which the United States maintains a treaty of commerce and navigation, or with which the United States maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States when investing a substantial amount of capital in a U.S. business.[41] *See* INA sec. 101(a)(15)(E)(ii), 8 U.S.C. 1101(a)(15)(E)(ii); 8 CFR 214.2(e)(2). Certain employees of such a person or of a qualifying organization may also be eligible for this classification. *See* 8 CFR 214.2(e)(3). Qualified treaty investors and employees are allowed a maximum initial stay of two years. *See* 8 CFR 214.2(e)(19)(i). Requests for extension of stay in E–2 classification may be granted in increments of up to two years each. *See* 8 CFR 214.2(e)(20). There is no limit to the number of extensions an E–2 nonimmigrant may be granted. *See* 8 CFR 214.2(e)(20)(iii). All E–2 nonimmigrants, however, must maintain an intention to depart the United States when their status expires or is terminated.[42]

The E–3 nonimmigrant classification concerns specialty occupation workers who are nationals of the Commonwealth of Australia. *See* INA sec. 101(a)(15)(E)(iii), 8 U.S.C. 1101(a)(15)(E)(iii). E–3 nonimmigrants must be coming to the United States solely to perform services in a specialty occupation. The definition of the term ''specialty occupation'' is the same as for the H–1B classification. *See* INA sec. 214(i)(1), 8 U.S.C. 1184(i)(1) (defined as requiring theoretical and practical application of a body of highly specialized knowledge and the attainment of a bachelor's or higher degree in the specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States). E–3 nonimmigrants may be granted a maximum initial stay of two years. Requests for extension of stay in E–3 nonimmigrant status may be granted in increments of up to two years each. There is no limit to the number of extensions an E–3 nonimmigrant may be granted.[43]

E–1, E–2 and E–3 principal nonimmigrants may be accompanied by their spouse and unmarried children who are under 21 years of age. Spouses and children may seek admission under the E–1, E–2 or E–3 nonimmigrant classification, as applicable, and if approved, they will generally be granted the same period of stay as the E–1, E–2, or E–3 principal nonimmigrant. *See* 8 CFR 214.2(e)(4). Spouses of E nonimmigrant workers in valid E nonimmigrant status are generally considered employment authorized incident to status.[44] *See* INA sec.

[39] *See* USCIS, L–1A Intracompany Transferee Executive or Manager, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1a-intracompany-transferee-executive-or-manager* (last updated July 29, 2024) and USCIS, L–1B Intracompany Transferee Specialized Knowledge, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1b-intracompany-transferee-specialized-knowledge* (last updated July 30, 2024).

[40] *See* USCIS, E–1 Treaty Traders, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-1-treaty-traders* (last updated Apr. 8, 2025).

[41] The CNMI-Only Investor (E–2C) visa classification allows foreign, long-term investors to remain lawfully present in the CNMI through December 31, 2029, while they resolve their immigration status. This classification is intended to help as the CNMI transitions from the CNMI permit system to U.S. immigration laws. *See* USCIS, E–2 Visa: CNMI-Only Investor, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-2-visa-cnmi-only-investor* (last updated July 3, 2019).

[42] *See* USCIS, E–2 Treaty Investors, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-2-treaty-investors* (last updated Apr. 8, 2025).

[43] *See* USCIS, E–3 Specialty Occupation Workers from Australia, *https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-3-specialty-occupation-workers-from-australia* (last updated July 29, 2024).

[44] Some E spouses are not considered employment authorized incident to status and must apply for employment authorization. *See* 8 CFR 274a.12(c)(2) and (12).

214(e)(2), 8 U.S.C. 1184(e)(2). E nonimmigrant spouses generally are not required to request employment authorization by filing Form I–765, but may still file the form, with fee, in order to obtain an Employment Authorization Document (EAD). They can be granted evidence of work authorization by way of an E–1S, E–2S or E–3S designation on their Arrival-Departure Record (Form I–94).[45]

The O–1 nonimmigrant classification is for aliens with extraordinary ability in the sciences, arts, education, business, or athletics, or who have a demonstrated record of extraordinary achievement in the motion picture or television industry and have been recognized nationally or internationally for those achievements. The O–1 nonimmigrant classification is commonly referred to as:

- *O–1A:* Individuals with an extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion pictures or television industry);
- *O–1B:* Individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry;

An O–1 nonimmigrant may be granted a maximum initial stay of 3 years with further extension in increments of up to one year to complete the activity or event for which the alien was admitted or otherwise granted O–1 nonimmigrant status. *See* 8 CFR 214.2(o)(6)(iii)(A) and (12)(ii). The spouses and unmarried children under the age of 21 of O–1 nonimmigrants are eligible for O–3 nonimmigrant status but are not employment authorized or eligible to apply for employment authorization. *See* 8 CFR 214.2(o)(6)(iv).

The TN nonimmigrant classification permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level. *See* INA sec. 214(e)(1), 8 U.S.C. 1184(e)(1); 8 CFR 214.6(a). Aliens may be granted TN nonimmigrant status in increments of up to 3 years. See 8 CFR 214.6(e). There is no limit on the number of times an alien may be granted TN nonimmigrant status, so long as he or she intends to remain temporarily in the United States as a nonimmigrant. *See* 8 CFR 214.6(h)(1)(iv). Dependent spouses of a TN nonimmigrant may be admitted or otherwise provided TD nonimmigrant status, but are not authorized to work or otherwise eligible to apply for employment authorization as a TD nonimmigrant. *See* 8 CFR 214.6(j).

DHS regulations currently allow alien workers in certain approved nonimmigrant visa classifications, and their dependents, to have grace periods of up to 60 days when their employment ends, whether the employment terminated voluntarily or involuntarily, unless such grace period is shortened or eliminated by DHS. *See* 8 CFR 214.1(l)(2). During the up to 60-day discretionary grace period, the nonimmigrant worker is not considered to be failing to maintain status solely for not engaging in employment or the activity that forms the basis of the alien's status. *Id.* Nonimmigrants are not authorized to work during the grace period, unless otherwise authorized. *Id.* Aside from departing the United States, such nonimmigrant workers can:

- File an application for a change of nonimmigrant status (I–539, Application to Extend/Change Nonimmigrant Status);
- File an application for adjustment of status (I–485, Application to Register Permanent Residence or Adjust Status);
- File an application for a ''compelling circumstances'' employment authorization document (Form I–765); or
- Be the beneficiary of a nonfrivolous petition to change employer (Form I–129).

If one of these actions described above occurs within the up to 60-day discretionary grace period, nonimmigrants may be permitted to remain in the United States beyond the 60-day grace period, even if they lose their previous nonimmigrant status. If an alien takes none of the above actions following cessation of the employment on which their status is based, they and their dependents would need to depart the United States unless otherwise authorized to lawfully remain in the United States. This provision, codified at 8 CFR 214.1(l)(2), was intended to enhance job portability for high-skilled nonimmigrants and provide limited flexibility in cases of job loss.[46]

In Section IV.C: Reducing Administrative Burden, DHS presented statistics on additional workload USCIS faces when administering the grace period, and are discussed as qualitative benefits to DHS in this analysis. DHS calculated 1.9 million petitions and applications received from fiscal year 2018 through May 20, 2026 for which USCIS assessed whether the up to 60-day discretionary grace period could have potentially applied.[47] In the cost benefit analysis described in the following pages, DHS analyzes the impact of the proposed rulemaking on nonimmigrant worker visa beneficiaries who likely utilized the up to 60-day discretionary grace period and petitioners who petition for such beneficiaries. Table 3 presents data on E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN population of beneficiaries of a revoked Form I–129 petition based on a petitioner's withdrawal of the petition after approval. This group includes beneficiaries who experienced cessation of employment with the petitioner, either involuntarily or voluntarily.[48] Due to data limitations DHS uses the population of beneficiaries of a revoked Form I–129 petition as a reasonable proxy for beneficiaries who could have utilized the grace period to pursue one of the options described above for FY 2021 through FY 2025.[49] Based on a 5-year annual average, DHS estimates the

[45] *See* USCIS Policy Manual Vol. 10, Part B, Chapter 2—Employment Authorization for Certain H–4, E, and L Nonimmigrant Dependent Spouses. *https://www.uscis.gov/policy-manual/volume-10-part-b-chapter-2#:~:text=As%20of%20November%2012%2C%202021,C%20of%20Form%20I%2D9.* (last updated Feb. 03, 2026).

[46] *See* 80 FR 81923 (''To enhance job portability for these high-skilled nonimmigrants, DHS proposes to generally establish a one-time grace period during an authorized nonimmigrant validity period of up to 60 days or until the existing validity period ends, whichever is shorter, whenever employment ends for these individuals.''); USCIS, Options for Nonimmigrant Workers Following Termination of Employment, *https://www.uscis.gov/archive/options-for-nonimmigrant-workers-following-termination-of-employment-0* (last updated Jan 24, 2025).

[47] *See* DHS, USCIS, CDAO, CLAIMS3 & ELIS, queried 02/2026, 03/2026, and 05/2026 PAER0020503, PAER0020655 and PAER0021448. DHS calculated the burden based on the number of petitions or applications received from FY 2018 forward because FY2018 was the first fiscal year in which the AC21 rule was effective for the entire fiscal year.

[48] *See e.g.,* 8 CFR 214.2(h)(11)(i)(A) (an H–1B employer is required to immediately notify USCIS such as by submitting a letter of withdrawal, when the employer no longer employs the beneficiary, whether through termination or resignation).

[49] As stated above, due to data limitations DHS uses this population as a reasonable proxy to estimate the population that could have used the grace period, as data on aliens using the grace period is not captured on a form or otherwise reported to USCIS. DHS acknowledges that using I–129 withdrawal data likely would not enable estimation of all possible impacts, as it will not capture all beneficiaries that could have used the grace period. For instance, DHS notes that currently some employers do not notify USCIS or file a withdrawal when an H–1B worker ceases to work for the company but uses the up to 60-day discretionary grace period. Some classifications, like the E–1, E–2, E–3, H–1B1, L–1and TNs, do not have a requirement to notify USCIS of employment cessation or submit a withdrawal. Due to data limitations and availability, DHS is unable to estimate the number of companies who have not notified or filed a withdrawal letter with USCIS or who failed to do so immediately upon cessation of the alien's employment. Further, DHS is unable to estimate the number of aliens who changed employment prior to having their petition withdrawn and would not have utilized the grace period.

number of primary beneficiaries who experienced either cessation of employment or voluntarily changed employer is 65,752, with a high of 80,034 in FY 2023 and a low of 40,959 in FY 2021. From FY 2021 through FY 2025, 5.77 percent of 328,758 primary beneficiaries that either lost their job or changed employers had a new petition for nonimmigrant worker (Form I–129) submitted on their behalf by a new employer (petitioner) within 60 days after the withdrawal of their approved I–129 petition by their old employer; 0.59 percent submitted Form I–485 requesting Adjustment of Status; another 1.70 percent submitted Form I–539 to request an Extension/Change of Status; and less than 0.1 percent submitted Form I–765 requesting a Compelling Circumstances EAD (CCEAD).[50] Ninety-nine percent of 328,758 E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN primary beneficiaries that either lost their job or changed employers from FY 2021 through FY 2025 belong to the H–1B classification. For brevity, the combined population of primary beneficiaries is presented in Table 3.

TABLE 3—BENEFICIARIES OF FORM I–129, E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 AND TN CLASSIFICATION FOR FY 2021 THROUGH FY 2025

Fiscal year	Primary beneficiaries who experienced cessation of employment or changed employers	Action pursued within the up to 60-Day discretionary grace period			
		Petition for a nonimmigrant worker (Form I–129)	Register permanent residence or adjustment of status application (Form I–485)	Extension/ change of status application (Form I–539)	Compelling circumstances EAD (CCEAD) application (Form I–765)
2021	40,959	2,138	346	258	1
2022	69,268	2,821	415	129	1
2023	80,034	3,955	298	645	6
2024	68,997	4,883	427	1,831	28
2025	69,500	5,178	438	2,733	13
5-Year Total	328,758	18,975	1,924	5,596	49
5-Year Average	65,752	3,795	385	1,119	10
% Share of Total		5.77	0.59	1.70	<0.1

Source: USCIS CDAO, queried 1/2026 and 2/2026, PAER0020131 and PAER0020348.
Fiscal Year refers to the year the nonimmigrant visa beneficiary's approved Form I–129 was revoked due to request received by USCIS from the petitioner to withdraw an approved Form I–129 petition.

Nonimmigrant status of dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries is tied to the primary beneficiary's status and therefore they lose or change status if the primary beneficiary loses or changes status. In Table 4, DHS presents data on number of dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries by fiscal year of approval. Based on a 5-year annual average, DHS estimates the number of dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries is 208,187, with a high of 239,649 in FY 2022 and a low of 175,454 in FY 2024. DHS data is not salient enough to provide a reliable and accurate estimate of dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries who would have utilized the discretionary grace period under current regulations after the primary beneficiary either experienced cessation of employment or changed employer and received a new employment offer, filed an I–485 application, applied for change of status or extension of status, or requested a compelling circumstances EAD.

TABLE 4—DEPENDENTS OF PRIMARY E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 AND TN BENEFICIARIES

Fiscal year*	E–1 Dependents	E–2 Dependents	E–3 Dependents	H–1B or H–1B1 Dependents	L–1 Dependents	O–1 or TN Dependents	FY total
2021	450	6154	2038	179616	32427	4,191	224,876
2022	468	8196	2512	189913	33616	4,944	239,649
2023	279	7361	1330	154506	19499	5,925	188,900
2024	172	5555	1162	146706	17610	4,249	175,454
2025	114	4561	675	172470	27689	6,547	212,056
5-Year Total	1,483	31,827	7,717	843,211	130,841	25,856	1,040,935
5-Year Average	297	6,365	1,543	168,642	26,168	5,171	208,187

Source: USCIS CDAO, CLAIMS3 database, queried 6/2026, PAER0021633.

[50] Calculations:—

18,975 5-Year Total of Beneficiaries with Change of Employer I–129 petitions submitted within the Up to 60-day Discretionary Grace Period/328,758 5-Year Total of Beneficiaries who witnessed either job loss or voluntary job change = 5.77%.

1,924 5-Year Total of Beneficiaries who submitted Adjustment of Status I–485 application within the Up to 60-day Discretionary Grace Period/328,758 5-Year Total of Beneficiaries who witnessed either job loss or voluntary job change = 0.59%.

5,596 5-Year Total of Beneficiaries who submitted Extend/Change of Status I–539 application within the Up to 60-day Discretionary Grace Period/328,758 5-Year Total of Beneficiaries who witnessed either job loss or voluntary job change = 1.70%.

49 5-Year Total of Beneficiaries who submitted CCEAD application within the Up to 60-day Discretionary Grace Period/328,758 5-Year Total of Beneficiaries who witnessed either job loss or voluntary job change = 0.02%.

* Fiscal Year refers to approval fiscal year.

3. Costs and Benefits of the Proposed Rule

The cost-benefit analysis is prepared based on the observed behavior of beneficiaries and petitioners under the current regulation and the expected behavior change in beneficiaries and petitioners due to the proposed regulation. Hence the analysis is primarily qualitative as there are multiple interplaying factors determining the outcome. The cost-benefit analysis is separated into four sections, which reflect the potential impacts as a result of the proposed change to eliminate the 60-day grace period. The first section discusses the costs incurred by E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries with intentions to pursue new job opportunities or apply for another immigration status. The second section focuses on the total cost of attending immigration hearings for E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries who experienced a period of unemployment in between jobs. The third section discusses the estimated impacts of the proposed rule to the Federal Government. Finally, DHS concludes with a discussion of the benefits of the proposed rule to both the Federal Government and the public.

a. Costs of Eliminating the Up to 60-Day Discretionary Grace Period

The proposed change to eliminate the up to 60-day discretionary grace period could directly impact those aliens in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN nonimmigrant status with intentions to pursue new job opportunities or apply for another immigration status, including change of status, extension of stay or adjustment of status. If such beneficiaries decide to leave the United States upon cessation of their employment because they would be considered to be failing to maintain status the day after cessation of employment pursuant to this rule, they could incur costs related to their departure which could include a termination fee of rental lease agreements, expenditure on flight tickets or other transportation costs in certain circumstances, and opportunity costs of time to get their legal and personal affairs in order. However, to the extent that aliens in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN nonimmigrant status would have sought to use the up to 60-day discretionary grace period, but were unable to secure new employment or change to another lawful status, these costs would be indirect since this rule would only accelerate the time in which such beneficiaries would incur these costs. DHS notes that an employer is currently liable for the reasonable costs of return transportation of an H–1B or an O–1 beneficiary to his or her home country if the beneficiary is dismissed from employment by the employer before the end of the period of authorized admission pursuant to section 214(c)(5) of the INA, 8 U.S.C. 1184(c)(5); if the beneficiary voluntarily terminates his or her employment prior to the expiration of the validity of the petition, the beneficiary is not considered to be ''dismissed'' and would personally incur the cost of return transportation. *See* 8 CFR 214.2(h)(4)(iii)(E) and (o)(16).

Due to data limitations, USCIS data cannot differentiate among beneficiaries if a request to withdraw an approved Form I–129 petition is due to voluntary (the employee quits) or involuntary (the employee is terminated from employment) cessation of employment. Therefore, DHS estimates that 3,795 E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN nonimmigrants annually would have a new nonimmigrant worker petition (Form I–129) submitted on their behalf by a new petitioner within the up to 60-day discretionary grace period (see Table 3). While not all impacted classifications are obligated to request withdrawal, we consider this estimate as an upper-bound estimate of the population that could incur costs depending on their subsequent course of action motivated by their decision to remain in valid nonimmigrant status in United States or depart the country. About 3,765, out of a total of 3,795 or 99.2 percent of E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN nonimmigrants belong to the H–1B classification.[51]

Moreover, after examining wage data[52] provided on Form I–129 petitions submitted by petitioners in the grace period, DHS determined the median annual wages to be $131,000 in FY 2025 for aliens in H–1B nonimmigrant status who had a Form I–129 petition revoked in FY 2025, but then had a new Form I–129 petition submitted on their behalf by a new petitioner within the up to 60-day discretionary grace period.[53] Because 99.2 percent of these nonimmigrants belong to the H–1B classification, DHS believes it is reasonable to use $131,000 to be the median annual wages as a basis to estimate any foregone wages. A subset of these beneficiaries who may have begun new employment with a new employer during the 60 day grace period may incur lost income if they require additional days to conduct their job search and return to the United States because they departed as a result of the proposed rulemaking.[54] Estimates of lost income from possible increased unemployment periods experienced by E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries varies within a classification and across classifications. The American Competitiveness in the 21st Century Act allows eligible H–1B workers to begin new employment immediately upon filing of a new, non-frivolous Form I–129 petition, without waiting for approval.[55] As for E–1, E–2, E–3, H–1B1, L–1, O–1 and TN beneficiaries, they can switch employers only after their new and non-frivolous Form I–129 petition is approved.[56]

[51] Source: USCIS CDAO, queried 1/2026 and 2/2026, PAER0020131 and PAER0020348. Calculation: 99.2 percent × 3,795 = 3,765.

[52] Wage information is provided by H–1B petitioner to Question 9 of Part 5: Basic Information About the Proposed Employment and Employer and does not include non-cash compensation and benefits. The wage amount refers to what the employer agreed to pay the beneficiary at the time the I–129 petition was filed but is not always verified after hiring.

[53] Source: USCIS CDAO, CLAIMS3 and ELIS, queried 1/2026, PAER0020265.

For purposes of this analysis, DHS decided to rely on median annual wages instead of mean annual wages. In Fiscal Year 2024 Annual Report to Congress, USCIS described characteristics of H–1B specialty workers and reported that median annual compensation for approved initial H–1B beneficiaries in FY 2024 was $97,000 and for approved continuing employment H–1B beneficiaries in FY 2024 was $132,000. See USCIS, Characteristics of H–1B specialty Occupation Workers. Fiscal Year 2024 Annual Report to Congress October 1, 2023–September 30, 2024 (Apr. 29, 2025), available at *https://www.uscis.gov/sites/default/files/document/legal-docs/ola_signed_fy2024_h1b_petitions.pdf* (last visited Jan. 26, 2026). In the Annual Report, USCIS used the word compensation to refer to wages.

[54] While the proposed rule does not restrict aliens from seeking subsequent employment in the United States, DHS considered a subset who may have used grace period to find subsequent employment, but could lose days of compensation due to the requirements of the rule (*e.g.*, traveling, searching for jobs from outside the country). As an upper bound estimate, DHS considered an alien who would have been able to work 60 additional days because the alien was not required to leave the country under the current regulation, but would require as much as two months to perform their job search and return to the United States because the alien would have to leave the United States under the proposed rule: $131,000 Median Annual Compensation × (2 months/12 months) = $21,877.

[55] *See* FAQs for Individuals in H–1B Nonimmigrant Status. *https://www.uscis.gov/archive/faqs-for-individuals-in-h-1b-nonimmigrant-status* (last updated Dec. 23, 2025).

[56] *See* USCIS Policy Manual, Vol. 7, Part E, Chapter 5—Job Portability after Adjustment Filing and Other AC21 Provisions, *https://www.uscis.gov/policy-manual/volume-7-part-e-chapter-5* (last updated Feb. 3, 2026).

While DHS assumes those employers who previously hired one or more of the 3,795 aliens in E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, or TN nonimmigrant status within the grace period would find equally qualified U.S. workers or would continue to go through the applicable petition process to obtain authorization to employ the same or another foreign worker, some employers may face a temporary loss of productivity. Alternatively, within an entity, work may be reassigned to other employees. Employers who dismiss an H–1B or O–1 nonimmigrant worker from employment are currently liable for the alien's return transportation costs. Under the current regulation, employers of H–1B or O–1 nonimmigrants who choose to remain in the United States after being terminated from employment, because of the up to 60-day grace period, would not incur the cost of the alien's return transportation home. If the rule is finalized as proposed, these employers would likely incur the alien's return transportation costs because the H–1B or O–1 would be required to depart the country immediately when their employment is terminated by the employer, unless the alien is otherwise authorized to lawfully remain in the United States. Under current regulations, employers do not completely lose the opportunity to hire nonimmigrant workers who had a Form I–129 petition revoked and have departed the country as they have the option to submit a new petition, if otherwise eligible, to bring those aliens back to the United States after the new employment petition is approved and if the alien is admissible. The proposed rulemaking is not changing this current practice.

DHS acknowledges that dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN beneficiaries who are authorized to work and working in the United States would also be impacted if the up to 60-day discretionary grace period at 8 CFR 214.1(l)(2) is removed as proposed and the principal nonimmigrant on which their dependent status is based experiences a cessation of employment. Subsequently, it would also impact employers of E–1, E–2, E–3, H–4 and L–2 dependent spouses who are authorized to work. The impacts described for primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN beneficiaries and their employers above would be similar for E–1, E–2, E–3, H–4 and L–2 dependent spouses who are authorized to work and their employers. An impact on dependent spouses of the proposed change could be immediate departure and lost compensation. As explained previously, DHS data is not salient enough to provide a reliable and accurate estimate of dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN beneficiaries who would have utilized the grace period granted at USCIS' discretion under current regulations.

DHS cannot estimate the number of E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrant workers who would depart from United States in response to this rule if finalized as proposed, as some nonimmigrant workers may have sufficient notice before cessation of employment to find new employment or file a change of status request. Some nonimmigrant workers could also have pending benefit requests (for example, an adjustment of status application) that may allow them to remain in the United States in a period of authorized stay following the cessation of their employment. There could also be several factors influencing whether some of these workers would decide to depart the United States permanently or seek to re-enter the United States at a later time and if so, under what immigration status.

b. Costs of Attending Immigration Hearings

In this proposed rule, E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 and TN nonimmigrant workers would no longer receive an up to 60-day discretionary grace period upon cessation of employment and would be required to depart immediately unless otherwise authorized to lawfully remain in the United States. These workers would be considered to have failed to maintain status starting the day after their employment ends, and could generally be amenable for an NTA as an alien who failed to maintain nonimmigrant status. *See* INA sec. 237(a)(1)(C)(i), 8 U.S.C. 1227(a)(1)(C)(i). Once USCIS becomes aware of this fact, USCIS would follow established guidance for issuing NTAs as appropriate.[57] If an NTA is issued by USCIS (or another relevant agency) and properly served to such aliens, they would need to appear in front of an Immigration Judge in the Department of Justice Executive Office for Immigration Review (EOIR) Immigration Court at the location and time specified on the NTA.[58] The affected population as a result of this rule would likely be very small and would be limited to those whose employment ended, who did not voluntarily depart the United States upon cessation of their employment, who would have extended or changed status during the grace period but are no longer able to because a grace period no longer exists, and whose failure to maintain status would have been known to USCIS before the end of the alien's period of admission as indicated on his or her I–94. To illustrate, in FY 2025, there were 37 NTAs issued for H–1B beneficiaries based on failure to maintain nonimmigrant status beyond the up to 60-day discretionary grace period.[59] DHS expects that due to the proposed rulemaking, the number of issued NTAs would increase marginally. To estimate the opportunity cost of time for E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN having to appear in front of an Immigration Judge, this analysis uses $48.05 per hour in compensation, including costs for wages and salaries and benefits from the Department of Labor, U.S. Bureau of Labor Statistics (BLS) report on Employer Costs for Employee Compensation detailing the average employer costs for employee compensation for all civilian workers in major occupational groups and industries.[60] DHS accounts for worker benefits when estimating the opportunity cost of time by calculating a benefits-to-wage multiplier using the most recent BLS report detailing the average employer costs for employee compensation for all civilian workers in major occupational groups and industries. DHS estimates that the benefits-to-wage multiplier is 1.46, which incorporates employee wages and salaries and the full cost of benefits, such as paid leave, insurance, and retirement.[61] DHS does not rule out the

[57] For example, it could be possible that under such guidance USCIS would issue an NTA upon receiving notice from the employer (*e.g.,* withdrawal of the approved I–129) that the alien was no longer employed and the alien is no longer maintaining nonimmigrant status.

[58] DHS expects the majority of immigration hearings and proceedings to take place in Immigration Courts. We are using the cost and travel time estimates for attending immigration hearings at a court or other designated location as an approximate estimate for all populations attending immigration hearings in response to a Notice to Appear (NTA) issued by USCIS.

[59] DHS, USCIS, CDAO, CLAIMS3 & ELIS, queried 1/2026, PAER0020172. This data depicts the number of aliens who exceeded the 60-day grace period and were issued an NTA for failure to maintain status.

[60] *See* BLS, Economic News Release, ''Employer Cost for Employee Compensation—June 2025, '' Table 1. Employer costs for employee compensation by ownership, (Sept. 12, 2025), Employer Costs for Employee Compensation News Release—2025 Q02 Results, *https://www.bls.gov/news.release/archives/ecec_09122025.htm.*

[61] The benefits-to-wage multiplier is calculated as follows: (Total Employee Compensation per hour)/(Wages and Salaries per hour) = $48.05/$33.02 = 1.455 = 1.46 (rounded). *See* BLS, Economic News Release, ''Employer Cost for Employee Compensation—June 2025,'' Table 1. Employer

Continued

possibility that some portion of this population might earn higher wages than the average level for all occupations. E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrants whose employment ended are not supposed to work during the up to 60-day discretionary grace period, unless otherwise authorized. Therefore, DHS's reliance on the average employer costs for employee compensation for all civilian workers in major occupational groups and industries is justifiable for such beneficiaries described in Table 3.

There are 1,174 designated locations where NTA hearings take place, which include Immigration Courts.[62] Using similar methodology as in past rulemakings for estimating distance and time for attending an appointment with USCIS, DHS estimates that the average round-trip distance to an Immigration Court or other designated hearing location is 50 miles, and that the average travel time for the trip is 2.5 hours.[63] DHS's estimate of travel distance to an Immigration Court or designated NTA hearing location is based on current standards through which the Immigration Courts assign venue for NTA hearings.[64] The cost of travel also includes a mileage charge based on the estimated 50-mile round trip at the 2026 GSA rate of $0.725 per mile for use of a privately owned automobile.[65] DHS estimates an alien would spend 1 to 3 hours to attend an immigration hearing (depending on the complexity of an individual case). DHS estimates the total time to travel to and attend an immigration hearing would range from 3.5 to 5.5 hours. The opportunity cost of time to attend an immigration hearing would range from $168.18 to $264.28 per person.[66] The travel cost based on mileage is estimated to be $36.25.[67]

In sum, DHS estimates the opportunity cost of time and travel costs to attend an immigration hearing in response to a NTA would range from $204.43 to $300.53 per person.[68]

c. Costs to the Federal Government

In the regulatory impact analysis (RIA), USCIS evaluates the potential impacts of the rule against a no action baseline describing what the world would be like if the rule is not finalized. This proposed rule would result in USCIS devoting resources to issue an increased number of NTAs and to initiate removal proceedings against such aliens. The costs incurred by USCIS would be recovered by fees established at an amount necessary to recover all expected costs.[69] DHS acknowledges that while the proposed rulemaking would lead to reduction in administrative burden, it would marginally increase the volume of USCIS referrals to EOIR annually and lead to a minor increase in workload demands on both DOJ and U.S. Immigration and Customs Enforcement (ICE) (see Table 3). DHS asserts that these impacts may lead to minor increases in operational demands on both agencies.

d. Benefits to the Federal Government, Petitioners, and Beneficiaries of Nonimmigrant Employment Visas

The proposed rule would better align the regulation with the statute.[70] As the grace period is not mandated by statute, its existence disassociates the relationship between an alien's employment and his or her authorization to stay in the country. The proposed rule would encourage affected nonimmigrants to depart the United States upon failure to maintain status. It would also reduce administrative burden as the adjudication process to determine when a beneficiary ended employment and the up to 60-day discretionary grace period started which can be complicated and lead to uncertainty in case outcomes as described in the preamble. Reduction in administrative burden would enable USCIS to prioritize the allocation of scarce resources towards timely adjudication of meritorious cases. Therefore, DHS believes that elimination of the up to 60-day discretionary grace period at 8 CFR 214.1(l)(2) would lead to improved administrative efficiency and further enhance the integrity of the legal immigration system.

This proposed rule likely would not affect the national labor force or that of individual States. To the extent that this proposed rule would affect the labor force, the effects, if any, would be localized. As such, this proposed rule would not result in any significant tax or distributional impacts.

B. Regulatory Flexibility Act

The RFA, Public Law 96–354, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 5 U.S.C. 601 through 612, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.[71] An ''individual'' is not considered a small entity and therefore a rule's impacts on individuals are not considered for RFA purposes. *See* 5 U.S.C. 601, 632. In addition, the courts have held that the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates small entities.[72] Consequently,

costs per hour worked for employee compensation and costs as a percent of total compensation: civilian workers, by major occupational and industry group, (Sept. 12, 2025), *https://www.bls.gov/news.release/archives/ecec_09122025.pdf.*

[62] USCIS CDAO, queried 1/2026, PAER0020251. *See also https://www.justice.gov/eoir/immigration-court-operational-status.* Last accessed on Aug. 13, 2026.

[63] *See* Collection and Use of Biometrics by U.S. Citizenship and Immigration Services, 90 FR 49062 (3 Nov. 2025); and Alien Registration Form and Evidence of Registration, 91 FR 39248 (29 Jun. 2026). USCIS notes that this estimate of travel distance and travel time is an overestimate as the number of NTA hearing locations exceed the number of USCIS Application Support Centers.

[64] Gomez, Valeria, ''Geography as Due Process in Immigration Court,'' 23 Wisconsin Law Review 1 (2023), *https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2023/04/A_15-Gomez-Camera-Ready-1-44-PDF-.pdf.*

[65] GSA, ''Privately owned vehicle (POV) mileage reimbursement rates,'' *https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement* (last visited Jan. 22, 2026).

[66] Calculations: 3.5 (lower range of total time in hours to attend hearing) × $48.05 (average wage for 1 hour of work) = $168.175 = $168.18 (rounded)

5.5 (higher range of total time in hours to attend hearing) × $48.05 (average wage for 1 hour of work) = $264.275 = $264.28 (rounded).

[67] Calculation: 50-mile round trip × $0.725 per mile = $36.25.

[68] Calculations: $36.25 (cost of travel) + $168.18 (time-related costs) = $204.43.

$36.25 (cost of travel) + $264.28 (time-related costs) = $300.53.

[69] USCIS is mainly funded by immigration and naturalization benefit request fees charged to applicants and petitioners. Fees collected from individuals and entities filing immigration benefit requests are deposited into the IEFA. In accordance with the requirements and principles of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901–03 and OMB Circular A–25, USCIS conducts biennial reviews of the non-statutory fees deposited into the IEFA. The fee schedule is adjusted periodically to ensure that fees are adequate to recover costs for providing adjudication and naturalization services. The fee schedule was last adjusted on April 1, 2024. See 89 FR 6194 (Jan. 1, 2024).

[70] *See* Section IV.B. of the preamble.

[71] A small business is defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act, 15 U.S.C. 632.

[72] *See* U.S. Small Business Administration (SBA), ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act.'' at 22 (Aug. 2017), *https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf.* In *Aeronautical Repair Station Association, Inc.* v. *FAA,* the D.C. Circuit made clear that an entity is not ''subject to'' a regulation unless the regulation

a rule's indirect impacts on a small entity not subject to the rule are not considered for RFA purposes. DHS estimates that 3,795 petitions for an E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrant worker (Form I–129) would be submitted by a new petitioner for a beneficiary within the 60-day discretionary grace period.

1. A Description of the Reason Why the Action by the Agency Is Being Considered

DHS is proposing to amend its regulations to remove 8 CFR 214.1(1)(2) from DHS regulations and no longer provide an up to 60 day discretionary grace period for aliens admitted or otherwise provided status in the E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications, and their dependents, following cessation of the employment or services that was the basis for the alien's admission or grant of status. The proposed changes would better align the regulations with the statute, reduce administrative burdens, and better ensure program integrity. DHS believes these changes would better align the regulations with the statute and Congressional intent.

2. A Statement of the Objectives of, and Legal Basis for, the Proposed Rule

DHS's objectives and legal authority for this proposed rule are discussed earlier in Section IV.A. Need for the Proposed Rule, and in the Executive Summary Section II.B. Legal Authority, of the preamble.

3. A Description and, Where Feasible, an Estimate of the Number of Small Entities to Which the Proposed Changes Would Apply

This rule directly affects aliens, however we have included an analysis of the number of employers who are not subject to the rule but might be indirectly impacted by the rule for transparency. The small entities submitting petitions are not the directly regulated population.

For FY 2025, DHS estimates there were approximately 2,886 unique entities who submitted a Form I–129 Change of Employer petition for approximately 5,178 E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrant workers whose previously approved Form I–129 petition was revoked because the petitioner withdrew the petition in FY 2025 (see Table 3). These entities submitted a new petition for a nonimmigrant worker via Form I–129 in the possible up to 60-day discretionary grace period.[73] DHS merged the internal employer data with SBA's table of size standards[74] to identify small entities. To determine whether an entity is small for purposes of the RFA, DHS first identified the entity's North American Industry Classification System code and then used SBA guidelines to classify the revenue or employee count threshold for each entity. Some entities were classified as small based on their annual revenue, and some by their number of employees. Approximately 18 percent of petitions were not matched using SBA table of size standards. These unmatched employers were considered small entities if their number of employees was less than 500. In Table 5, DHS shows the classification of 2,886 unique entities by their small entity status according to SBA size standards.[75] Out of the 2,886 unique petitioners, 1,852 were determined to be small entities and 1,034 were determined to be non-small entities.[76]

TABLE 5—SMALL ENTITY DETERMINATION OF ENTITIES THAT FILED FORM I–129 PETITION ON BEHALF OF E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 OR TN BENEFICIARIES IN DISCRETIONARY GRACE PERIOD

Parameter	Quantity	Proportion (%)	Comments
Population—Entities that filed Form I–129 petition on behalf of E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN beneficiaries in discretionary grace period.	2,886	100	Determined by basis for classification.
Small entities	1,852	64.17	Entities among the 2,886 entities considered small based on revenue or employee data.
Non-small entities	1,034	35.83	Number of non-small entities out of the 2,886 entities.

Source: USCIS CDAO, CLAIMS3 and ELIS, queried 1/2026 and 2/2026, PAER0020265 and PAER0020514.

A prospective petitioner (employer) may respond to the proposed rulemaking in several ways. Under the proposed rulemaking, DHS estimates that approximately 2,886 petitioners would lose the opportunity to submit petitions for an E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrants whose employment ended and do not have legal status or access to the up to 60-day grace period. Relying on information reported in Form I–129, DHS determined that approximately 99 percent of the unique entities that filed a new petition for nonimmigrant worker (Form I–129) under H–1B classification on behalf of H–1B beneficiaries in the up to 60-day discretionary grace period filed petitions that were not subject to the cap. Entities that hire E–1, E–2, E–3, H–1B1, L–1, O–1 or TN nonimmigrants filed applications or petitions that are not subject to a cap (either because a numerical cap does not apply to the classification or, if a cap does apply, the cap has not been reached). Given that almost all these

''imposes responsibilities directly on'' the entity. 494 F.3d 161, 177 (D.C. Cir. 2007); *see also Mid-Tex Elec. Coop., Inc.* v. *FERC,* 773 F.2d 327, 342 (D.C. Cir. 1985) (holding that the RFA's requirements apply only to ''small entities that would be directly regulated'' by a challenged rule).

[73] As stated above, due to data limitations DHS uses this population as a reasonable proxy to estimate the population that could have used the grace period, as data on aliens using the grace period is not captured on a form or otherwise reported to USCIS. DHS acknowledges that using I–129 withdrawal data likely would not enable estimation of all possible impacts, as it will not capture all beneficiaries that could have used the grace period. For instance, DHS notes that currently some employers do not notify USCIS or file a withdrawal when an H–1B worker ceases to work for the company but uses the up to 60-day discretionary grace period. Some classifications, like the E–1, E–2, E–3, H–1B1, L–1and TNs, do not have a requirement to notify USCIS of employment cessation or submit a withdrawal. Due to data limitations and availability, DHS is unable to estimate the number of companies who have not notified or filed a withdrawal letter with USCIS or who failed to do so immediately upon cessation of the alien's employment. Further, DHS is unable to estimate the number of aliens who changed employment prior to having their petition withdrawn and would not have utilized the grace period.

[74] SBA, ''Table of Size Standards'' (Mar. 17, 2023), *https://www.sba.gov/document/support-table-size-standards.*

[75] Source: USCIS CDAO, CLAIMS3 and ELIS, queried 1/2026 and 2/2026, PAER0020265 and PAER0020514.

[76] Office of Advocacy, SBA, ''A Guide for Government Agencies, How to Comply with the Regulatory Flexibility Act,'' p. 19 (Aug. 2017), available at *https://advocacy.sba.gov/wp-content/uploads/2019/07/How-to-Comply-with-the-RFA-WEB.pdf* (last visited July 17, 2026).

entities described in Table 4 filed applications or petitions that are not subject to a numerical cap, DHS presumes that they will either offer the same jobs to equally qualified U.S. workers or go through the I–129 petition process depending on their workforce requirement. In some situations, aliens who have gone abroad can be readmitted for employment if the I–129 petition filed on their behalf is approved and the alien is admissible. Even though these petitioners would witness a temporary loss of productivity, they might be able to gain U.S. workers for the positions that were generally offered to E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrants during the possible grace period provided by 8 CFR 214.1(l)(2). The effects of this rulemaking on any given employer would depend in part on the interaction of a number of complex variables that constantly are in flux, including national, state, and local labor market conditions, economic and business factors, the type of occupations and skills involved, and the substitutability between E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN workers and U.S. workers. DHS has not been able to estimate the number of unique petitioners who offer employment to authorized dependents of primary E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN beneficiaries in their grace period, but acknowledges the impacts of the proposed rulemaking on such petitioners would be similar to what has been described above.

4. A Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement and the Types of Professional Skills Necessary for Preparation of the Report or Record

The proposed rulemaking would not lead to any additional reporting, recordkeeping, and other compliance requirements on small entities.

5. An Identification of All Relevant Federal Rules, to the Extent Practical, That May Duplicate, Overlap, or Conflict With the Proposed Rule

DHS is unaware of any duplicative, or conflicting Federal rules, but invites the public to provide comments and information regarding any such rules.

DHS is aware of potential overlap in the beneficiary population with the Department of Labor's Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States Notice of Proposed Rulemaking.[77] DOL is proposing to revise Employment and Training Administration (ETA) regulations governing the prevailing wages for employment opportunities that United States (U.S.) employers seek to fill with alien workers through certain EB–2 and EB–3 employment-based immigrant visas or through H–1B, H–1B1, or E–3 nonimmigrant visas. DHS has determined that there is potential overlap in the beneficiary population that is being regulated by DOL's Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States NPRM and DHS's Eliminating the Discretionary 60-Day Grace Period NPRM; however, no conflicts or duplications have been identified. DHS invites the public to provide comments and information regarding any such rules.

6. A Description of Any Significant Alternatives to the Proposed Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities

There would be no significant economic impact on substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a proposed rule that includes any Federal mandate that may result in $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector.[78]

The inflation adjusted value of $100 million in 1995 is approximately $211 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI–U).[79] This proposed rule does not contain a Federal mandate as the term is defined under UMRA.[80] The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA.

D. Executive Order 13132 (Federalism)

This proposed rule 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Executive Order 12988 (Civil Justice Reform)

This proposed rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This proposed rule was written to provide a clear legal standard for affected conduct and was carefully reviewed to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this proposed rule meets the applicable standards provided in section 3 of E.O. 12988.

F. Family Assessment

DHS has reviewed this proposed rule in line with the requirements of section 654 of the Treasury and General Appropriations Act, 1999,[81] enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[82] DHS has systematically reviewed the criteria specified in section 654(c) of the Treasury and General Appropriations Act by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions or

[77] Department of Labor, Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States. 91 FR 15454. [ETA–2026–0001] (March 27, 2026).

[78] *See* 2 U.S.C. 1532(a).

[79] *See* BLS, ''Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month,'' *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202512.xlsx* (last visited Aug. 25, 2026). Calculation of inflation: (1) Calculate the average monthly CPI–U for the reference year (1995) and the current year (2025); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100 = [(Average monthly CPI–U for 2025 − Average monthly CPI–U for 1995) ÷ (Average monthly CPI–U for 1995)] × 100 = [(321.943 − 152.383) ÷ 152.383] = (169.560/152.383) = 1.113 × 100 = 111.3 percent = 111 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.11 = $211 million in 2025 dollars.

[80] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1), 658(6).

[81] *See* 5 U.S.C. 601 note.

[82] *See* Public Law 105–277, 112 Stat. 2681 (1998).

substitutes governmental activity for the function; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

Through this rule, DHS proposes to restore its previous and long-standing policy of not providing E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrants, and their dependents, with an up to 60-day discretionary grace period upon cessation of employment with the petitioning employer prior to the expiration of the alien's authorized period of stay. The proposed changes, if finalized as proposed, would require these nonimmigrants to immediately leave the United States upon cessation of the employment or activity on which their nonimmigrant status is based, unless otherwise authorized to lawfully remain in the United States.

DHS has determined that the implementation of this regulation would not negatively affect family well-being as outlined in section 654 of the Treasury General Appropriations Act, 1999. While termination of employment of an E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1 or TN nonimmigrant worker could affect the disposable income of a family, the matter regulated in this rule eliminates the up to 60-day discretionary grace period, which would have allowed affected aliens to find new employment in the United States without departing the United States. The financial effect thus would not stem from this rulemaking but rather, is incidental to the alien's (and his or her family members) obligation under governing immigration laws to depart the United States after their employment has already terminated. The statutory and regulatory obligation that the alien (and the alien's family members, if any) who is no longer maintaining status must depart the United States is not meaningfully different from any other alien's obligation present in the United States who fails to maintain their nonimmigrant status. Therefore, DHS believes that any impact would be negligible and would be justified by better aligning DHS regulations with the INA.

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

This proposed rule would not have tribal implications under Executive Order 13175 because it would not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Accordingly, E.O. 13175, Consultation and Coordination with Indian Tribal Governments, requires no further agency action or analysis.

H. National Environmental Policy Act

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.,* applies and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 ''Implementing the National Environmental Policy Act'' (Dir. 023– 01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) [83] establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.[84] The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[85]

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[86]

With this proposed rule, DHS is seeking to remove 8 CFR 214.1(1)(2) from DHS regulations and no longer provide an up to 60-day discretionary grace period for aliens admitted or otherwise provided status in the E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN classifications (and their dependents), following cessation of the employment or activities that formed the basis for the alien's eligibility for the classification and associated admission or grant of status. The proposed rule, by removing the up to 60-day discretionary grace period, would better align the regulation with the statutory provision governing the impacted classifications, requiring the alien's immediate departure from the United States upon his or her failure to maintain the employment or activity that was the basis for the nonimmigrant status, unless otherwise authorized to lawfully remain in the United States. The purpose of the proposed regulation is also to reduce the administrative burden associated with the up to 60-day discretionary grace period. As such, this proposed rule is limited to amending DHS regulations governing aliens in the E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN nonimmigrant classifications. DHS has reviewed this proposed rule and finds that no significant impact on the environment, or any change in environmental effect, will result from the amendments being promulgated in this proposed rule.

Accordingly, DHS finds that the promulgation of this proposed rule's amendments to current regulations clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. Therefore, the proposed regulatory amendments are categorically excluded from further NEPA review.

I. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations 5 CFR part 1320, all agencies are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not propose any new or revise any existing ''collection[s] of information'' within the meaning of the Paperwork Reduction Act.

This NPRM proposes to eliminate the up to 60-day discretionary grace period at 8 CFR 214.1(l)(2) for E–1, E–2, E–3, H–1B, H–1B1, L–1, O–1, and TN nonimmigrants, and their dependents. USCIS has determined that there is no need to update the Petition for Nonimmigrant Worker (Form I–129) nor any other information collection related to E–1, E–2, E–3, H–1B, H–1B1, L–1, O–

[83] The Instruction Manual contains DHS's procedures for implementing NEPA and was issued on November 6, 2014, *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated July 29, 2025).

[84] *See* 42 U.S.C. 4336(a)(2), 4336e(1).

[85] *See* Instruction Manual, Appendix A, Table 1.

[86] Instruction Manual at V.B(2)(a) through (c).

1, and TN nonimmigrants. Form I–129 has previously been approved by OMB under the Paperwork Reduction Act. *See* OMB control number 1615–0009.

List of Subjects and Regulatory Amendments

List of Subjects

8 CFR Part 204

Administrative practice and procedure, Adoption and foster care, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 214

Administrative practice and procedure, Aliens, Cultural exchange program, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

Accordingly, DHS proposes to amend chapter I of title 8 of the Code of Federal Regulations as follows:

PART 204—IMMIGRANT PETITIONS

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1184, 1186a, 1255, 1324a, 1641; 8 CFR part 2.

■ 2. Amend § 204.5 by revising paragraph (p)(1)(i) to read as follows:

§ 204.5 Petitions for employment-based immigrants

* * * * *

(p) * * *

(1) * * *

(i) In the case of an initial request for employment authorization, the individual is in E–3, H–1B, H–1B1, O–1, or L–1 nonimmigrant status, including the periods authorized by § 214.1(l)(l), as well as any other periods of admission authorized by this chapter before a validity period begins or after the expiration of a validity period, on the date the application for employment authorization (Form I–765) is filed;

* * * * *

PART 214—NONIMMIGRANT CLASSES

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 6 U.S.C. 202, 236; 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1186a, 1187, 1188, 1221, 1281, 1282, 1301–1305, 1357, and 1372; sec. 643, Pub. L. 104–208, 110 Stat. 3009–708; Pub. L. 106–386, 114 Stat. 1477–1480; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901 note and 1931 note, respectively; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 115–218, 132 Stat. 1547 (48 U.S.C. 1806).

■ 2. Amend § 214.1 by removing paragraph (l)(2) and redesignating paragraph (l)(3) as paragraph (l)(2).

§ 214.1 Requirements for admission, extension, and maintenance of status

* * * * *

(l) * * *

(1) * * *

(2) An alien in any authorized period described in paragraph (l) of this section may apply for and be granted an extension of stay under paragraph (c)(4) of this section or change of status under 8 CFR 248.1, if otherwise eligible.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–18631 Filed 9–10–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

9 CFR Parts 101 Through 118, 123, and 124

[Docket No: USDA–2026–0298]

Modernization of Regulations Under 9 CFR Parts 101–118 and 123–124

AGENCY: Office of the Secretary, U.S. Department of Agriculture.

ACTION: Request for information.

SUMMARY: The U.S. Department of Agriculture (USDA) proffers this Request for Information (RFI) to solicit the public's input on regulatory considerations related to 9 CFR parts 101–118, 123–124. The regulations are issued primarily pursuant to Section 154 of the Virus-Serum-Toxin Act (VSTA). USDA intends to evaluate each part and subpart for its effectiveness at upholding the VSTA's statutory mandate to prohibit the preparation, sale, barter, or exchange of ''worthless, contaminated, dangerous, or harmful'' viruses, serums, toxins, or analogous products intended for the use in the treatment of domestic animals, *i.e.,* all animals, other than man, including poultry. The current regulations reflect decades of incremental amendments, technical updates, and revisions adopted at different points in time to address specific scientific, operational, and/or programmatic needs; in recent history, USDA has not holistically reformed the regulations implementing the VSTA. Comprehensive modernization of the regulations will ensure that the framework remains coherent, consistent, and responsive to contemporary technologies, innovation, and practices while continuing to fulfill the statutory requirements of the VSTA.

DATES: We will consider all comments that we receive on or before October 13, 2026.

ADDRESSES: USDA invites public comments on this RFI and encourages stakeholders, including farmers, industry representatives, and state and local governments, to provide input. You may submit comments, identified by docket number USDA–2026–0298, in the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the online instructions for submitting comments. All comments will be posted without change and will be publicly available on *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Michael Poe, Office of the General Counsel, USDA, 1400 Independence Avenue SW, Washington, DC 20250–1400, (202) 769–8247.

SUPPLEMENTARY INFORMATION:

Background

Within the United States Department of Agriculture (USDA), the Animal and Plant Health Inspection Service (APHIS) Center for Veterinary Biologics (CVB) regulates veterinary biologics under the Virus-Serum-Toxin Act (VSTA).[1] The VSTA prohibits the preparation, sale, barter, exchange or shipment of ''worthless, contaminated, dangerous, or harmful'' viruses, serums, toxins, or analogous products.[2] The VSTA authorizes the Secretary of Agriculture (the Secretary) to examine and inspect all viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, if the products are imported or offered for importation into the United States, to determine if the products are prohibited by the VSTA, and if they are, to deny entry. The VSTA further authorizes the Secretary to promulgate regulations to prevent the preparation, sale, barter, exchange, or shipment of such products. Within USDA, this authority has been delegated to CVB. Regulations established under the VSTA are contained in 9 CFR parts 101–118, 123–124.

The regulations in 9 CFR parts 101–118, 123–124 establish the terminology, technical requirements, and enforcement practices for CVB's administration of the VSTA. These parts collectively address a range of activities associated with veterinary biological products, including product and establishment licensing;[3] the conditions

[1] 21 U.S.C. 151–159 (2023).

[2] 21 U.S.C. 151.

[3] *See* 9 CFR 102.

for importation and experimental use;[4] and the procedures for suspension or revocation of USDA licenses and authorizations.[5] These regulations also include requirements related to facility design and operation,[6] equipment sanitation,[7] production controls,[8] testing and serial release procedures,[9] packaging and labeling specifications,[10] and recordkeeping and reporting practices.[11] Additional provisions address the management and use of animals at licensed establishments,[12] inspection authorities,[13] and the detention or disposition of non-compliant products.[14] Over time CVB has amended these regulations to incorporate updated laboratory methods and production technologies, resulting in a patchwork of incremental updates across multiple technical domains. The intent of this Request for Information (RFI) is to gather information that would assist USDA in modernizing 9 CFR parts 101–118, 123–124. Modifications will be considered to encourage innovation, protect animal health, and improve regulatory clarity, while ensuring fidelity to the text of the VSTA. Based on this background information, we solicit public comments regarding the following questions:

1. What modifications or streamlining of the regulations in 9 CFR parts 101–118, 123–124 would best respond to modern research and development (R&D), manufacturing, and distribution practices to improve animal health outcomes?

2. Please describe your experiences with regulation under 9 CFR parts 101–118, 123–124, including any areas that could be improved. In your view, do any provisions hinder market efficiency or innovation, and what costs do you incur when complying with or navigating the regulatory requirements? Additionally, which aspects of 9 CFR parts 101–118, 123–124 function effectively as written?

3. How could CVB improve the clarity, organization, or interpretation of the regulations in 9 CFR parts 101–118, 123–124 to reduce ambiguity, enhance predictability, and support consistent compliance across the industry?

4. How could 9 CFR parts 101–118, 123–124 better align with the statutory authorities granted in the VSTA, particularly with respect to animal testing and handling requirements, facility requirements, and packaging and labeling requirements, among others?

5. Which regulatory processes within 9 CFR parts 101–118, 123–124, such as licensing, production updates, facility approvals, inspections, or reporting, could be streamlined to reduce administrative burden while preserving product quality, availability, and effectiveness?

6. How could CVB better align 9 CFR parts 101–118, 123–124 with international standards or regulatory frameworks to support and/or preserve global market access, reduce duplicative requirements, or improve regulatory harmonization? How could changes to 9 CFR parts 101–118, 123–124 impact domestic manufacturers and producers' ability to export to other markets?

7. How might CVB incorporate greater regulatory flexibility into 9 CFR parts 101–118, 123–124 to accommodate emerging technologies, novel product categories, or evolving production systems without compromising safety or effectiveness?

8. Are there any other specific issues or topics CVB should consider in modifying and modernizing the regulatory framework outlined in 9 CFR parts 101–118, 123–124?

We request that commentors:

1. Provide supporting data, case examples, or references that substantiate your recommendations.

2. If applicable, indicate whether your comments reflect the perspective of a manufacturer, distributor, veterinarian, academic/research institution, trade association, state regulatory officials, the public, or other stakeholder group.

When providing information to USDA, commenters must indicate what information provided is confidential business information. USDA will review this information to ensure that the provided information is not information that the submitter would ordinarily disclose to the public. USDA intends to protect confidential business information in accordance with legal and regulatory obligations and practices.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.3.

Andrew Perry,

Office of the General Counsel.

[FR Doc. 2026–18531 Filed 9–10–26; 8:45 am]

BILLING CODE 3410–14–P

[4] *See* 9 CFR 103–104.
[5] *See* 9 CFR 105.
[6] *See* 9 CFR 108.
[7] *See* 9 CFR 109.
[8] *See* 9 CFR 114.
[9] *See* 9 CFR 113.
[10] *See* 9 CFR 112.
[11] *See* 9 CFR 116.
[12] *See* 9 CFR 117.
[13] *See* 9 CFR 115.
[14] *See* 9 CFR 118.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8806; Project Identifier MCAI–2025–01580–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes; and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. 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–2026–8806; 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–2026–8806.

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

FOR FURTHER INFORMATION CONTACT: Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *nicholas.h.benson@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8806; Project Identifier MCAI–2025–01580–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *nicholas.h.benson@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0214, dated September 30, 2025 (EASA AD 2025–0214) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A300 B4–601, A300 B4–603, A300 B4–620, A300 B4–622, A300 B4–605R, A300 B4–622R, A300 C4–620, A300 C4–605R Variant F, A300 F4–605R and A300 F4–622R airplanes. Model A300 C4–620 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed, as specified in Airbus A300–600 ALS Part 2, Damage Tolerant Airworthiness Limitation Items (DT—ALI), Variation 4.2, dated July 7, 2025.

EASA AD 2025–0214 specifies that it requires a task (limitation) already in Airbus A300–600 Airworthiness Limitations Section (ALS) Part 2 Revision 4 that is required by EASA AD 2024–0009 (which corresponds to FAA AD 2024–16–02, Amendment 39–22808 (89 FR 75464, September 16, 2024) (AD 2024–16–02)), and that incorporation of EASA AD 2025–0214 invalidates (terminates) prior instructions for that task. This proposed AD therefore would terminate the limitations required by paragraph (dd) of AD 2024–16–02 for the tasks identified in the material referenced in EASA AD 2025–0214 only.

The FAA is proposing this AD to address fatigue cracking in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0214 specifies new or more restrictive airworthiness limitations for airplane structures. 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 revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2025–0214 described previously, as incorporated by reference. Any differences with EASA AD 2025–0214 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (k)(1) 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 2025–0214 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0214 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 2025–0214 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 2025–0214. Material required by EASA AD 2025–0214 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8806 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

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

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

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 120 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–8806; Project Identifier MCAI–2025–01580–T.

(a) Comments Due Date

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

(b) Affected ADs

This AD affects AD 2024–16–02, Amendment 39–22808 (89 FR 75464, September 16, 2024) (AD 2024–16–02).

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 C4–605R Variant F airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0214, dated September 30, 2025 (EASA AD 2025–0214).

(h) Exceptions to EASA AD 2025–0214

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0214.

(2) Paragraph (3) of EASA AD 2025–0214 specifies revising the approved aircraft maintenance program (AMP) within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0214 is at the applicable associated thresholds as incorporated by the requirements of paragraph (3) of EASA AD 2025–0214, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2025–0214.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0214.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2025–0214.

(j) Terminating Action for Certain Tasks Required by AD 2024–16–02

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2024–16–02 for the tasks identified in the material referenced in EASA AD 2025–0214 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(l) Additional Information

For more information about this AD, contact Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *nicholas.h.benson@faa.gov*.

(m) 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 2025–0214, dated 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. 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 9, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–18575 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–117273–25]

RIN 1545–BR90

Allocation and Apportionment of Deductions to Foreign Source Section 951A Category Income and Deduction Eligible Income

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations related to the allocation and apportionment of deductions to foreign source section 951A category income for foreign tax credit limitation purposes and for purposes of calculating deduction eligible income. The proposed regulations would affect taxpayers that operate in foreign countries through foreign corporations and domestic corporations that claim the deduction for foreign-derived deduction eligible income.

DATES: Written or electronic comments and requests for a public hearing must be received by November 10, 2026.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–117273–25) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comments to the IRS's public docket. Send paper submissions to: CC:PA:01:PR (REG–117273–25), Room 5503, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations generally, John Lee or Alex Kaplan at (202) 317–6936; and concerning submissions of comments and requests for a public hearing, Publications and Regulations at (202) 317–6901 (not toll-free numbers) or by sending an email to *publichearings@irs.gov* (preferred).

SUPPLEMENTARY INFORMATION:

Authority

This document contains proposed additions and amendments to 26 CFR part 1 (proposed regulations) regarding section 904(b)(5) and section 250(b)(3) of the Internal Revenue Code (Code). The proposed regulations are issued pursuant to the express delegations of authority under sections 250(c) and 7805(a).

Background

I. Section 250(b)(3)

For taxable years beginning after December 31, 2025, section 250(a)(1)(A) provides a deduction to a domestic corporation equal to a percentage of the corporation's foreign-derived deduction eligible income (FDDEI). FDDEI is the deduction eligible income (DEI) of any domestic corporation that is derived in connection with (i) property that is sold by the taxpayer to any person who is not a United States person and that the taxpayer establishes to the satisfaction of the Secretary is for a foreign use, or (ii) services provided by the taxpayer which the taxpayer establishes to the satisfaction of the Secretary are provided to any person, or with respect

to property, not located within the United States. Section 250(b)(1).

Section 250(b)(3)(A) was amended by section 70322 of Public Law 119–21, 139 Stat. 72 (July 4, 2025), commonly known as the One, Big, Beautiful Bill Act (the OBBBA). Prior to its amendment, section 250(b)(3)(A) defined DEI as the excess (if any) of a domestic corporation's gross income determined without regard to six categories of gross income, described in section 250(b)(3)(A)(i)(I) through (VI), over the deductions (including taxes) properly allocable to such gross income. Section 70322(b) of the OBBBA amended section 250(b)(3)(A)(ii) to reduce gross income by the ''expenses and deductions (including taxes), other than interest expense and research or experimental expenditures, properly allocable to such gross income.'' Section 70322(b)(2) of the OBBBA provides that the amendment to section 250(b)(3)(A)(ii) applies to taxable years beginning after December 31, 2025.

II. Section 904(b)(5)

As discussed in more detail in part III of this Background, section 904(a) and (d) limit the foreign tax credit for foreign taxes attributable to amounts described in section 904(d)(1)(A) (section 951A category income) to the amount of U.S. tax imposed on the taxpayer's net foreign source section 951A category income. To determine the taxpayer's net foreign source section 951A category income, the taxpayer must determine the amount of deductions that are allocated and apportioned to foreign source section 951A category income. The rules for allocating and apportioning deductions to foreign source section 951A category income, as well as to foreign source gross income in the other categories listed in, or treated as listed in, section 904(d)(1) (each, a ''separate category,'' [1] and to gross income from sources within the United States (U.S. source income), are generally found in the regulations described in § 1.861–8(a)(1) (the section 861 regulations).

The OBBBA made several changes to the Code with respect to the foreign tax credit rules, including rules for allocating and apportioning deductions for purposes of determining the foreign tax credit limitation. In particular, the OBBBA added section 904(b)(5), which provides special rules for allocating and apportioning deductions to foreign source income for purposes of applying section 904(a) with respect to section 951A category income. Section 904(b)(5)(A) provides that any deduction allowed under section 250(a)(1)(B) and any deduction allowed under section 164(a)(3) for taxes imposed on amounts described in section 250(a)(1)(B) are allocated and apportioned to foreign source section 951A category income. Section 904(b)(5)(B) provides that no amount of interest expense or research and experimental (R&E) expenditures is allocated or apportioned to foreign source section 951A category income. Section 904(b)(5)(C) provides that any other deduction is allocated and apportioned to foreign source section 951A category income only if the deduction is directly allocable to such income. Pursuant to the second sentence in section 904(b)(5), any amount or deduction that would (but for section 904(b)(5)(B) and (C)) have been allocated or apportioned to foreign source section 951A category income is only allocated or apportioned to U.S. source income. Section 70311(c) of the OBBBA provides that the amendment to section 904(b) applies to taxable years beginning after December 31, 2025.

III. The Foreign Tax Credit Limitation

Section 904(a) limits a taxpayer's foreign tax credit to the amount of U.S. tax imposed on the taxpayer's foreign source taxable income. For this purpose, foreign source taxable income cannot exceed the taxpayer's entire taxable income.

Other provisions in section 904 set forth additional rules for determining the limitation on the amount of the foreign tax credit a taxpayer is allowed. Section 904(d) provides that the limitation in section 904(a) is applied separately with respect to each separate category. Section 904(b) provides special rules for determining the taxpayer's foreign source taxable income and entire taxable income needed to compute the foreign tax credit limitation. Section 904(f) provides rules that apply if a taxpayer sustains a loss from sources within the United States (U.S. source loss), an overall foreign loss (OFL), or a separate limitation loss (SLL) with respect to one or more separate categories. Section 904(g) provides rules that apply if a taxpayer sustains an overall domestic loss (ODL) for the taxable year.

To the extent a taxpayer has a U.S. source loss, the U.S. source loss reduces foreign source taxable income in the separate categories (separate limitation income (SLI)) on a proportionate basis. Section 904(f)(5)(D).

To the extent of an ODL (subject to limitations), a taxpayer's U.S. source taxable income in subsequent taxable years is recharacterized as foreign source taxable income. Under section 904(g)(2)(A), in the case of a taxpayer that chooses to claim a foreign tax credit for the taxable year, an ODL is a domestic loss for the taxable year that offsets foreign source taxable income for the taxable year or for any preceding taxable year (by reason of a carryback) in which the taxpayer chose to claim a foreign tax credit. In the case of a taxpayer that does not choose to claim a foreign tax credit for the taxable year, an ODL is a domestic loss for the taxable year that offsets foreign source taxable income for any preceding taxable year in which the taxpayer chose to claim a foreign tax credit. Section 904(g)(2)(B) defines the term ''domestic loss'' as the amount by which the deductions properly apportioned or allocated to gross U.S. source income for the taxable year exceed the gross U.S. source income (determined without regard to any carryback from a subsequent taxable year).

IV. Allocation and Apportionment of Deductions

A. In General

The section 861 regulations provide general rules for allocating and apportioning deductions for purposes of various sections of the Code that require the determination of taxable income (each an operative section), including sections 250(b), 871(b)(1), 882(a)(1), and 904(d)(1). *See* § 1.861–8(a)(1) and (f)(1). Generally, deductions are allocated and apportioned based on the factual relationship of the deduction to a class or a grouping of gross income. *See* § 1.861–8(b)(1) and § 1.861–8T(c)(1). A deduction is first allocated to a class of gross income and then, if necessary to make the determination of taxable income required by the operative section of the Code, apportioned within the class among the statutory and residual groupings of gross income.

A class of gross income may consist of one or more items (or subdivisions of these items) of gross income enumerated in section 61, such as gross income derived from business and gains from dealings in property. A deduction is allocated to a class of gross income if it is definitely related to the class of gross income. A deduction is definitely related to a class of gross income if it is incurred as a result of, or incident to, an activity or in connection with property that generates, has generated, or could reasonably have been expected to generate gross income in the class. § 1.861–8(b)(2). If a deduction is not definitely related to a class of gross income constituting less than all gross income, it is ordinarily treated as

[1] *See* § 1.904–5(a)(4)(v).

definitely related and allocable to all of the taxpayer's gross income. § 1.861–8(b)(5). Certain deductions may not be definitely related to any gross income. § 1.861–8(e)(9).

After a deduction has been allocated to a class of gross income, the deduction is apportioned among the statutory and residual groupings within the class of gross income in a manner that reflects to a reasonably close extent the factual relationship between the deduction and the grouping of gross income. § 1.861–8T(c)(1). A statutory grouping is the gross income from a specific source or activity relevant to the operative section. Gross income from other sources or activities is included in the residual grouping. For example, section 904(d)(1) is the operative section when applying the section 861 regulations to determine foreign source taxable income in each separate category for purposes of the foreign tax credit limitation. Accordingly, the foreign source income in each separate category is a statutory grouping, and U.S. source income is the residual grouping.

B. Interest Expense

Sections 1.861–9, 1.861–9T, 1.861–10, 1.861–10T, 1.861–11, and 1.861–11T, and related §§ 1.861–12, 1.861–12T, and 1.861–13, provide rules for allocating and apportioning interest expense that is deductible under section 163. Under §§ 1.861–9 and 1.861–9T, interest expense is generally allocated to all gross income that the taxpayer's assets generate and apportioned to statutory and residual groupings based on the average total value of assets within each grouping for the taxable year, as determined under the asset valuation rules and asset characterization rules provided in those sections and §§ 1.861–12, 1.861–12T, and 1.861–13 (the asset method). *See also* section 864(e)(2). In a set of narrow circumstances, the general rule provided under §§ 1.861–9 and 1.861–9T does not apply. In those circumstances, interest expense is directly allocated to income generated by certain assets or investments. *See* §§ 1.861–10 and 1.861–10T.

C. Research and Experimental Expenditures

Section 1.861–17 provides rules for allocating and apportioning R&E expenditures, as defined in § 1.861–17(a). Section 1.861–17(b) allocates R&E expenditures to gross intangible income (as defined in § 1.861–17(b)(2)) that is reasonably connected with the taxpayer's Standard Industrial Classification (SIC) code category or categories. Gross intangible income does not include dividends or any amounts included in income under section 951, 951A, or 1293. *See* § 1.861–17(b)(2).

Section 1.861–17(d) apportions R&E expenditures among the statutory and residual groupings within the class of gross intangible income in proportion to the taxpayer's gross receipts (and gross receipts of certain related and unrelated taxpayers) from sales and leases of products or services that are related to gross intangible income in the groupings. If, however, the taxpayer performs at least 50 percent of the R&E activities in the United States or more than 50 percent of the R&E activities outside the United States, then, for purposes of determining the taxpayer's foreign tax credit limitation, § 1.861–17(c) apportions 50 percent of the taxpayer's R&E expenditures to U.S. source gross intangible income or foreign source gross intangible income, respectively (the exclusive apportionment rule). The remaining 50 percent of R&E expenditures is apportioned under § 1.861–17(d).

D. Deductions Allowed Under Sections 250(a)(1)(B) and 164(a)(3)

Section 250(a) permits a domestic corporation a deduction for 33.34 percent of the domestic corporation's FDDEI and 40 percent of the domestic corporation's net CFC tested income under section 951A and related section 78 deemed dividend. Under § 1.861–8(e)(14), the portions of the section 250(a) deduction attributable to net CFC tested income (reduced by a taxable income limitation under section 250(a)(2)(B)(ii)) and the related deemed dividend are considered definitely related and allocable to the classes of gross income included under section 951A(a) and section 78, respectively. To the extent the class of gross income includes income in more than one grouping, the respective portions of the section 250(a) deduction are apportioned based on the relative amounts of gross income in each grouping. § 1.861–8(e)(14).

Section 164(a)(3) permits a deduction for State and local, and foreign, income, war profits, and excess profits taxes paid or accrued by the taxpayer in the taxable year. A deduction for State and local taxes is considered definitely related and allocable to the gross income on which the State and local taxes are imposed. § 1.861–8(e)(6).

E. Other Deductions

Section 1.861–8 provides specific rules for the allocation and apportionment of certain other deductions. Stewardship expenses that are allocable to a class of gross income that includes gross income in more than one grouping are apportioned based on the relative values of the entity or entities in each grouping that are owned by the taxpayer that incurred the stewardship expense. § 1.861–8(e)(4)(ii)(C).

Legal and accounting fees and expenses may be allocable either to specific classes of gross income or to all of the taxpayer's gross income and are apportioned among statutory and residual groupings based on the amounts of gross income in the groupings or some other apportionment factor. §§ 1.861–8(b)(5), (e)(5)(i) and 1.861–8T(c)(1). *See also* § 1.861–8(e)(5)(ii) and (iii) (apportioning deductions arising from product liability and other claims for damages on the basis of certain gross income or assets).

Net operating loss (NOL) deductions are allocated and apportioned to statutory and residual groupings by reference to the statutory and residual groupings of the components of the NOL. § 1.861–8(e)(8)(ii). An NOL is separated into components that are assigned to statutory or residual groupings by reference to the loss in each statutory or residual grouping that does not reduce income in other groupings in the taxable year of the loss. § 1.861–8(e)(8)(i). When section 904 is the operative section, § 1.861–8(e)(8)(i) determines the source and separate category components of an NOL by reference to the amounts of SLL and U.S. source loss (determined without regard to adjustments required under section 904(b)) that are not allocated to reduce U.S. source income or SLI in other separate categories under the rules of section 904(f) for the taxable year in which the NOL arose.

Deductions that are supportive in nature (such as for overhead, general and administrative, and supervisory expenses) may be allocated and apportioned along with other deductions to which they relate that are more readily allocated to gross income. § 1.861–8(b)(3). Alternatively, they may be attributed directly to activities or property, in which case they will ordinarily be allocated to a broad class of gross income or all gross income. *Id.* If allocated to all gross income, supportive deductions are apportioned among the statutory and residual groupings based on the amounts of gross income in the groupings or some other apportionment factor. §§ 1.861–8(b)(5) and 1.861–8T(c)(1).

Rules for allocating and apportioning certain deductions are contained in regulations other than the section 861 regulations. For example, § 1.904–4(p)

provides the rule for allocating foreign currency gain or loss under section 986(c) with respect to a distribution of previously taxed earnings and profits (PTEP) (section 986(c) gain or loss). Section 1.904–4(p) provides that section 986(c) gain or loss is assigned to the separate category or categories of the PTEP from which the distribution is made. Section 986(c) provides that the foreign currency gain or loss with respect to distributions of PTEP is treated as from the same source as the associated income inclusion.

Explanation of Provisions

I. Allocation and Apportionment of Deductions to DEI

Section 250(b)(3)(A), as amended by section 70322(b) of the OBBBA, defines a domestic corporation's DEI as a net amount that is computed by determining the excess of the corporation's gross income without regard to certain excluded items (gross DEI) over expenses and deductions (including taxes), other than interest expense and R&E expenditures, properly allocable to gross DEI. Existing regulations under section 250 (section 250 regulations) provide rules for computing a taxpayer's DEI for a taxable year. Under these rules, first, a taxpayer determines its gross DEI, gross FDDEI, and gross residual DEI (gross RDEI), which is the portion of gross DEI for a taxable year that is not gross FDDEI. § 1.250(b)–1(c)(14) through (16) (defining gross RDEI, gross DEI, and gross FDDEI, respectively). Next, the taxpayer determines its deductions for the taxable year properly allocable to gross DEI and gross FDDEI without regard to certain Code sections, including section 163(j). § 1.250(b)–1(d)(2)(ii). Lastly, the taxpayer allocates and apportions its deductions for the taxable year to gross DEI and gross FDDEI under the rules of §§ 1.861–8 through 1.861–14T and 1.861–17 by treating: (i) section 250(b) as an operative section described in § 1.861–8(f), (ii) gross FDDEI and gross RDEI as separate statutory groupings, and (iii) the items of gross income that are excluded from gross DEI as the residual grouping. § 1.250(b)–1(d)(2)(i) and (c)(15)(i) through (vi).

The proposed regulations would update the section 250 regulations to reflect the amendment to section 250(b)(3)(A)(ii) made by section 70322(b) of the OBBBA. First, the proposed regulations would provide that a taxpayer's gross DEI and gross FDDEI for a taxable year are reduced by the properly allocable expenses and other deductions (referred to collectively as ''deductions'') that the taxpayer deducts in the taxable year. Proposed § 1.250(b)–1(a). The proposed regulations would add the term ''expenses'' to existing § 1.250(b)–1(a) in order to reflect the addition of this term, and the related term ''interest expense,'' in amended section 250(b)(3)(A)(ii). By taking into account amounts that are deducted in the taxable year in order to compute DEI and FDDEI, the proposed regulations would reflect that DEI and FDDEI are measures of taxable income.

Second, the proposed regulations would provide that taxpayers must determine their deductions for the taxable year properly allocable to gross DEI and gross FDDEI without regard to interest expense and R&E expenditures. Proposed § 1.250(b)–1(d)(2)(ii). The proposed regulations would define interest expense as any amount that is deductible under section 163 (including original issue discount). To reflect that interest expense is no longer allocable to gross DEI and gross FDDEI, the proposed regulations would remove the reference to section 163(j) in existing § 1.250(b)–1(d)(2)(ii). The proposed regulations would define R&E expenditures as any expenditure that a taxpayer deducts (including as an amortization deduction) in a taxable year under section 174, 174A, or 59(e)(2)(B). Proposed § 1.250(b)–1(d)(2)(ii). Lastly, the proposed regulations would update the general references to the section 861 regulations to use the defined term ''section 861 regulations'' provided in § 1.861–8(a). Proposed § 1.250(b)–1(d)(2)(i).

The Treasury Department and the IRS intend to issue separate guidance regarding section 250, which would update the section 250 regulations to reflect other amendments made by the OBBBA. Separate guidance would address, for example, the removal of the deemed tangible income return and deemed intangible income from calculation of the deduction provided under section 250(a)(1)(A) for taxable years beginning after December 31, 2025.

II. Section 904(b)(5)

A. Deductions Allocated and Apportioned to Foreign Source Section 951A Category Income for Purposes of Section 904(a)

1. Overview

As noted in part II of the Background section of this preamble, the first sentence of section 904(b)(5) describes three categories of deductions and specifies whether the category of deduction is allocated or apportioned to foreign source section 951A category income for purposes of section 904(a).

2. Deductions Under Section 250(a)(1)(B) and Section 164(a)(3)

The first category of deductions is described in section 904(b)(5)(A) and consists of the deduction allowed under section 250(a)(1)(B) and the deduction under section 164(a)(3) to the extent tax is imposed on the taxpayer's net CFC tested income or section 78 gross-up attributable to such income.

For purposes of determining the extent to which a deduction under section 250(a)(1)(B) is allocated or apportioned to foreign source section 951A category income, the proposed regulations would apply the allocation and apportionment rules of § 1.861–8(e)(14). Proposed § 1.904(b)–4(b)(1)(i).

The first category also includes any deduction under section 164(a)(3) for a tax with the same or similar tax base as the Federal income tax such that all or a portion of the tax is attributable to the taxpayer's net CFC tested income amount or the section 78 gross-up attributable to that amount. This may arise, for instance, where a State income tax reflects a policy of Federal-State conformity and therefore includes in the tax base all or a portion of a taxpayer's net CFC tested income amount or the section 78 gross-up attributable to that amount. For purposes of determining the extent to which a deduction for State or local income taxes under section 164(a)(3) is imposed on net CFC tested income (or the associated section 78 gross-up) and allocated or apportioned to foreign source section 951A category income, the proposed regulations would apply the allocation and apportionment rules of § 1.861–8(e)(6). Proposed § 1.904(b)–4(b)(1)(ii). The proposed regulations would not include in the first category a deduction for foreign income taxes under section 164(a)(3) because foreign income taxes are not expected to be imposed on a U.S. shareholder's net CFC tested income amount or the section 78 gross-up attributable to that amount.

3. Deductions for Interest Expense and Research and Experimental Expenditures

Deductions in the second category consist of the deductions for interest expense and R&E expenditures. Section 904(b)(5)(B). The proposed regulations would define interest expense to mean any expense that is deductible under section 163 (including original issue discount) and R&E expenditures to mean any expenditure that a taxpayer deducts (including as an amortization deduction) in a taxable year under

section 174, 174A, or 59(e)(2)(B). Proposed § 1.904(b)–4(b)(3).

4. Directly Allocable Deductions

Deductions in the third category consist of any other deduction that is ''directly allocable'' to foreign source section 951A category income. Section 904(b)(5)(C).

Section 904(b)(5) does not define the term ''directly allocable.'' While the term appears in several other Code sections, those sections also do not define the term, and the term has no consistent accepted meaning. In comparison, the term ''properly allocable'' (or the variation ''properly apportioned or allocated'') appears more frequently in the Code, including in sections 861, 862, 863, and 904. For those sections, the section 861 regulations provide the general framework for determining the deductions properly allocable to the relevant gross income. Under the section 861 regulations, a deduction may be allocated and apportioned to a grouping of income because the deduction resulted from activities or property that generated income in the grouping. If the deduction is instead related to all the taxpayer's gross income, a portion of the deduction may be allocated and apportioned to each grouping.

The Treasury Department and the IRS interpret the term ''directly allocable'' in section 904(b)(5) as requiring a closer, more direct relationship between the deduction and income than the term ''properly allocable'' as construed under the section 861 regulations. This interpretation is supported by the statute's use of the word ''directly'' and further supported by the structure of the statute. Section 904(b)(5)(C) provides that any deduction that is not in the first or second category is allocated and apportioned to foreign source section 951A category income only if the deduction is directly allocable to such income. This language indicates that ''directly allocable'' deductions are a subset of the ''properly allocable'' deductions that, before the enactment of section 904(b)(5), would have reduced foreign source section 951A category income.

The scope of deductions that may be properly allocable to foreign source section 951A category income but do not have the requisite degree of direct relationship to be considered directly allocable is informed by the deductions that the statute, in section 904(b)(5)(B), disregards in determining foreign source section 951A category income for purposes of applying section 904(a). Both interest expense and R&E expenditures are typically apportioned among statutory and residual groupings by use of proxies. Section 1.861–9T generally requires taxpayers to apportion interest expense based on the relative value of assets within statutory and residual groupings. *See also* section 864(e)(2). Section 1.861–17 requires that all or, where the exclusive apportionment rule of § 1.861–17(c) applies, a portion of R&E expenditures be apportioned based on the relative amount of gross receipts within statutory and residual groupings. This type of apportionment by proxy does not reflect the type of direct link between a deduction and foreign source section 951A category income required for a deduction to be ''directly allocable'' to such income.

Accordingly, the proposed regulations would first allocate and apportion deductions to foreign source section 951A category income without regard to section 904(b)(5) and then reallocate to U.S. source income those deductions that are not directly allocable. Under the proposed regulations, a deduction is not directly allocable if it is of a type that, under the applicable rules for allocating and apportioning deductions (without regard to section 904(b)(5)), is subject to apportionment based on the relative value of assets or amounts of U.S. gross income (including modified gross income). Proposed § 1.904(b)–4(b)(2)(i). The relevant inquiry is not how a particular item of deduction is in fact apportioned, but rather whether the item of deduction is of a type that may in some cases be apportioned based on the relative value of assets or amounts of U.S. gross income.

To provide clarity to taxpayers, proposed § 1.904(b)–4(b)(2)(ii) would specify certain deductions that are not directly allocable under this definition and certain deductions that are directly allocable under this definition. Stewardship expenses, for example, would not be directly allocable to foreign source section 951A category income because stewardship expenses are a type of deduction that is apportioned based on the relative values of entities in the statutory and residual groupings. *See* § 1.861–8(e)(4)(ii)(C). Legal expenses also would not be directly allocable to foreign source section 951A category income. *See* § 1.861–8(e)(5).

On the other hand, foreign source section 986(c) loss that is assigned to the separate category described in section 904(d)(1)(A) (section 951A category) would be directly allocable to foreign source section 951A category income. Section 986(c) loss is not a type of deduction that is subject to apportionment based on the relative value of assets or amounts of gross income. Rather, section 986(c) loss is determined separately with respect to PTEP in each separate category. Any section 986(c) loss is assigned to the separate category of the distributed PTEP and has the same source as the associated income inclusion. *See* § 1.904–4(p) and section 986(c).

Comments are requested on whether further guidance is needed on the application of section 904(b)(5) to other deductions.

5. Net Operating Loss Carryovers and Deductions

a. Application of Section 904(b)(5) in a Taxable Year in Which an NOL Arises

Proposed § 1.861–8(e)(8)(i) would provide that, unlike the other adjustments in section 904(b), section 904(b)(5) is taken into account in determining the SLL and U.S. source loss components of an NOL. Otherwise, the portion of an NOL that is attributable to a deduction that would be allocated or apportioned to foreign source section 951A category income but for section 904(b)(5) could create an SLL with respect to the section 951A category that is carried over to reduce foreign source section 951A category income in a different taxable year. The Treasury Department and the IRS are of the view that this would be contrary to the instruction of section 904(b)(5).

Proposed § 1.861–8(e)(8)(i) would continue to provide that section 904(b)(2) and (4) are disregarded when determining the source and separate category components of an NOL. The different treatment of the adjustments under section 904(b)(2) and (4) and the adjustment under section 904(b)(5) reflects the fact that, unlike section 904(b)(5), section 904(b)(2) and (4) adjust amounts of deductions and affect worldwide taxable income for purposes of the foreign tax credit limitation.

The proposed regulations would also amend § 1.904(b)–3(d)(2) to clarify that, when determining the components of an NOL, the rules in section 904(f) and (g) are applied without taking into account the adjustments under section 904(b)(4).

b. Application of Section 904(b)(5) in a Taxable Year in Which an NOL Carryover Is Deducted

In the taxable year in which a taxpayer deducts an NOL carryover, section 904(b)(5) and the rules for allocating and apportioning deductions apply to determine the U.S. and foreign source taxable income in separate categories before determining the NOL components to be carried over and

combined with the U.S. and foreign source taxable income in the separate categories under § 1.904(g)–3(b). Section 904(b)(5) applies before determining the NOL components to be carried over because § 1.904(g)–3 applies after deductions for the current taxable year (other than the NOL deduction) have been allocated and apportioned among the statutory and residual groupings before determining the amounts of the NOL components to be carried over.

c. Treatment of NOLs as Directly Allocable Deductions

The proposed regulations would provide that an NOL deduction under section 172 that is allocated and apportioned to foreign source section 951A category income under § 1.861–8(e)(8) is directly allocable to foreign source section 951A category income. *See* proposed § 1.904(b)–4(b)(2)(ii)(B). This approach reflects the fact that NOL deductions are not subject to apportionment based on the relative value of assets or amounts of U.S. gross income. *See* § 1.861–8(e)(8). Moreover, for NOLs that arise after the applicability date of section 904(b)(5), the component of an NOL that is assigned to foreign source section 951A category income under proposed § 1.861–8(e)(8)(i) will already exclude amounts that are not allocated or apportioned to foreign source section 951A category income by reason of section 904(b)(5). Accordingly, treating that component of those NOLs as directly allocable to foreign source section 951A category income preserves the same outcome that would have occurred if the deductions had reduced income in the taxable year in which they were incurred.

B. Reallocation of Deductions to U.S. Source Income

1. Deductions That Are Reallocated

Section 904(b)(5)(B) and (C) identify deductions that are not allocated to foreign source section 951A category income for purposes of section 904(a): interest expense, R&E expenditures, and deductions that are not ''directly allocable'' to foreign source section 951A category income (collectively, excluded deductions). The second sentence of section 904(b)(5) provides that, to the extent an amount of the excluded deductions would have been allocated or apportioned to foreign source section 951A category income but for section 904(b)(5)(B) and (C), that amount of the excluded deductions is allocated to U.S. source income (reallocated deductions).

The proposed regulations would determine the reallocated deductions by first allocating and apportioning deductions to foreign source section 951A category income using existing rules for allocating and apportioning deductions. This preliminary allocation and apportionment is performed without regard to section 904(b)(5) and is performed for purposes of determining the amount of reallocated deductions. Only deductions that are allocated and apportioned to foreign source section 951A category income under this preliminary step may be reallocated to U.S. source income as a result of the second sentence of section 904(b)(5). *See* proposed § 1.904(b)–4(c).

This approach produces different outcomes as applied to the different categories of excluded deductions. A deduction that is not directly allocable to foreign source section 951A income may, or may not, have been allocated or apportioned to such income under existing expense allocation and apportionment rules. Similarly, a deduction for interest expense may be allocable to foreign source section 951A category income under the section 861 regulations, including §§ 1.861–9, 1.861–9T, 1.861–10, 1.861–10T, 1.861–11, and 1.861–11T. Under § 1.861–17, however, deductions for R&E expenditures cannot be allocated to section 951A category income. In order to reallocate any amount of R&E expenditures to U.S. source income under the second sentence of section 904(b)(5), § 1.861–17 would need to be revised to allocate and apportion R&E expenditures to foreign source section 951A category income in the first instance. The preamble to the final § 1.861–17 regulations states that R&E expenditures cannot be allocated to section 951A category income because R&E expenditures, whether or not ultimately successful, are incurred to produce intangible property and a taxpayer's section 951A inclusions do not result from R&E expenditures incurred by the taxpayer. 85 FR 71,998, 72,005–06. The preamble states that, even if the section 951A inclusion relates to a CFC licensee of the intangible property produced by the R&E expenditures, the use of the intangible property by the CFC results in income to the taxpayer from the arm's length price paid by the CFC to the taxpayer (or, if the intangible property is transferred to the CFC in an exchange described in section 351 or 361, from a section 367(d) inclusion) rather than from the section 951A inclusion. *Id.* Accordingly, under § 1.861–17, a deduction for R&E expenditures is not allocable to section 951A category income. The Treasury Department and the IRS are of the view that these conclusions remain correct after the enactment of section 904(b)(5). Changing § 1.861–17 to allocate R&E expenditures to section 951A category income would require a theory for how R&E expenditures by a U.S. shareholder supports the production of section 951A category income, such as by identifying some portion of a CFC's tested income that is attributable to the use of the intangible property (which is owned by the U.S. shareholder and was produced as a result of the U.S. shareholder's R&E expenditures) for which the U.S. shareholder is not required to be fully compensated under section 482 principles.

Comments are requested on this proposed approach of applying existing rules for allocating and apportioning deductions to section 951A category income in the context of determining the deductions that are reallocated to U.S. source income.

2. Effect of Reallocated Deductions

Proposed § 1.904(b)–4(c) would provide that reallocated deductions are allocated to U.S. source income and confirms that this reallocation occurs for all purposes of section 904 including when applying rules, such as the section 861 regulations, when section 904 is the operative section. It follows that a taxpayer's aggregate foreign source taxable income will not exceed the taxpayer's entire taxable income, which is a requirement of section 904(a).

Likewise, because reallocated deductions are treated as allocated to U.S. source income for purposes of section 904(g)(2)(B), reallocated deductions may cause the taxpayer to sustain, or increase the amount of, a domestic loss within the meaning of section 904(g)(2)(B) that is taken into account in determining the taxpayer's ODL under section 904(g)(2)(A). If reallocated deductions were not allocated to U.S. source income for purposes of section 904(g)(2)(B), then the domestic loss, and therefore the ODL, would not reflect the amount by which the taxpayer's aggregate foreign source taxable income was reduced as a result of the U.S. source loss. In that case, the taxpayer would be unable to benefit from the full amount of recapture in subsequent years under section 904(g).

Similarly, because the reallocated deductions reduce U.S. source income, the reallocated deductions are not treated as ''properly apportioned and allocated'' to foreign source income in determining any OFL under section

904(f)(2). Reallocated deductions are treated as reducing U.S. source income, and not foreign source section 951A category income, for purposes of determining the amount of SLL or SLI in the section 951A category. Accordingly, the reallocation may affect the recapture of foreign source income in a separate category as U.S. source income or as foreign source income in a different separate category in subsequent years.

The Treasury Department and the IRS are studying whether any further changes to the regulations under section 904(f) and (g) are needed to reflect the approach described above.

III. Applicability Dates and Reliance

Under section 7805(b)(2) of the Code, the proposed regulations regarding section 250(b)(3) are proposed to apply to taxable years beginning after December 31, 2025. Proposed § 1.250–1(b). A taxpayer may rely on the proposed regulations regarding section 250(b)(3) for taxable years beginning after December 31, 2025 and before the date the proposed regulations are published as final regulations in the **Federal Register**, provided the taxpayer follows the proposed regulations regarding section 250(b)(3) in their entirety.

Under section 7805(b)(2) of the Code, proposed § 1.904(b)–4 and the proposed amendment to § 1.861–8(e)(8) would apply to taxable years beginning after December 31, 2025. Proposed § 1.904(b)–4(e). A taxpayer may rely on those proposed regulations for taxable years beginning after December 31, 2025 and before the date those proposed regulations are published as final regulations in the **Federal Register**, provided the taxpayer follows them in their entirety.

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

The Office of Management and Budget's Office of Information and Regulatory Analysis has determined that this proposed regulation is not significant and is not subject to review under section 6(b) of Executive Order 12866. Therefore, a regulatory impact assessment is not required.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in these proposed regulations includes recordkeeping requirements that are necessary for the allocation and apportionment of deductions to net CFC tested income and to deduction eligible income. These recordkeeping requirements are considered general tax records under § 1.6001–1. For PRA purposes, general tax records are already approved by OMB control number 1545–0047 for tax-exempt filers, 1545–0074 for individual filers, 1545–0092 for trust and estate filers, and 1545–0123 for business filers.

III. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (5 U.S.C. chapter 6) (RFA) requires the agency to prepare and make available for public comment an initial regulatory flexibility analysis that will describe the impact of the proposed rule on small entities. *See* 5 U.S.C. 603(a). Section 605 of the RFA provides an exception to this requirement if the agency certifies that the proposed rulemaking will not have a substantial economic impact on a substantial number of small entities. A small entity is defined as a small business, small nonprofit organization, or small governmental jurisdiction. *See* 5 U.S.C. 601(3) through (6).

The proposed regulations will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(3) through (6) of the RFA. The proposed regulations provide guidance on issues regarding sections 250(b)(3) and 904(b)(5) but do not change the economic impact of the existing regulations or impose any new costs on small entities. The proposed regulations do not impose any economic impact on taxpayers beyond what is imposed by the statute itself. Any economic impact on taxpayers flows directly from the underlying statute. It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities.

The Treasury Department and the IRS request comments from the public with respect to this certification.

IV. Submission to the Small Business Administration

Pursuant to section 7805(f) of the Code, the proposed regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

V. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. The proposed regulations do not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

VI. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. The proposed regulations do not have federalism implications, do not impose substantial direct compliance costs on State and local governments, and do not preempt State law within the meaning of the Executive order.

Comments and Requests for a Public Hearing

Consideration will be given to comments that are submitted timely to the IRS as prescribed in the preamble under the **ADDRESSES** section. In addition to the comments specifically requested in the Explanation of Provisions, the Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any comments submitted will be made available at *www.regulations.gov* or upon request.

A public hearing will be scheduled if requested in writing by any person who timely submits written comments. Requests for a public hearing are encouraged to be made electronically. If a public hearing is scheduled, notice of the date and time for the public hearing will be published in the **Federal Register**.

Statement of Availability of IRS Documents

Any IRS Revenue Procedures, Revenue Rulings, Notices, or other

guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *www.irs.gov*.

Drafting Information

The principal authors of these regulations are John Lee and Alex Kaplan, Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 1 as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

* * * * *

■ **Par. 2.** Section 1.250–1 is amended by adding two sentences at the end of paragraph (b) to read as follows:

§ 1.250–1 Introduction.

* * * * *

(b) * * * Section 1.250(b)–1(a) and (d)(2) apply to taxable years beginning after December 31, 2025. For taxable years beginning on or after January 1, 2021, and beginning before January 1, 2026, see § 1.250(b)–1(a) and (d)(2) as contained in 26 CFR part 1 revised as of April 1, 2026.

* * * * *

■ **Par. 3.** Section 1.250(b)–1 is amended by:

■ 1. Revising the fourth sentence of paragraph (a);

■ 2. Revising the first and second sentences of paragraph (d)(2)(i); and

■ 3. Revising paragraph (d)(2)(ii).

The revisions read as follows:

§ 1.250(b)–1 Computation of foreign-derived intangible income (FDII).

(a) * * * Paragraph (d) of this section provides rules for computing gross income and allocating and apportioning expenses and other deductions (referred to collectively in this section as ''deductions''), for purposes of computing deduction eligible income (DEI) and foreign-derived deduction eligible income. * * *

* * * * *

(d) * * *

(2) * * *

(i) * * * For purposes of determining a domestic corporation's deductions that are properly allocable to gross DEI and gross FDDEI, the corporation's deductions are allocated and apportioned to gross DEI and gross FDDEI under the section 861 regulations (as defined in § 1.861–8(a)) by treating section 250(b) as an operative section described in § 1.861–8(f). In allocating and apportioning deductions under the section 861 regulations, gross FDDEI and gross RDEI are treated as separate statutory groupings. * * *

(ii) *Determination of deductions to allocate.* For purposes of determining the deductions of a domestic corporation for a taxable year properly allocable to gross DEI and gross FDDEI, the deductions of the corporation for the taxable year are determined without regard to interest expense, research or experimental expenditures, and sections 170(b)(2), 172, 246(b), and 250. For purposes of this paragraph (d)(2)(ii), interest expense means any expense that is deductible under section 163 (including original issue discount) and research or experimental expenditures means any expenditure that a taxpayer deducts (including as an amortization deduction) in a taxable year under section 174, 174A, or 59(e)(2)(B).

* * * * *

■ **Par. 4.** Section 1.861–8 is amended by:

■ 1. Revising the fourth sentence of paragraph (b)(1);

■ 2. Revising the second sentence of paragraph (e)(8)(i); and

■ 3. Adding paragraph (h)(5).

The revisions read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

* * * * *

(b) * * *

(1) * * * Allocation is accomplished by determining, with respect to each deduction, the class of gross income to which the deduction is definitely related and then allocating the deduction to such class of gross income (without regard to the taxable year in which such gross income is received or accrued or is expected to be received or accrued). * * *

* * * * *

(e) * * *

(8) * * *

(i) * * * For example, for purposes of applying this paragraph (e)(8)(i) with respect to section 904 as the operative section, the source and separate category components of a net operating loss are determined by reference to the amounts of separate limitation loss and U.S. source loss (determined without regard to adjustments required under section 904(b), other than section 904(b)(5)) that are not allocated to reduce U.S. source income or income in other separate categories under the rules of sections 904(f) and 904(g) for the taxable year in which the net operating loss arose. * * *

* * * * *

(h) * * *

(5) Paragraph (e)(8)(i) of this section applies to taxable years beginning after December 31, 2025. For taxable years that both begin after December 31, 2017, and end on or after December 2, 2018, and also begin on or before December 31, 2025, see § 1.861–8(e)(8)(i) as contained in 26 CFR part 1 revised as of April 1, 2026.

■ **Par. 5.** Section 1.904(b)–3 is amended by revising paragraph (d)(2) to read as follows:

* * * * *

(d) * * *

(2) *Net operating losses.* If the taxpayer has a net operating loss in the current taxable year, then solely for purposes of determining the source and separate category of the net operating loss, the overall foreign loss rules in section 904(f) and the overall domestic loss rules in section 904(g) are applied without taking into account the adjustments required under section 904(b)(4) and this section.

* * * * *

■ **Par. 6.** Add § 1.904(b)–4 to read as follows:

§ 1.904(b)–4 Deductions treated as allocable to foreign source section 951A category income.

(a) *In general.* Section 904(b)(5) provides special rules for purposes of section 904 for allocating and apportioning deductions to foreign source income described in section 904(d)(1)(A) (*foreign source section 951A category income*) and for reallocating certain deductions to U.S. source income. Paragraph (b) of this section provides rules for determining deductions allocated and apportioned to foreign source section 951A category income, including deductions that are directly allocable to such income. Paragraph (c) of this section provides rules for reallocating to U.S. source income deductions that would have been allocated and apportioned to foreign source section 951A category income but for section 904(b)(5). Paragraph (d) of this section contains examples illustrating the rules set forth in this section. Paragraph (e) of this section provides the applicability date of this section.

(b) *Deductions allocated and apportioned to foreign source section 951A category income*—(1) *In general.* For purposes of section 904, foreign source section 951A category income is determined by allocating and apportioning to such income only those deductions that are—

(i) Allowed under section 250(a)(1)(B) to the extent allocated and apportioned to foreign source section 951A category income in accordance with § 1.861–8(e)(14);

(ii) Allowed under section 164(a)(3) for State and local income taxes to the extent allocated and apportioned to foreign source section 951A category income in accordance with § 1.861–8(e)(6); or

(iii) Directly allocable to foreign source section 951A category income under paragraph (b)(2) of this section.

(2) *Directly allocable*—(i) *In general.* A deduction (other than a deduction described in paragraph (b)(1)(i), (ii), or (b)(3) of this section) that, under the applicable rules for allocating and apportioning deductions (without regard to section 904(b)(5)), is allocated and apportioned to foreign source section 951A category income is directly allocable to foreign source section 951A category income only if the deduction is of a type that is not subject to apportionment based on the relative value of assets or amounts of U.S. gross income (including modified gross income). It is not relevant how a particular item of deduction is in fact apportioned, but instead whether the item of deduction is of a type that could be apportioned based on the relative value of assets or amounts of U.S. gross income.

(ii) *Application*—(A) *Non-directly allocable deductions.* For purposes of this paragraph (b)(2), deductions that are not directly allocable to foreign source section 951A category income include deductions for stewardship expenses; legal and accounting fees and expenses; damages awards, prejudgment interest, and settlement payments; and supportive expenses (such as overhead, general and administrative, and supervisory expenses).

(B) *Directly allocable deductions.* For purposes of this paragraph (b)(2), deductions that are directly allocable to foreign source section 951A category income, if allocated and apportioned to foreign source section 951A category income under the applicable rules for allocating and apportioning deductions (without regard to section 904(b)(5)), include foreign currency loss recognized under section 986(c) with respect to a distribution of previously taxed earnings and profits (as described in section 959 or 1293(c)) (see § 1.904–4(p)) and net operating loss deductions (see § 1.861–8(e)(8)).

(3) *Non-allocable deductions.* No amount of interest expense or research and experimental expenditures is allocated or apportioned to foreign source section 951A category income for purposes of section 904. For purposes of this paragraph (b)(3), interest expense means any expense that is deductible under section 163 (including original issue discount) and research and experimental expenditures means any expenditure that a taxpayer deducts (including as an amortization deduction) in a taxable year under section 174, 174A, or 59(e)(2)(B).

(c) *Reallocation to U.S. source income.* Any deduction that, but for paragraph (b) of this section, would have been allocated or apportioned to foreign source section 951A category income for purposes of section 904 is instead allocated to U.S. source income for all purposes of section 904 (*reallocated deduction*). Thus, for example, a reallocated deduction is allocated to U.S. source income for purposes of determining a loss from sources within the United States under section 904(f)(5)(D) and a domestic loss under section 904(g)(2)(B). Similarly, a reallocated deduction is treated as allocated or apportioned to U.S. source income for purposes of applying other rules where section 904 is the operative section, for example, in assigning interest income from a downstream partnership loan under § 1.861–9(e)(8) or upstream partnership loan under § 1.861–9(e)(9).

(d) *Examples.* The following examples illustrate the application of this section.

(1) *Example 1: Section 986(c) loss—(i) Facts.* USP is a domestic corporation that uses the U.S. dollar as its functional currency. USP owns all the shares of the only class of stock of CFC, a controlled foreign corporation that uses the British pound (£) as its functional currency. CFC makes a £300x distribution of money with respect to its stock. The distribution is a dividend (as defined in section 316), determined without regard to section 959(d). All of CFC's previously taxed earnings and profits (*PTEP*) result from USP's income inclusions under sections 951(a)(1)(A) and 951A in the taxable year of the distribution. The income inclusion under section 951(a)(1)(A) is general category income. The table below shows CFC's PTEP immediately before the distribution (which reflects adjustments for income inclusions under sections 951(a)(1)(A) and 951A in the taxable year of the distribution). The spot rate on the date of the distribution is $1 = £0.8. The average exchange rate in the year of the inclusion is $1 = £0.75.

TABLE 1 TO PARAGRAPH (d)(1)(i) OF THIS SECTION

PTEP from section 951(a)(1)(A) inclusion (section 951(a)(1)(A) PTEP)		PTEP from section 951A inclusion (section 951A PTEP)	
Foreign source	U.S. source	Foreign source	U.S. source
£0	£100x	£200x	£200x

(ii) *Analysis.* The distribution is made pro rata from section 951(a)(1)(A) PTEP and section 951A PTEP. Therefore, £240x (£300x × £400x/£500x) is assigned to section 951A PTEP of which £120x is foreign source (£240x × £200x/£400x). Under section 986(c), USP is required to recognize foreign currency gain or loss on the distribution of PTEP. Foreign currency gain or loss recognized under section 986(c) is assigned to the separate category or categories of the PTEP from which the distribution is made. § 1.904–4(p). The section 986(c) gain or loss is from the same source as the associated income inclusion. Section 986(c)(1). USP's section 986(c) loss with respect to the distribution of foreign source section 951A PTEP is determined by translating the PTEP into U.S. dollars using the spot rate on the date of the distribution (£120x × $1/£0.8 = $150x) and then subtracting from that U.S. dollar amount the dollar basis of the PTEP (£120x × $1/£0.75 = $160x). Thus, USP's section 986(c) loss with respect to the distribution of foreign source section 951A PTEP is $10x ($150x − $160x). The section 986(c) loss of $10x is directly allocable to foreign source section 951A category income.

(2) *Example 2: Reallocation of Deductions*—(i) *Facts.* USP is a domestic corporation that owns all the stock of a controlled foreign corporation. USP chooses to claim

foreign tax credits for the taxable year and all prior taxable years. USP has no loss carried back to the taxable year from a subsequent taxable year. USP's deductions that would have been allocated and apportioned to foreign source section 951A category income but for section 904(b)(5) consist of interest expense and supportive deductions. After allocation and apportionment of all deductions except interest expense and supportive deductions, USP has $100x of U.S. source income, $60x of foreign source section 951A category income, and $50x of foreign source general category income (within the meaning of section 904(d)(1)(D)). USP has $100x of interest expense, $10x of which is allocated and apportioned to foreign source general category income and, before taking into account section 904(b)(5), $50x of which would be allocated and apportioned to U.S. source income and $40x of which would be allocated and apportioned to foreign source section 951A category income. USP also has $50x of supportive deductions, $20x of which is allocated and apportioned to foreign source general category income and, before taking into account section 904(b)(5), $20x of which would be allocated and apportioned to U.S. source income and $10x of which would be allocated and apportioned to foreign source section 951A category income.

(ii) *Analysis.* But for section 904(b)(5), USP would have U.S. source income of $30x ($100x − $50x − $20x), foreign source section 951A category income of $10x ($60x − $40x − $10x), and foreign source general category income of $20x ($50x − $10x − $20x). The $40x of interest expense and $10x of supportive deductions which, but for section 904(b)(5), would have been allocated and apportioned to foreign source section 951A category income are reallocated deductions. Under paragraph (c) of this section, the reallocated deductions are allocated to U.S. source income. After the allocation of reallocated deductions, USP has a $20x loss from sources within the United States within the meaning of section 904(f)(5)(D) ($30x − $50x), foreign source section 951A category income of $60x, and foreign source general category income of $20x. The $20x loss is a domestic loss within the meaning of section 904(g)(2)(B). Under section 904(f)(5)(D), the $20x loss reduces USP's foreign source section 951A category income and foreign source general category income on a pro rata basis. As a result, USP's foreign source section 951A category income is $45x ($60x − $20x × $60x/$80x) and USP's foreign source general category income is $15x ($20x − $20x × $20x/$80x). The $20x domestic loss also results in an overall domestic loss within the meaning of section 904(g)(2)(A) (ODL) of $20x. In later years, the ODL causes USP's U.S. source income to be treated as foreign source income in accordance with section 904(g) and the regulations thereunder.

(3) *Example 3: Reallocation of Deductions*—(i) *Facts.* USP is a domestic corporation that owns all the stock of a controlled foreign corporation. USP chooses to claim foreign tax credits for the taxable year. After allocation and apportionment of all deductions except reallocated deductions, USP has $500x of U.S. source income and $100x of foreign source section 951A category income. USP has a reallocated deduction of $400x that would have been allocated to foreign source section 951A category income but for section 904(b)(5).

(ii) *Analysis.* But for section 904(b)(5)(B) and (C), the reallocated deduction of $400x would have created a separate limitation loss of $300x with respect to the income category described in section 904(d)(1)(A) (section 951A category). Under the rules in paragraph (c) of this section, all $400x is allocated to U.S. source income, reducing U.S. source income to $100x. USP has no separate limitation loss with respect to the section 951A category.

(4) *Example 4: Research and Experimental Expenditures*—(i) *Facts.* USP is a domestic corporation that owns all the stock of a controlled foreign corporation. USP deducted research and experimental expenditures under section 174A for the taxable year. Before taking into account section 904(b)(5), all of the research and experimental expenditures would be allocated to foreign source income.

(ii) *Analysis.* No amount of the research and experimental expenditures is a reallocated deduction because, before taking into account section 904(b)(5), none of the research and experimental expenditures would have been allocated or apportioned to foreign source section 951A category income. *See* § 1.861–17(b)(2). Therefore, none of the research and experimental expenditures is allocated to U.S. source income under section 904(b)(5).

(e) *Applicability date.* This section applies to taxable years beginning after December 31, 2025.

■ **Par. 7.** Section 1.904(g)–3(c) is amended by revising the section heading to read as follows:

Step Two: Section 904(b)(2) and (4) adjustments.

* * * * *

Frank J. Bisignano,

Chief Executive Officer.

[FR Doc. 2026–18645 Filed 9–10–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 294

RIN 0596–AD66

Special Areas; Roadless Area Conservation

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Department of Agriculture (USDA or Department) is extending the public comment period for the proposed rule titled *Special Areas; Roadless Area Conservation,* published in the **Federal Register** on August 20, 2026 (91 FR 53827). The notice of proposed rulemaking invited public comment on the proposed rule, the associated draft environmental impact statement, and cost benefit analysis, which were published simultaneously. The original comment period is scheduled to close on September 21, 2026. The Department is extending the comment period by 15 days to allow the public additional time to submit comments. The new deadline for comments is October 6, 2026.

DATES: Comments on the proposed rule published August 20, 2026 (91 FR 53827), must be received by October 6, 2026.

ADDRESSES: Comments, identified by RIN 0596–AD66, should be sent via one of the following methods:

- *Electronically (preferred):* Through the Federal eRulemaking Portal, *https://www.regulations.gov,* identified by docket number FS–2025–0001 or RIN 0596–AD66. Follow the instructions for sending comments; or
- *Mail:* Hardcopy letters must be submitted to the Director, Ecosystem Management Coordination, 201 14th Street SW, Mailstop 1108, Washington, DC 20250–1124.

Comments should be confined to issues pertinent to the proposed rule, should explain the reasons for any recommended changes, and should reference the specific section and wording being addressed, where

possible. All timely comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. Comments may be viewed on the Federal eRulemaking Portal at *https://www.regulations.gov*. In the search box, enter ''RIN 0596–AD66'' and click the ''Search'' button. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available for public viewing. Please note that if your comment includes a standard confidentiality disclaimer—like the automatic notices added to some emails—we will still treat your comment as public and may make it available for anyone to read. A summary of this rule may be found through the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joshua White, Acting Director, Ecosystem Management Coordination, at the following phone number: 202–205–0650. Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service and provide the phone number of the person named as a point of contact for further information.

SUPPLEMENTARY INFORMATION: On August 20, 2026, the Department published in the **Federal Register** a proposed rule titled *Special Areas; Roadless Area Conservation* at 91 FR 53827. The proposed rule would rescind the 2001 Roadless Area Conservation Rule by removing and reserving 36 CFR part 294, subpart B. The notice of proposed rulemaking invited public comment on the proposed rescission, the associated draft environmental impact statement, and cost benefit analysis.

The original comment period is scheduled to close on September 21, 2026. The Department is extending the comment period by 15 days, until October 6, 2026, to provide interested persons additional time to review the proposed rule and supporting materials and submit comments. The Department will consider all timely comments received by October 6, 2026, in developing any final rule and supporting analyses.

Stephen Alexander Vaden,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2026–18648 Filed 9–10–26; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2026–4324; FRL–13374–01–OLEM]

Wisconsin: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for comments.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing to approve the Wisconsin Coal Combustion Residuals (CCR) partial permit program under the Resource Conservation and Recovery Act (RCRA). After reviewing the CCR permit program application submitted by the Wisconsin Department of Natural Resources (WDNR), EPA has preliminarily determined that Wisconsin's CCR permit program meets the standard for partial approval under RCRA. If approved, Wisconsin's CCR permit program will operate in lieu of the Federal CCR program, with the exception of the specific provisions noted below. EPA is seeking comment on this proposal during a 60-day public comment period and will hold an online public hearing on EPA's preliminary approval of Wisconsin's partial CCR permit program.

DATES: *Comments due.* Comments must be received on or before November 10, 2026. *Public hearing:* EPA will hold an online public hearing on November 9, 2026. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2026–4324, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: Docket_OLEM@epa.gov*. Include Docket ID No. EPA–HQ–OLEM–2026–4324 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management (OLEM) Docket, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.
- *Hand Delivery or Courier* (by scheduled appointment only): EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday through Friday (except Federal holidays).

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

FOR FURTHER INFORMATION CONTACT: Michelle Lloyd, Office of Resource Conservation and Recovery, Waste Identification Notice and Generators Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–0560; email address: *lloyd.michelle@epa.gov*. For more information on this document please visit *https://www.epa.gov/coal-combustion-residuals*.

Table of Contents

I. Public Participation
A. Written Comments
B. Participation in Online Public Hearing
II. General Information
A. Overview of Proposed Action
B. Background
C. Statutory Authority
III. The Wisconsin Application
IV. EPA Analysis of the Wisconsin Application
A. Adequacy of the Wisconsin Permit Program
B. Adequacy of Technical Criteria
V. Wisconsin CCR Permits
A. Wisconsin's Permits Issued Under the State CCR Regulations Are Not Part of the Permit Program Evidence Under Review
B. Status of Wisconsin's Previously-Issued Permits Issued Under the State CCR Regulations
VI. Proposed Action

List of Acronyms

CCR coal combustion residuals
CFR Code of Federal Regulations
chs Chapters
EPA Environmental Protection Agency
EM Environmental Management
ES Enforcement Standard
ISI Initial Site Inspection
ISR Initial Site Report
MSWLF Municipal Solid Waste Landfill
NR Natural Resources

RCRA Resource Conservation and Recovery Act
TSD Technical Support Document
SLOH State Laboratory of Hygiene
USWAG Utility Solid Waste Activities Group
WDNR Wisconsin Department of Natural Resources
WIIN Water Infrastructure Improvements for the Nation
Wis. Adm. Code Wisconsin Administrative Code
Wis. Stats. Wisconsin Statutes

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2026–4324, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

B. Participation in Online Public Hearing

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please use the online registration form available on EPA's CCR website (*https://www.epa.gov/coal-combustion-residuals/us-state-wisconsin-coal-combustion-residuals-permit-program*) or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to register to speak at the hearing. The last day to pre-register to speak at the hearing will be November 5, 2026.

EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing according to the procedures specified on EPA's CCR website for this hearing (*https://www.epa.gov/coal-combustion-residuals/us-state-wisconsin-coal-combustion-residuals-permit-program*). The Agency will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

Each commenter will have five minutes to provide oral testimony. EPA encourages commenters to provide EPA with a copy of their oral testimony electronically (via email) to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. If EPA is anticipating a high attendance, the time allotment per testimony may be shortened to no shorter than three minutes per person to accommodate all those wishing to provide testimony and who have pre-registered. While EPA will make every effort to accommodate all speakers who do not pre-register, opportunities to speak may be limited based upon the number of pre-registered speakers. Therefore, EPA strongly encourages anyone wishing to speak to pre-register. Participation in the virtual public hearing does not preclude any entity or individual from submitting a written comment.

EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearings and written statements will be included in the docket for this action.

Please note that any updates made to any aspect of the hearing will be posted online on EPA's CCR website (*https://www.epa.gov/coal-combustion-residuals/us-state-wisconsin-coal-combustion-residuals-permit-program*). While EPA expects the hearing to go forward as set forth above, please monitor our website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the service of a translator, please pre-register for the hearing and describe your needs on the registration form by October 26, 2026. If you require special accommodations such as audio description or closed captioning, please pre-register for the hearing and describe your needs on the registration form by October 26, 2026. Alternatively, registrants may notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of any special needs. EPA may not be able to arrange accommodations without advance notice.

II. General Information

A. Overview of Proposed Action

On April 17, 2015, EPA published a final rule, creating 40 CFR part 257, subpart D,[1] which establishes a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) (Federal CCR regulations). Section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act amended RCRA section 4005 to create a new subsection (d) that requires EPA to establish a Federal CCR permitting program. See 42 U.S.C. 6945(d).

As amended, RCRA section 4005(d) also allows States to seek approval for a State CCR permit program that will operate in lieu of a Federal CCR permit program in the State. The statute provides that within 180 days after a State submits a complete application to the Administrator for approval, EPA shall approve the State permit program if the Administrator determines that the State program requires each CCR unit located in the State to achieve compliance with either the Federal requirements or other State requirements that EPA determines, after consultation with the State, are at least as protective as those included in the Federal CCR regulations. See 42 U.S.C. 6945(d)(1)(B).

On February 24, 2026, WDNR submitted its State CCR permit program application to EPA Region 5 requesting approval of the State's partial CCR permit program.[2] EPA is proposing to approve the Wisconsin partial CCR permit program pursuant to RCRA section 4005(d)(1)(B). 42 U.S.C. 6945(d)(1)(B). The fact that Wisconsin is seeking approval of a partial program does not mean it must subsequently apply for full program approval. However, Wisconsin could apply for

[1] Unless otherwise specified, all references to parts 239 and 257 in this document are to title 40 of the Code of Federal Regulations (CFR).

[2] State of Wisconsin Coal Combustion Residuals Permit Program Application Packet. Application to USEPA Region V for CCR Permit Program Approval for CCR landfills in accordance with section 4005(d) of the Resource Conservation and Recovery Act. February 2026.

revised partial program approval or full program approval at some point in the future if it chooses to do so. If approved, the Wisconsin CCR permit program will operate in lieu of the Federal CCR program (codified at 40 CFR part 257, subpart D), with the exception of the provisions specifically identified below for which the State is not seeking approval and for which the corresponding provisions of the Federal CCR program would remain in effect. However, even for the approved provisions, EPA would retain its inspection and enforcement authorities under RCRA sections 3007 and 3008, 42 U.S.C. 6927 and 6928, consistent with EPA's ongoing oversight authority under RCRA. See 42 U.S.C. 6945(d)(4)(B).

EPA has also engaged Federally recognized Tribes within the State of Wisconsin in consultation and coordination regarding the program approval for the determination. EPA has established opportunities for coordination and consultation. Tribal consultation has been and will continue to be conducted in accordance with the EPA policy on Consultation and Coordination with Indian Tribes.[3]

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use, or disposed of in on-site landfills or surface impoundments. This section summarizes EPA's regulatory actions on CCR to date to provide relevant background on this proposed approval of Wisconsin's partial CCR permit program.

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302). The rule created a self-implementing program that regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. EPA has since amended 40 CFR part 257, subpart D on August 5, 2016 (81 FR 51802), July 30, 2018 (83 FR 36435), August 28, 2020 (85 FR 53516), November 12, 2020 (85 FR 72506), May 8, 2024 (89 FR 38950), November 8, 2024 (89 FR 88650), and February 10, 2026 (91 FR 5806). More information on these rules is provided in the Technical Support Document in the docket for this document.[4]

C. Statutory Authority

EPA is issuing this proposed action pursuant to RCRA sections 4005(d) and 7004(b)(1). See 42 U.S.C. 6945(d) and 6974(b)(1). As amended by section 2301 of the 2016 WIIN Act, RCRA section 4005(d) instructs EPA to establish a Federal permit program similar to those under RCRA subtitle C and other environmental statutes and authorizes States to develop their own CCR permitting programs that go into effect in lieu of the Federal permit program upon approval by EPA. See 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), States seeking approval of a State CCR program must submit to the Administrator ''in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under state law for regulation by the State of coal combustion residuals units that are located in the state.'' The statute provides that EPA shall approve a State CCR permit program if the Administrator determines that the State program will require each CCR unit located in the State to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) Other State criteria that the Administrator, after consultation with the State, determines to be ''at least as protective as'' the Federal requirements. 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a State's complete submittal of the information specified in RCRA section 4005(d)(1)(A). 42 U.S.C. 6945(d)(1)(B). EPA may approve a State CCR permit program in whole or in part. Id. Once approved, the State permit program operates in lieu of the Federal requirements. 42 U.S.C. 6945(d)(1)(A). In a State with a partial program, only the State requirements that have been approved by EPA operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining Federal requirements in 40 CFR part 257.

As noted above, the Federal CCR regulations are self-implementing, meaning that CCR landfills and surface impoundments must comply with the terms of the regulations prior to obtaining a Federal permit or a permit issued by an approved State. Noncompliance with the Federal CCR regulations can be the subject of an enforcement action brought directly against the facility. Once a final CCR permit is issued by an approved State or pursuant to a Federal CCR permit program, however, the terms of the permit apply in lieu of the terms of the Federal CCR regulations and/or requirements in an approved State program, and RCRA section 4005(d)(3) provides a permit shield against direct enforcement of the applicable Federal or State CCR regulations (meaning the permit's terms become the enforceable requirements for the permittee).

RCRA section 7004(b), which applies to all RCRA programs, directs that ''public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1). Accordingly, EPA considers permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings in evaluating State CCR permit program applications.

Once a State CCR permit program is approved, the Administrator must review the approved program no less frequently than every 12 years, no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D, and no later than one year after any unauthorized significant release from a CCR unit located in the State. EPA also must review an approved State CCR permit program at the request of another State alleging that the soil, groundwater, or surface water of the requesting State is or is likely to be adversely affected by a release from a CCR unit in the approved State. See 42 U.S.C. 6945(d)(1)(D)(i)(I) through (IV).

In a State with an approved State CCR permit program, EPA may commence administrative or judicial enforcement actions under RCRA section 3008, 42

[3] Letters from Cecilia Alford, USEPA to Tribal Leaders in Wisconsin regarding the Tribal Consultation on Wisconsin's Coal Combustion Residuals Permit Program Application. July 2026. The 14 letters are in the docket for this action.

[4] USEPA Technical Support Document for the Approval of Wisconsin's Coal Combustion Residuals Permit Program. U.S. Environmental Protection Agency, Office of Land and Emergency Management (5304T), 1200 Pennsylvania Avenue NW, Washington, DC 20460. August 2026

U.S.C. 6928, if the State requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the State's permit program. 42 U.S.C. 6945(d)(4). EPA can enforce any Federal requirements that remain in effect (*i.e.,* those for which there is no corresponding approved State provision). EPA may also exercise its inspection and information gathering authorities under RCRA section 3007 in a State with an approved program. 42 U.S.C. 6927.

III. The Wisconsin Application

EPA began working with Wisconsin in 2020 as the State developed its application for the State's partial CCR permit program. As it has with other States, EPA discussed with Wisconsin the process for EPA to review and approve the State's CCR permit program, Wisconsin 's anticipated timeline for submitting a CCR permit program application to EPA, and Wisconsin's regulations for issuing permits. As discussed further below, Wisconsin is only seeking approval to regulate CCR landfills, and the State's CCR regulatory program for CCR landfills is structured differently than the Federal CCR regulations. Specifically, WDNR has regulated CCR landfills the same as other non-hazardous waste landfills since it implemented its solid waste program in 1992 in the Wisconsin Administrative Code (Wis. Adm. Code). To ensure the State CCR landfills are subject to a program that is at least as protective as the Federal CCR regulations, the State revised the applicable sections of the Wis. Admin. Code to incorporate additional CCR specific requirements.

Accordingly, EPA and WDNR held numerous detailed conversations about differences in applicable requirements for liner design, groundwater monitoring parameters, groundwater monitoring well placement, detection monitoring, assessment monitoring, closure, post-closure care, recordkeeping and WDNR's plan of operation, and permitting requirements. WDNR shared drafts of the State rules with EPA for comment. After WDNR finalized its rules, WDNR also sent several drafts of the State CCR permit program application to EPA for review to ensure that the State program would be at least as protective as the Federal CCR regulations.

On February 24, 2026, WDNR submitted its CCR permit program application to EPA Region 5 requesting approval of Wisconsin's partial CCR permit program.[5] [6] In response to EPA comments, on August 13, 2026, WDNR provided a supplement to its Narrative description.[7]

IV. EPA Analysis of the Wisconsin Application

RCRA section 4005(d) requires EPA to evaluate two components of a State CCR permitting program to determine whether it meets the standard for approval: the program itself, and the technical criteria that will be included in each permit issued under the State program. This section discusses EPA's review of both requirements under RCRA section 4005(d) and the criteria EPA uses to conduct this review.

First, EPA must evaluate the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A) through (B). RCRA section 4005(d)(1)(A) directs the State to provide evidence of a State permit program's compliance with RCRA requirements in such form as determined by the Administrator. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the State program based upon a determination that the program ''requires each coal combustion residuals unit located in the state to achieve compliance with the applicable [Federal or State] criteria.'' In other words, the statute directs EPA to determine that the State has sufficient authority to require compliance at all CCR units located within the State. See also 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination, EPA evaluates the State's authority to issue permits and impose conditions in those permits, as well as the State's authority to conduct compliance monitoring and enforcement.

During this review of the State permit program, EPA also determines whether the program contains procedures consistent with the public-participation directive in RCRA section 7004(b). RCRA section 7004(b), which applies to all RCRA programs, directs that ''public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1). To make this determination, EPA evaluates the State's public participation procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA's evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in that regulation provide a helpful framework to examine the relevant aspects of a State's CCR permit program. States are familiar with these criteria because all States have MSWLF programs that have been approved pursuant to these regulations, and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate the Wisconsin CCR permit program: permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA must evaluate the technical criteria that will be included in each permit issued under the State CCR permit program to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are ''at least as protective as'' the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1). EPA makes this determination by comparing the State's technical criteria to the corresponding Federal criteria and, where necessary, evaluating whether different State criteria are at least as protective as the Federal criteria.

Upon careful review, and as discussed in more detail below, EPA has preliminarily determined that Wisconsin's partial CCR permit program includes all the elements of an adequate State CCR permit program. It also contains all the technical criteria in 40 CFR part 257, subpart D, except for the provisions specifically discussed below that Wisconsin has not included in its partial permit program. Consequently, EPA is proposing to approve the entirety of Wisconsin's partial CCR permit program application. The State's CCR permit program does not encompass the

[5] Letter from Steven Little, for Karen Hyun, Deputy Secretary, Wisconsin Department of Natural Resources to Ane Vogel, Regional Administrator, United States Environmental Protection Agency Region V. State of Wisconsin Coal Combustion Residual Program Application. February 20, 2026.

[6] State of Wisconsin Coal Combustion Residuals Permit Program Application Packet. Application to USEPA Region V for CCR Permit Program Approval for CCR landfills in accordance with section 4005(d) of the Resource Conservation and Recovery Act. February 2026.

[7] State of Wisconsin Coal Combustion Residuals Permit Program Application Supplement. Application to USEPA Region V for CCR Permit Program Approval for CCR landfills in accordance with section 4005(d) of the Resource Conservation and Recovery Act. August 2026.

full scope of Federal CCR requirements as presently constituted, and the provisions of the Federal CCR regulations that are not part of State's approved CCR permit program will remain directly applicable to affected CCR units. 42 U.S.C. 6945(d)(1)(B).

EPA's full analysis of the Wisconsin CCR permit program, and how the Wisconsin regulations differ from the Federal requirements, can be found in the Technical Support Document. EPA determined that the Wisconsin CCR permit program application was complete and notified Wisconsin of its determination by letter.[8]

A. Adequacy of the Wisconsin Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a State seeking State CCR permit program approval to submit to EPA, ''in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.'' Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such State programs. EPA, therefore, developed the *Coal Combustion Residuals State Permit Program Guidance Document; Interim Final* (82 FR 38685, August 15, 2017) (the ''Guidance Document''). The Guidance Document provides recommendations on a process and standards that States may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency's experience in reviewing and approving State programs.

EPA evaluated the Wisconsin CCR permit program using the process and statutory and regulatory standards discussed in Units II.C. and IV.A. of this preamble. EPA's findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this proposed determination.

1. Guidelines for Permitting

In EPA's judgment, an adequate State CCR permit program must ensure that: (1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria; (2) The State has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements; and (3) The State has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D, or such other State criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

In Wisconsin, a State permit is required for all CCR units under section 289.31 Wis. Stats.: ''No person may operate a solid waste facility or hazardous waste facility unless the person obtains an operating license from the department.'' There is no expiration for an operating license or plan of operation approval; however, the facility is required to follow the proposed development, filling, and closure sequencing in the plan of operation or request a modification to the plan of operation. Section NR 514.07(10), Wis. Adm. Code, has additional requirements for CCR landfill plans of operation, including that the plan of operation be updated every 10 years during the landfill's active life to comply with new regulations put in place since initial issuance of the permit or since the last update.

Procedures for evaluating proposed new and expanded solid waste landfills are defined more specifically in chs. NR 500 to 520, Wis. Adm. Code. As described on pages 21–22 of the TSD, and documented in Wisconsin permitting forms, the State has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements as documented in NR 509, NR 512, and 514. The minimum submittal requirements are found in chs. NR 509 for an ISR, NR 512 for a feasibility report, NR 514 for a plan of operation, and NR 520 for financial responsibility. Additionally, section NR 512.06(3), Wis. Adm. Code, allows WDNR to require an applicant to submit any additional information found necessary to establish the feasibility of a proposed solid waste landfill. Other applicable requirements are found in chs. NR 504 for location, performance, design and construction criteria, NR 506 for operational criteria, NR 507 for environmental monitoring, NR 508 for responses when a groundwater standard is attained or exceeded, NR 509 for initial site inspections (ISI), and NR 516 for construction documentation.

Simultaneous with the WDNR technical decision-making process, an applicant must seek and obtain any applicable local approvals, and municipalities are allowed to negotiate and arbitrate with applicants proposing a landfill by adopting siting resolutions. section 289.22, Wis. Stats. The negotiated/arbitrated awards cannot be less stringent than what is contained in WDNR rules and technical conditions of approval. Chapter 289, Wis. Stats., requires all information submitted to WDNR regarding a feasibility report to also be submitted to all affected municipalities (*i.e.,* any host county, township, village or city as well as any municipalities within 1,500 feet of the proposed landfill) and the main public libraries in those municipalities.

Section 289.31, Wis. Stats., allows WDNR to deny, suspend or revoke the operating license of a solid waste facility for grievous and continuous failure to comply with the approved plan of operation.

Under s. NR 514.04(6), Wis. Adm. Code, an owner, or operator of a landfill may propose changes to the approved plan of operation. The changes are required to be submitted to WDNR for review and may not be implemented until WDNR issuance of a plan of operation approval modification. The review time for a complete plan of operation modification is 65 business days under s. NR 500.07, Wis. Adm. Code. Plan approval modification decisions are reviewable through judicial review under ss. 227.52 and 227.53, Wis. Stats., but are not subject to administrative contested case hearings.

There is no differentiation between major and minor plan modifications; however, WDNR does have an expedited plan modification process under s. NR 514.09, Wis. Adm. Code, which only applies to specific types of modifications or those that are considered to pose low potential risk of adverse impacts on public health or the environment and that would not result in a violation of a statute or administrative rule, and would not require the issuance of an exemption. Some examples of modifications eligible for expedited modifications include, but are not limited to, (1) Use of an alternate borrow source, (2) Soil daily cover, and (3) Access roads within a landfill. Specific limitations apply to the use of expedited plan modifications and the review time is 30 calendar days. In general, WDNR expects that most plan modifications for CCR landfills would be routine plan of operation modifications and not expedited plan modifications because of the regulatory limitations and additional time for

[8] Completeness Letter Wisconsin CCR permit program, signed September 2026.

public participation requirements discussed below.

Excluding the plan of operation for initial permitting that requires at least 60 days notification, the owner or operator of a CCR landfill is required to notify WDNR at least 30 days prior to the submittal of a plan of operation modification affecting the closure plan, liner system, leachate system, or changes that reduce the stringency of groundwater monitoring requirements to WDNR and post the draft plan of operation modification on its publicly accessible internet site. NR 514.04(8), Wis. Adm. Code. WDNR will post the draft plan of operation modification on its internet site and hold a public meeting if, within 30 days after posting the draft plan of operation on the WDNR's internet site, any county, city, village or town, the applicant, or any 6 or more persons file a written request for a public meeting with WDNR.

EPA has preliminarily determined that the Wisconsin approach to CCR permit applications and approvals is adequate, and that this aspect of the Wisconsin CCR permit program meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA's judgment that an adequate State CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) Final determinations on permit applications are made known to the public; and (3) Public comments on permit determinations are considered and significant comments are responded to in the permit record. EPA's review of Wisconsin's CCR permit program indicates that the State has adopted public participation procedures that allow interested parties to talk openly and frankly about permit issues and search for mutually agreeable solutions to differences in views. An overview of Wisconsin's public participation provisions is provided below.

Wisconsin's CCR landfill permitting program provides for public participation by making documents for permit determinations available for public review and comment, making final determinations on permit applications known to the public, and considering public comments on permit determinations. In order that WDNR might receive public comments and allow for the request of a hearing pursuant to section 289.25(3), Wis. Stats., a class 1 public notice is published in the local newspaper when a feasibility report has been deemed to contain the minimum information required to be submitted and the requirements of the environmental review process have been addressed.

If complete, WDNR will provide written notice of completeness and post a class 1 notice under ch. 985, Wis. Stats., in the official newspaper designated under s. 985.04 or 985.05, Wis. Stats., or, if none exists, in a newspaper near the landfill. A copy of the notice and the plan of operation modification submittal will also be posted on WDNR's internet site and NR 506.17(d) requires posting on the facility's CCR landfill public accessible internet site.

Before certain WDNR decisions, WDNR must provide opportunities for public comment upon the following documents submitted by CCR landfill owners/operators:

- Plan of operation modification report—60-day comment period.
- Draft decision issued by WDNR—60-day comment period.
- Draft plan of operation or plan of operation modifications after initial permitting—30-day comment period.
- Feasibility report for new or expanded facility—30-day comment period.

WDNR must hold public hearings during the comment periods upon submittal of the following documents:

- Plan of operation modification report—WDNR holds a virtual or in-person public meeting during the 60-day comment period to receive oral comments on the complete submittal.
- Draft plan of operation or plan of operation modifications after initial permitting—These plans are required to be posted for public comment for at least 30 days. During this time, any county, city, village or town, the applicant, or any six or more individuals may file a written request for a public meeting with WDNR. If a public meeting is held, WDNR will solicit public comments on the report at the meeting.

Feasibility report for new or expanded facility—During public comment period any county, city, village or town, the applicant, or any 6 or more persons can request an informational hearing or, if certain other requirements are met, a contested case hearing.

WDNR is required to grant an informational or a contested case hearing on a proposed solid waste landfill at the feasibility report stage to anyone who has standing as established in sections 289.26 or 289.27, Wis. Stats. In order that WDNR might receive public comments and allow for the request of a hearing pursuant to section 289.25(3), Wis. Stats., a class 1 public notice is published in the local newspaper when a feasibility report has been deemed to contain the minimum information required to be submitted and the requirements of the environmental review process have been addressed. All written or verbal comments received from the public are considered by WDNR before making a feasibility determination.

If an informational hearing is held, a hearing officer will preside over the proceeding to give the landfill applicant an opportunity to present information regarding the proposed facility, followed by an opportunity for the public to present comments to WDNR on the proposed facility and content of the feasibility report and environmental analysis. If a contested case hearing is held, it is held before a hearing examiner in much the same way as a court trial. The petitioners of the hearing, the landfill applicant, and WDNR review staff present information during the hearing through exhibits, depositions, affidavits and witness testimony. The information presented at the hearing becomes the official hearing record and is then used by the WDNR Secretary or their designee to make a feasibility decision. A copy of the WDNR final decision is sent to all parties to a contested case hearing and to all citizens present at the informational hearing. ss. 227.47 and 227.48, Wis. Stats.

After the comment period on the complete submittal, DNR is required to issue a draft decision and post a copy of the draft decision on the DNR's internet site for a 30-day public comment period. The draft decision is required to include a written response to previous comments. Following the end of the 30-day public comment period on the draft decision, DNR is required to issue a final decision. The final decision is reviewable through judicial review under ss. 227.52 and 227.53, Wis. Stats.

Challenges to Permit Decisions

Final permit decisions are reviewable through judicial review under ss. 227.52 and 227.53, Wis. Stats. A party must wait for some final agency decision it is aggrieved by, such as the issuance or denial of a permit, at which point it may raise its challenges in a petition for judicial review of the agency decision.

EPA has preliminarily determined that the Wisconsin approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval. The provisions described above meet the three criteria listed at the beginning of this section by

providing several means by which documents for draft and final permit determinations are made available for public review and comment, as well as ensuring that public comments on permit determinations are considered and significant comments are responded to in the permit record and that judicial review is available.

3. Guidelines for Compliance Monitoring Authority

An adequate permit program must provide the State with the authority to gather information about compliance, perform inspections, and ensure that the information it gathers is suitable for enforcement. Wisconsin has enacted formal legal provisions for documented certified inspections by a Professional Engineer (P.E.). Chapter NR 516, Wis. Adm. Code, requires all construction associated with the establishment and closure of any landfill to be documented by a professional engineer (P.E.) registered in the State of Wisconsin. The P.E. must render an opinion in writing, based on testing results and actual inspections, as to whether the facility has been constructed or closed in substantial conformance with the plan of operation or other approved plans. Approval of the construction documentation must be obtained from WDNR prior to initiating disposal operations in the newly established area. Section NR 500.09, Wis. Adm. Code, allows WDNR to require as a condition of any approval that critical construction steps of a facility, as specified in the approval, be inspected by WDNR.

Wisconsin requires facilities to certify their operations and to maintain a public website with operating records. Section NR 506.19, Wis. Adm. Code, requires the owner or operator to submit an annual compliance certification and allows WDNR to conduct audits and require the owner to provide specific records. Under s. NR 506.17, Wis. Adm. Code, an owner or operator of a CCR landfill must maintain a written operating record and publicly accessible internet site and provide documentation to WDNR upon request. Under s. NR 506.20, Wis. Adm. Code, an annual report must be prepared and submitted by the facility for WDNR review.

Section NR 507.16, Wis. Adm. Code, requires the owner or operator of a solid waste facility to submit a sampling plan for all monitoring devices at the facility. Additional requirements for a sampling plan for CCR landfills can be found under s. NR 507.15(3)(f) and (g). The sampling plan must follow WDNR guidelines for groundwater sampling and comply with the requirements in s. NR 140.16, Wis. Adm. Code, and s. NR 507.17, Wis. Adm. Code.

Sampling results submitted are reviewed by a WDNR hydrogeologist for accuracy, any inconsistencies, and to determine if any groundwater standards have been attained or exceeded. Occasionally and whenever necessary, WDNR employees collect or split samples at a facility and have those samples analyzed by the State Laboratory of Hygiene (SLOH) to confirm or to compare with the results submitted by the owner/operator of a facility.

Wisconsin has legal provisions for inspection by WDNR personnel. Section 289.91, Wis. Stats., gives any officer, employee or authorized representative of WDNR authority to enter and inspect any property, premise or place on or at which a solid waste facility is located or is being constructed or installed, or to inspect any record relating to solid waste management of any person who generates, transports, treats, stores or disposes of solid waste, at any reasonable time for the purpose of ascertaining the state of compliance with chapter 289, Wis. Stats., and rules promulgated under chapter 289, Wis. Stats. Wisconsin law specifies that no person may refuse entry or access to anyone who requests entry for purposes of inspection, and who represents appropriate credentials. WDNR, if requested, will furnish the owner or operator of the premises with a report documenting the facts related to the facility's compliance status. If required, a WDNR employee can also obtain a special inspection warrant, under section 66.0119 (Special Inspection Warrants), Wis. Stats.

The WDNR website provides a link to a form for the public to report complaints to the WDNR relevant to waste or air issues. Complaints are routed to a Complaint Coordinator within the Waste and Materials Management program. Complaints involving a licensed facility are referred to WDNR staff assigned to the facility.

Accordingly, EPA has preliminarily determined that these compliance monitoring authorities are adequate, and that this aspect of the Wisconsin CCR permit program meets the standard for program approval. The State has authorities and guidelines for inspections, analysis and monitoring, which allow the State to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public.

4. Guidelines for Enforcement Authority

An adequate State CCR permit program must provide the State with adequate enforcement authority to administer its State CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) Sue to enjoin prohibited activity, and (3) Sue to recover civil penalties for prohibited activity.

Section 289.94(2), Wis. Stats., authorizes WDNR to do one or more of the following: (a) issue any special order necessary to protect public health or the environment, (b) take any other action necessary to protect public health or the environment, or (c) request that the Wisconsin Department of Justice commence legal proceedings to restrain or enjoin any person from handling, storage, treatment, transportation or disposal which presents or may present an imminent and substantial danger to health or the environment or require any other action as may be necessary to protect public health and the environment.

Wisconsin has provided WDNR with both statutory and regulatory authorities to provide enforcement actions for the Wisconsin environmental statutes, regulations, and permit conditions that are applicable to the CCR permit program. Section 289.93, Wis. Stats., allows WDNR to issue orders to effectuate the purposes of chapter 289, Wis. Stats., and enforce the same by all available and appropriate administrative and judicial proceedings. Section NR 500.11, Wis. Adm. Code, allows the department to take enforcement action as authorized under sections 289.91 to 289.97, Wis. Stats., or as authorized in applicable enforcement provisions for landfill and solid waste disposal program requirements in chapters NR 500 to 538, Wis. Adm. Code.

Wisconsin has statutory authority to sue to enjoin prohibited activities. Pursuant to section 289.97, Wisc. Stats., when WDNR has evidence that a violation of chapter 289, Wis. Stats., or a violation of any promulgated rule, special order, plan approval, or any term or condition of a license issued under chapter 289, has occurred, WDNR may serve written notice upon the alleged violator. This written notice must specify the alleged law or rule violation and contain the findings of fact on which the charge of violation is based. Except as provided in section 289.95, WDNR may also include in the

written notice an order that necessary corrective action be taken within a reasonable time. This order becomes effective unless, no later than 30 days after the date the notice and order are served, the person named in the notice and order requests in writing a hearing before the department.

Upon such request, WDNR, after due notice, is required to hold a hearing. Instead of an order, and except as provided in section 289.95, the department may require that the alleged violator appear before the department for a hearing at a time and place specified in the notice and answer the charges complained of; or the department may initiate action under section 299.95 by referring the matter to the Wisconsin Department of Justice for enforcement. If after such hearing WDNR still finds that a violation(s) has occurred, WDNR is required to affirm or modify its previously issued order, or issue an appropriate order for the prevention, abatement or control of the problems involved or for the taking of other corrective action as may be appropriate.

Wisconsin has enacted authorities to restrain any person from engaging in an activity which may damage human health or the environment. If WDNR receives evidence that the past or present handling, storage, treatment, transportation, or disposal of any solid waste may present an imminent and substantial danger to health or the environment, section 289.94, Wis. Stats., requires WDNR to provide immediate notice of the danger to each affected municipality and promptly post notice of the danger at the site at which the danger exists, or order a person responsible for the danger to post such a notice. Per section 289.94(2), Wis. Stats., the department may request that the Wisconsin Department of Justice commence legal proceedings to restrain or enjoin any person from handling, storage, treatment, transportation or disposal which presents or may present an imminent and substantial danger to health or the environment or require any other action as may be necessary to protect public health and the environment.

Wisconsin has authority to sue to recover civil penalties for prohibited activity. Any person who violates chapter 289, Wis. Stats., or any promulgated rule, or any plan approval, license or special order issued under this chapter shall forfeit not less than $10 nor more than $25,000 for each violation per section 289.96(3), Wis. Stats. Per section 289.96(3)(a), for environmental violations, each day of continued violation is a separate offense.

Based on the foregoing, EPA has preliminarily determined that this aspect of the Wisconsin CCR permit program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on RCRA section 7004, an adequate CCR State permit program must provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the State must either: (1) Provide for citizen intervention as a matter of right; or (2) Have in place a process to: (a) Provide notice and opportunity for public involvement in civil enforcement actions, (b) Investigate and provide responses to citizen complaints about violations, and (c) Not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

Wisconsin's statutes allow for intervention in a judicial action. Under section 803.09(1), Wis. Stats., upon timely motion anyone shall be permitted to intervene in a judicial action when the movant claims an interest relating to the property or transaction which is the subject of the action and the movant is so situated that the disposition of the action may, as a practical matter, impair or impede the movant's ability to protect that interest, unless the movant's interest is adequately represented by existing parties. Under section 803.09(2), Wis. Stats., timely intervention in an action is also permitted when the movant's claim or defense and the main action have a question of law or fact in common. In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

Additionally, section 289.92, Wis. Stats., allows any six or more citizens or any municipality to petition for an administrative review of an alleged violation of the chapter or any rule promulgated or special order, plan approval, license or any term or condition of a license issued under ch. 289, Wis. Stats. More details are provided in the section III.2.f. ''Civil Intervention'' of the TSD.

Wisconsin has procedures to investigate and provide responses to citizen complaints about violations. The WDNR website provides a link to a form for the public to report complaints on waste or air issues. Wisconsin maintains a hotline that is in operation 24 hours a day, 7 days a week. These complaints are routed to a Complaint Coordinator within the Waste and Materials Management program of WDNR. Complaints that involve a licensed facility are referred to the WDNR staff assigned to the facility. The Complaint Coordinator may follow up directly on waste-related complaints that are not associated with a facility. The Waste and Materials Management staff can involve other programs if the complaint or possible violations involve other program areas (*e.g.,* wetlands, storm water, air management).

EPA has preliminarily determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the Wisconsin CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA conducted an analysis of the Wisconsin CCR Permit Program Application, including a thorough analysis of Wisconsin statutory authorities at ch. 289, Wis. Stats. for the CCR program, as well as its regulations NR 500, 504–508, 512–516 and 520, Wis. Adm. Code.[9] Additional groundwater monitoring requirements are found in NR 140 and 141.[10] [11] As noted above, Wisconsin has requested approval of a partial CCR permit program regulating CCR landfills.

1. Wisconsin CCR Units and Resources

WDNR has identified 9 CCR units (6 landfills and 3 surface impoundments) at 6 facilities in Wisconsin.[12] The three CCR surface impoundments will continue to be regulated by EPA. WDNR demonstrated that it has the personnel to administer a permit program that is at least as protective as the Federal requirements.[13] WDNR indicates that the State program is funded by State general funds appropriated to WDNR. WDNR indicates that the State Program is also funded from landfill tipping fees, annual license fees, and plan review fees. In addition, WDNR applied for EPA State and Tribal Assistance Grants

[9] Wisconsin Administrative Code Chapters NR 500, 504–508, 512–516. Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

[10] Wisconsin Administrative Code Chapter NR 140 Groundwater Quality.

[11] Wisconsin Administrative Code Chapter NR 141 Groundwater Monitoring Well Requirements.

[12] For more information on the specific facilities covered by the Wisconsin CCR Permit Program, see page 129 (PDF page 130) and page 4 (PDF page 5) of the Narrative, which is included in the docket for this action.

[13] The discussion on State personnel is included on page 124 (PDF page 125) of the Narrative, which is included in the docket for this action, and is described further in the Technical Support Document.

(STAG) funding for Fiscal Years 2021 through 2025. In total, WDNR has received $1,303,485 in funding from EPA to develop its CCR permit program. If EPA receives future appropriations, if approved, WDNR can continue to receive funds for implementation of its CCR permit program. EPA has preliminarily determined that the WDNR staffing and funding are adequate for WDNR to administer the CCR permit program.

2. Wisconsin CCR Regulations

EPA has preliminarily determined that the portions of the Wisconsin CCR permit program applicable to CCR landfills that were submitted for approval meet the standard for approval under RCRA section 4005(d)(1)(B)(ii), 42 U.S.C. 6945(d)(1)(B)(ii). To make this preliminary determination, EPA compared the technical requirements in the Wisconsin CCR regulations at NR 500, 504–508, 512–516 and 520, Wis. Adm. Code. to the Federal CCR regulations at 40 CFR part 257 to determine whether the State's requirements are at least as protective as required in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C). EPA's review in this case was more involved than in most other States, by necessity, because Wisconsin did not adopt by reference the Federal CCR regulations like many other States and, instead, the State applies its solid waste landfill requirements, supplemented to address the Federal CCR regulations not included in the State's landfill regulations, to regulate CCR landfills.

Wisconsin regulates solid waste disposal facilities, which includes CCR landfills, and the beneficial use of CCR under its solid waste management regulations, chs NR 500—538, Wis. Adm. Code, and statutory authority, ch. 289, Wis. Stats. Wisconsin has regulated CCR landfills for 50 years, the last 30 of which have been under its existing solid waste rules. These regulations were updated on August 1, 2022, to incorporate Federal CCR landfill requirements into its existing solid waste code to ensure Wisconsin's regulations are at least as protective as the Federal CCR regulations. Affected chapters include NR 500, 504–508, 512–516 and 520, Wis. Adm. Code. Table 2 of the Technical Support Document provides a cross-reference between the Federal and State CCR regulations. A technical discussion on differences between the State and Federal programs, that has an analysis of program equivalency, is in section V. Technical Review of the State Submittal, of the TSD.

3. Wisconsin Partial Program

WDNR is seeking approval of its partial CCR permit program pursuant to RCRA section 4005(d). Wisconsin's CCR regulations reflect 40 CFR part 257, subpart D, as amended through August 28, 2020, for CCR landfills; however, the Federal CCR regulations have changed since then as a result of litigation and the Legacy CCR surface impoundments and CCR management units final rule (89 FR 38985, May 8, 2024) (the 2024 Legacy Rule) and the CCR Management Unit Deadline Extension Rule (91 FR 5806, February 10, 2026). WDNR has not adopted regulations reflecting the 2024 and February 2026 changes. Any subsequent amendments to the Federal CCR regulations, including those effective before a final decision is made on the State CCR permit program, will not be automatically included in the State's CCR program and would require further State adoption and approval by EPA. WDNR did not adopt regulations for CCR surface impoundments. Therefore, WDNR has not sought approval of any State regulations that would operate in lieu of these amendments. EPA is approving only those aspects of Wisconsin's CCR program that were submitted for approval.

In the 2024 Legacy Rule, EPA amended certain terms and provisions that apply to all CCR units. It is EPA's understanding that WDNR interprets the provisions in NR 140, 141, 500, 504–508, 512–516 and 520, Wis. Adm. Code. the same as EPA interprets these in 40 CFR part 257, subpart D. Therefore, EPA is approving the State's version of these requirements:

1. Throughout 40 CFR part 257, subpart D, the regulations were amended by removing the phrase ''Website'' and adding in its place the word ''website'' wherever it appears.

2. 40 CFR 257.52; this amendment clarifies that all CCR units are subject to the requirement to comply with all other Federal, State, Tribal, or local laws or other requirements. In addition, all CCR units continue to be subject to §§ 257.3–1, 257.3–2, and 257.3–3.

3. ''Active facility or active electric utilities or independent power producers''; this amendment to 40 CFR 257.53 clarifies that the relevant operational date for any active facility or active electric utilities or independent power producers is on or after October 19, 2015.

4. ''CCR landfill or landfill''; this amendment to 40 CFR 257.53 clarifies that a CCR landfill means an area of land or an excavation that ''contains'', rather than ''receives'', CCR, and meets the other criteria of the definition.

5. ''Infiltration''; this additional definition in 40 CFR 257.53 is consistent with the term's plain meaning and dictionary definitions to assist in the application of closure performance standards for CCR units.

6. ''Liquids''; this additional definition in 40 CFR 257.53 is consistent with the term's plain meaning and dictionary definitions to assist in the applicability for CCR surface impoundments and the application of closure performance standards for CCR units.

7. ''State director''; this amendment to 40 CFR 257.53 clarifies that the State director is the chief administrative officer of the lead State agency responsible for implementing the State program regulating disposal in all CCR units.

8. 40 CFR 257.61(a); this amendment updates a reference to 40 CFR 230.41(a), as the previously referenced provision has since been amended.

9. 40 CFR 257.80(a); this amendment clarifies that all CCR units are subject to the fugitive dust requirements.

10. 40 CFR 257.90(a); this amendment clarifies that all CCR units are subject to the groundwater monitoring and corrective action requirements. In addition, it corrects a typographical error.

11. 40 CFR 257.104(a); this amendment clarifies that all owners or operators of CCR units that are subject to § 257.102 are subject to the post-closure care requirements, except for those owners and operators of a CCR unit that elect to close the CCR unit by removing CCR.

The State is not seeking approval of certain provisions in the State regulations and the Federal CCR regulations, or EPA cannot approve certain provisions. First, EPA is not proposing to approve the following provisions of the State regulations and, therefore, the identified provisions will not be included in the Federally approved program:

1. NR 504.04(2), Wis. Adm. Code, contains several exemptions that, if used, cannot be guaranteed to be at least as protective as the Federal CCR regulations. NR 504 contains landfill location, performance, design and construction criteria. Section NR 504.04 contains the landfill locational criteria and performance standards, and section NR 504.04(2) contains exemptions from the location restrictions that EPA is proposing to not approve. However, the exemption provisions that cannot be approved as part of the Federally

approved program are intertwined with exemption provisions that apply to State only requirements that are in addition to the Federal CCR requirements, and exemptions from State only requirements can be issued without causing the State CCR permits to be less protective than the Federal requirements. For this reason, the Agency is identifying the specific provisions of section NR 504.04 that will not be included in the approved program. The provisions that EPA is proposing to not approve are:

a. NR 504.04(2)(a) with respect to the exemptions from NR 504.04(3)(g) as it applies to new CCR landfills. Consistent with the Federal CCR regulations, NR 504.04(3)(g) prohibits the citing of new landfills within 200 feet of a fault that had a displacement event in Holocene time. NR 504.04(3)(g) is different from the Federal CCR regulations because the State rule applies to both new and existing CCR landfills and lateral expansions of CCR landfills, whereas 40 CFR 257.62 only applies to new CCR landfills and lateral expansions of CCR landfills. EPA cannot ensure that an exemption from this requirement for new CCR landfills and lateral expansions of CCR landfills would be as protective as the Federal CCR regulations, so EPA is not proposing to approve this authority for exemptions into Wisconsin's CCR permit program. However, EPA is proposing to approve the use of this exemption for existing CCR landfills because the Federal CCR program does not apply this requirement to existing CCR landfills.

b. NR 504.04(2)(a) with respect to exemptions from 504.04(3)(h) as it applies to new CCR landfills. Consistent with the Federal CCR regulations, NR 504.04(3)(h) prohibits the siting of new landfills in a seismic impact zone. NR 504.04(3)(h) is different from the Federal CCR regulations because it applies to both new and existing CCR landfills and lateral expansions of CCR landfills, whereas 40 CFR 257.63 only applies to new CCR landfills and lateral expansions of CCR landfills. EPA cannot ensure that an exemption from this requirement for new CCR landfills or lateral expansions would be as protective as the Federal CCR regulations, so EPA is not proposing to approve this authority into Wisconsin's CCR permit program. However, EPA is proposing to approve the use of this exemption for existing CCR landfills because the Federal CCR program does not apply this requirement to existing CCR landfills.

c. NR 504.04(2)(a) with respect to exemptions from 504.04(3)(i) for new units. Consistent with the Federal CCR regulations, NR 504.04(3)(i) prohibits the citing of new landfills within unstable areas. EPA cannot ensure that an exemption from this requirement for new CCR landfills and lateral expansions of CCR landfills would be as protective as the Federal CCR regulations, so EPA is not proposing to approve this authority for exemptions into Wisconsin's CCR permit program.

d. NR 504.04(2)(d) authorizing exemptions from compliance with section NR 504.04(4)(d), which prohibits a regulated unit from having a detrimental effect on groundwater quality or otherwise causing a violation of an applicable standard. EPA cannot ensure that an exemption from NR 504.04(4)(d) would be as protective as the Federal CCR regulations, so EPA is not proposing to approve this authority into Wisconsin's CCR permit program.

e. NR 504.04(2)(a) with respect to exemptions from NR 504.04(4)(b), which prohibits the taking of an endangered or threatened species; EPA cannot ensure that an exemption from this requirement for CCR landfills would be as protective as the Federal CCR regulations and there is no analogous exemption in the Federal CCR regulations. As such EPA is not proposing to approve this authority into Wisconsin's CCR permit program.

2. Section 289.43(7), Wis. Stats, contains a general exemption from solid waste licensing for the recycling of high-volume industrial waste and section 538.05 contains an exemption for the beneficial use of CCR. Both Chapters 289 and 538 contain regulations applicable to high-volume industrial waste or byproducts and provide alternatives to the default regulatory scheme. Under both Chapters 289 and 538, CCR are considered a high-volume industrial waste or byproduct. The exemption in section 289.43(7) is insufficiently limited and does not reference section 538.05. Thus, if the exemption were granted, EPA could not be sure that the management of CCR for recycling would be as protective as the Federal CCR requirements or beneficial use criteria. As such, EPA is not proposing the approval of the exemption in section 289.43(7) into the federally approved CCR program. In contrast, section NR 538.05 also contains an exemption from solid waste licensing when CCR is beneficially used consistent with Chapter 538 requirements, which describe various obligations for beneficial use. EPA finds that the provisions of Chapter 538 will ensure that the beneficial use of CCR will be as protective as the Federal CCR regulations and therefore proposes to approve section 538.05 as applied to CCR beneficial use. This beneficial use exemption will apply to activities that fully meet the applicable requirements of Chapter 538 and the exemption will not otherwise exclude the licensing requirements for any facility involved with the disposal of CCR.

3. *NR 500.03(26p)(a) and (b):* The State definition of ''CCR pile'' is not being approved as EPA determined it is not at least as protective as the Federal definition at 40 CFR 257.53, because it allows onsite accumulation of CCR for beneficial use without including limitation that such accumulation must be for offsite use. Therefore, the Federal definition of ''CCR pile'' will remain in effect.

Second, WDNR is not seeking approval for the Federal CCR regulations that apply to CCR surface impoundments and, accordingly, the scope, definitions, and applicable requirements in 40 CFR part 257 will remain directly applicable to CCR surface impoundments within the State of Wisconsin. While various provisions of the CCR regulations apply to the different types of CCR units (*i.e.,* CCR surface impoundments, CCR landfills, legacy CCR surface impoundments, and CCRMU), the following list only describes the applicability of these sections to CCR surface impoundments over which the Federal CCR regulations will continue to apply. EPA will continue to implement CCR surface impoundments provisions under the Federal CCR program and retain enforcement authority over these provisions (EPA also maintains enforcement authority over units operating under a State program). The following list identifies key provisions applicable to CCR surface impoundments that EPA will implement under the Federal CCR program. This list is non-exhaustive.

1. 40 CFR 257.50, scope and purpose, specifically 40 CFR 257.50(c);

2. 40 CFR 257.52, applicability of other regulations;

3. Definitions in 40 CFR 257.53; many definitions apply to all CCR units. However, the following definitions are specific to CCR surface impoundments that are not applicable to CCR landfills:

a. Acre foot;

b. Area-capacity curves;

c. Dike;

d. Downstream toe;

e. Eligible unlined CCR surface impoundment;

f. Existing CCR surface impoundment;

g. Factor of safety (Safety factor);

h. Flood hydrograph;

i. Freeboard;

j. Hazard potential classification;

k. Incised CCR surface impoundment;
l. Inflow design flood;
m. Liquefaction factor of safety;
n. New CCR surface impoundment;
o. Overfill
p. Probable maximum flood;
q. Retrofit;
r. Seismic factor of safety;
s. Slope protection;
t. Static factor of safety;
u. Technically feasible; and
v. Technically infeasible;

4. 40 CFR 257.60, location restrictions for placement above the uppermost aquifer for CCR surface impoundments;

5. 40 CFR 257.61, location restrictions for wetlands for CCR surface impoundments;

6. 40 CFR 257.62, location restrictions for fault areas for CCR surface impoundments;

7. 40 CFR 257.63, location restrictions for seismic impact zones for CCR surface impoundments;

8. 40 CFR 257.64; location restrictions for unstable areas for CCR surface impoundments;

9. 40 CFR 257.71 Liner design criteria for existing CCR surface impoundments;

10. 40 CFR 257.72 Design criteria for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment;

11. 40 CFR 257.73 Structural integrity criteria for existing CCR surface impoundments;

12. 40 CFR 257.74 Structural integrity criteria for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment;

13. 40 CFR 257.80 Air criteria;

14. 40 CFR 257.82 Hydrologic and hydraulic capacity requirements for CCR surface impoundments;

15. 40 CFR 257.83 Inspection requirements for CCR surface impoundments;

16. 40 CFR 257.90, groundwater monitoring applicability;

17. 40 CFR 257.91, groundwater monitoring systems;

18. 40 CFR 257.93, groundwater sampling and analysis requirements;

19. 40 CFR 257.94, detection monitoring program;

20. 40 CFR 257.95, assessment monitoring program;

21. 40 CFR 257.96, assessment of corrective measures;

22. 40 CFR 257.97, selection of remedy;

23. 40 CFR 257.98, implementation of corrective action program;

24. 40 CFR 257.101, closure or retrofit of CCR units;

25. 40 CFR 257.102, criteria for conducting the closure or retrofit of CCR units;

26. 40 CFR 257.103, alternative closure requirements;

27. 40 CFR 257.104, post-closure care requirements;

28. 40 CFR 257.105, recordkeeping requirements;

29. 40 CFR 257.106, notification requirements; and

30. 40 CFR 257.107, CCR website requirements.

The following list identifies amendments to the requirements in 40 CFR part 257, subpart D that were not included in Wisconsin's application. These Federal provisions will continue to apply directly to, and remain Federally enforceable for, each CCR unit in Wisconsin. Meaning, the requirements in NR 140, 141, 500, 504–508, 512–516 and 520, Wis. Adm. Code., as enumerated below, are not being proposed for approval:

1. 40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv) for vegetative cover for slope stability;

2. 40 CFR 257.90(g) for suspension of groundwater monitoring;

3. 40 CFR 257.95(h)(2) for groundwater protection standards for constituents in appendix IV having no Maximum Contaminant Levels;

4. EPA amended certain provisions of the Federal CCR regulations in the 2024 Legacy Rule that apply to all CCR units and are more prescriptive than the requirements in the 2015 CCR Rule. WDNR did not adopt these amendments and did not seek approval of these provisions. Thus, the following Federal provisions will be applicable to CCR units in Wisconsin:

a. ''Operator''; this amendment to 40 CFR 257.53 specifies the definition of operator to include certain other person(s) including those responsible for disposal or otherwise actively engaged in the solid waste management of CCR and person(s) responsible for directing or overseeing groundwater monitoring, closure or post-closure activities at a CCR unit.

b. ''Owner''; this amendment to 40 CFR 257.53 broadened the definition of owner to include person(s) who own a facility, whether in full or in part.

c. 40 CFR 257.80(b)(6); this amendment specifies that the owner or operator must amend the written fugitive dust control plan no later than 30 days whenever there are certain changes in condition.

d. 40 CFR 257.102(c)(2); this amendment specifies the criteria for complete removal and decontamination activities during the active life and post-closure care period of a CCR unit.

e. 40 CFR 257.102(d)(2); this amendment specifies that the closure performance standards for drainage and stabilization of a unit when leaving CCR in place apply to all CCR units, including CCR management units (CCRMU) and CCR landfills, where free liquids remain in the unit.

f. 40 CFR 257.102(f)(2)(ii)(C) and(D); these amendments specify that CCR landfills that intersect with groundwater are eligible for the closure time extensions available to CCR surface impoundments, subject to certain requirements.

g. 40 CFR 257.104(a)(2), (c)(1) and (3); these amendments specify that an owner or operator closing a CCR unit pursuant to the closure by removal and decontamination standards during the active life and post-closure care period, 40 CFR 257.102(c)(2), must complete groundwater corrective action.

h. 40 CFR 257.104(g); this amendment specifies that a deed notation, required pursuant to 40 CFR 257.102(i), may be removed after the owner or operator demonstrates that groundwater monitoring concentrations no longer exceed any protection standard (*i.e.,* the unit must be in detection monitoring) and certain notifications of completion of post-closure care are completed.

i. 40 CFR 257.105(a); this amendment specifies that each file in the operating record must indicate the date the file was placed in the record.

j. 40 CFR 257.105(e); (f)(1) through (14); (f)(19); (g); (h)(1) through (4); (h)(10) through (11); (h)(13) through (14); (i)(4) through (20); these amendments extend the retention times for certain documents maintained in the operating record.

k. 40 CFR 257.107(b); this amendment specifies that owners and operators using one website to meet the requirements of multiple environmental rules must delineate the postings for each regulatory program under a separate heading on the combined website.

l. 40 CFR 257.107(e); (f)(1) through (4); (f)(6) through (13); (f)(18); (g); (h)(1) through (3); (h)(8); (h)(10) through (11); (i)(4) through (20); these amendments extend the retention times for certain documents maintained on the facility's CCR website.

5. In the 2024 Legacy Rule, EPA added requirements for legacy CCR surface impoundments. WDNR did not adopt these amendments. Thus, any legacy CCR surface impoundments in Wisconsin will remain subject to the following Federal CCR regulations:

a. 40 CFR 257.50(e); this amended provision specifies that 40 CFR part 257, subpart D applies to electric utilities or independent power producers that ceased producing electricity prior to

October 19, 2015 and have a legacy CCR surface impoundment onsite.

b. ''Inactive facility or inactive electric utility or independent power producer''; this added definition to 40 CFR 257.53 specifies the facility where legacy CCR surface impoundments are located.

c. ''Legacy CCR surface impoundment''; this added definition to 40 CFR 257.53 specifies a new type of CCR unit that meets certain criteria.

d. 40 CFR 257.100(a)(2); EPA amended 40 CFR 257.100(a) to add paragraph (2), which specifies that legacy CCR surface impoundments are subject to all of the requirements applicable to existing CCR surface impoundments, except for the requirements in 40 CFR 257.60 through 257.64 and 257.71.

e. 40 CFR 257.100(f) through (j); these additional provisions include reporting and technical requirements for legacy CCR surface impoundments.

f. 40 CFR 257.101(e); this added provision specifies the deadlines when owners or operators of legacy CCR surface impoundments must initiate closure.

g. 40 CFR 257.101(g); this added provision specifies requirements for deferral to permitting for closures conducted under substantially equivalent regulatory authority.

h. 40 CFR 257.105(k), 257.106(k), and 257.107(k); these added provisions specify recordkeeping, notification, and CCR website posting requirements for legacy CCR surface impoundments.

6. In the 2024 Legacy Rule, EPA also added requirements for CCR management units. WDNR did not adopt these provisions. Thus, any CCR management units in Wisconsin will remain subject to the following Federal CCR regulations:

a. 40 CFR 257.50(d); this amended provision specifies the scope of CCRMU requirements.

b. ''CCR management unit''; this additional definition in 40 CFR 257.53 is for a new type of CCR unit.

c. ''Closed prior to October 19, 2015''; this additional definition in 40 CFR 257.53 specifies the applicability of CCR landfills or surface impoundments that completed closure of the unit in accordance with State law prior to October 19, 2015.

d. ''Critical infrastructure''; this additional definition in 40 CFR 257.53 specifies infrastructure, large buildings, or other structures vital to the success or continuation of current site operations or activities for the public welfare. Under the Federal CCR regulations, CCRMU located under critical infrastructure have the option to defer certain requirements to permitting.

e. ''Inactive CCR landfill''; this additional definition in 40 CFR 257.53 is for a new type of CCR unit related to CCRMU.

f. ''Regulated CCR unit''; this additional definition in 40 CFR 257.53 is a conforming change, which means any new CCR landfill, existing CCR landfill, new CCR surface impoundment, existing CCR surface impoundment, inactive CCR surface impoundment, or legacy CCR surface impoundment. This term specifies that CCRMU are not considered regulated CCR units.

g. 40 CFR 257.75; this additional section includes requirements for identifying CCRMU.

h. 40 CFR 257.90(b)(3); this additional provision specifies a deadline for the owners and operators of CCRMU to comply with certain groundwater monitoring requirements.

i. 40 CFR 257.90(e); EPA amended one sentence in this provision to add an annual groundwater monitoring and corrective action report deadline for CCRMU. WDNR has not adopted this amendment, *see* ss. NR 507.15(3)(m), Wis. Adm. Code. However, WDNR adopted a prior (August 28, 2020), version of 40 CFR 257.90(e). EPA is approving the August 28, 2020, version of the provision, but the added deadline for CCRMU contained in the 2024 Legacy Rule will remain directly applicable to CCRMU in Wisconsin.

j. 40 CFR 257.95(b); this amended provision adds a deadline for CCRMU to sample and analyze the groundwater for all constituents in 40 CFR part 257, appendix IV.

k. 40 CFR 257.101(f); this additional provision specifies the deadlines when CCRMU must initiate closure.

l. 40 CFR 257.101(g) and (h); these include additional requirements for deferral to permitting for closures conducted under substantially equivalent regulatory authority and under critical infrastructure.

m. 40 CFR 257.102(b)(2)(iii) and (v); these amended provisions renumber paragraph (b)(2)(iii) to (iv) and add new paragraphs (b)(2)(iii) and (v). The added provisions are only applicable to CCRMU.

n. 40 CFR 257.102(f)(1)(iii); this additional provision specifies when CCR management units must complete closure activities.

o. 40 CFR 257.102(f)(2)(ii)(E) and (F); these additional provisions specify when CCR management units may extend the complete closure activities.

p. 40 CFR 257.104(d)(2)(iii); these amended provisions renumber paragraph (d)(2)(iii) to (iv) and add a new paragraph (d)(2)(iii). This added provision is only applicable to CCRMU.

q. 40 CFR 257.105(f)(25) and (26), 40 CFR 257.106(f)(24) and (25), 40 CFR 257.107(f)(24) and (25); these include additional recordkeeping, notification, and CCR website posting provisions for CCRMU.

EPA has preliminarily determined that the Wisconsin CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification, and CCR website posting requirements. The Wisconsin partial CCR permit program also contains State-specific language, references, definitions, and requirements that differ from the Federal CCR regulations, but which EPA has preliminarily determined to be ''at least as protective as'' the Federal criteria. These State-specific requirements are also discussed further in sections III.1. and V. of the Technical Support Document.

The effect of approving a partial State CCR permit program is that, except for the provisions for which EPA has not granted approval, the Wisconsin partial CCR permit program will operate in lieu of the Federal CCR regulations. For the State provisions that are not approved upon finalization, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the State requirements. RCRA section 4005(d)(3).

V. Wisconsin CCR Permits

Pursuant to Wisconsin's CCR regulations, the owner or operator of existing CCR landfills and impoundments will comply with 40 CFR part 257, subpart D. ch. 289 Wis. Stats. To demonstrate compliance with Wisconsin's revised regulations for CCR landfills, effective August 1, 2022, the six CCR landfills were required to submit a plan of operation modification for initial permitting by February 1, 2023. Subsequently, WDNR issued permits to the owners and/or operators of all CCR six CCR landfills in the State. All six CCR landfills met this date for the initial plan of operation modification submittal. As of February 2026, three CCR landfills had received approval of their plan of operation modification for initial permitting, two CCR landfill submittals were posted for public comment, and one CCR landfill was gathering additional information for a complete submittal.

A. Wisconsin's Permits Issued Under the State CCR Regulations Are Not Part of the Permit Program Evidence Under Review

On February 24, 2026, WDNR submitted its application and requested approval of Wisconsin's partial CCR permit program for CCR landfills. The application states that WDNR does not seek to have its existing permits approved as part of its partial program. On page 115 of the Narrative Description, WDNR states that: ''Wisconsin is not seeking approval from EPA at this time of the already issued plans of operation. If Wisconsin receives approval of its CCR permit program, the DNR will review the issued plans of operation within one year of the approval to ensure that all elements of state regulations and EPA's approval are documented in the plans of operation. If any modifications are needed, public notice of the modifications will be conducted prior to final approval.''

WDNR has committed to reviewing and modifying these permits to ensure compliance with the Federally approved program after EPA issues its final determination of adequacy. Therefore, EPA has treated these existing permits as outside the program evidence submitted for EPA review and thus not relevant to the decision on the permit program. See 42 U.S.C. 6945(d)(1)(A), and (d)(1)(B). EPA is basing its proposed decision on information in the program application package, as outlined in EPA's 2017 Guidance Document,[14] submitted by WDNR on February 24, 2026.

B. Status of Wisconsin's Previously-Issued Permits Issued Under the State CCR Regulations

Because Wisconsin has chosen to exclude its previously-issued permits from the scope of its CCR permit program application, those permits also would not become effective under RCRA as a consequence of an EPA final approval action. Thus, permits issued prior to EPA's approval of Wisconsin's partial program will not provide facilities with the Federal permit shield in RCRA sections 4005(d)(3) and (d)(6). 42 U.S.C. 6945(d)(3) and (d)(6). Instead, these permits only become a part of Wisconsin's approved program and obtain the Federal permit shield after a modification is completed ''in accordance with'' the approved program, including providing a public notice and comment period on the entirety of each CCR permit. 42 U.S.C. 6945(d)(6)(A). Similarly, RCRA section 4005(d)(3)(A) makes clear that, in the absence of a permit under an ''approved'' State program, facilities must still comply with the Federal CCR regulations. EPA intends to review the State's permits in conjunction with the program review required by RCRA section 4005(d)(1)(D)(i) and 4005(d)(1)(D)(ii). 42 U.S.C. 6945(d)(1)(D)(i), (ii).

[14] See Chapter 4–Permit Program Application Checklist.

VI. Proposed Action

EPA has preliminarily determined that the Wisconsin partial CCR permit program for CCR landfills meets the statutory standard for approval. Therefore, in accordance with 42 U.S.C. 6945(d), EPA is proposing to approve the Wisconsin partial CCR permit program.

Lee Zeldin,

Administrator.

[FR Doc. 2026–18552 Filed 9–10–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 91, No. 175

Friday, September 11, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–ST–26–1717]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget for an extension of, and revision to, the currently approved information collection, ''Country of Origin Labeling.''

DATES: Comments on this notice must be received by November 10, 2026 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at *http://www.regulations.gov.* Comments may also be filed with the Docket Clerk, 1400 Independence Ave. SW, Room 2069-South, Washington, DC 20250; or by fax: (202) 260–8369. All comments should reference the docket number AMS–ST–26–1717, the date, and the page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be posted without change, including any personal information provided, at *http://www.regulations.gov* and will be included in the record and made available to the public.

FOR FURTHER INFORMATION CONTACT: Fiona Pexton, Acting Director, Labeling and Compliance Division, Science & Technology Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Washington, DC 20250; telephone: (202) 720–4486; email: *cool@usda.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Country of Origin Labeling.

OMB Number: 0581–0250.

Expiration Date of Approval: December 30, 2026.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: The 2002 (Pub. L. 107–171) and 2008 (Pub. L. 110–234) Farm Bills and the Consolidated Appropriations Act, 2016 (Pub. L. 114–113), amended the Agricultural Marketing Act of 1946 to require retailers to notify their customers of the country of origin of muscle cuts and ground lamb, chicken, and goat meat; wild and farm-raised fish and shellfish; perishable agricultural commodities; peanuts, pecans, and macadamia nuts; and ginseng. An interim final rule for mandatory Country of Origin Labeling (COOL) for fish and shellfish became effective on April 4, 2005. An interim final rule for the remaining covered commodities became effective on September 30, 2008. On January 15, 2009, a final rule was published for all covered commodities which became effective March 16, 2009. On May 23, 2013, a final rule was published to amend the definition of retailer and labeling requirements for meat muscle cut commodities derived from animals slaughtered in the United States. With the Consolidated Appropriations Act, 2016, Congress amended the Agricultural Marketing Act of 1946 to remove muscle cut beef and pork, and ground beef and pork commodities from COOL requirements. On March 2, 2016, AMS issued a final rule to remove mandatory COOL requirements for beef, pork, ground beef and ground pork to conform with the statute. Mandatory COOL requirements remain in full force and effect for all remaining covered commodities. Enforcement activities have been conducted since 2006 utilizing cooperative agreements established with State agencies as authorized by the statute. The previously approved information collection request expires on December 30, 2026.

Estimate of Burden: Public reporting burden for recordkeeping storage and maintenance is estimated to average 56.9 hours per response.

Recordkeepers: Importers, food manufacturers, and food retailers.

Estimated Number of Recordkeepers: 349,598.

Estimated Total Annual Responses: 349,598.

Estimated Number of Responses per Recordkeeper: 1.

Estimated Total Annual Burden on Respondents: 19,879,947 hours.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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 become a matter of public record. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2026–18562 Filed 9–10–26; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–SC–26–1156]

Avocados Grown in South Florida; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible Florida avocado growers to determine whether they favor continuance of the marketing order regulating the handling of avocados grown in South Florida.

DATES: The referendum will be conducted from September 21 through October 13, 2026. Only current Florida avocado growers who have grown avocados for market within the marketing order's production area during the period of April 1, 2025, through March 31, 2026, are eligible to vote in this referendum. Ballots delivered to AMS via U.S. mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on October 13, 2026, to be included in the vote tabulation.

ADDRESSES: Copies of the marketing order may be obtained from the Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1124 1st Street South, Winter Haven, FL 33880; telephone: (863) 324–3375; or from the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; telephone (202) 720–8085; or on the internet: *https://www.ecfr.gov/current/title-7/subtitle-B/chapter-IX/part-915.*

FOR FURTHER INFORMATION CONTACT: Steven Kauffman, Marketing Specialist, or Christian D. Nissen, Branch Chief, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1124 1st Street South, Winter Haven, FL 33880; telephone: (863) 324–3375; or email: *Steven.Kauffman@usda.gov* or *Christian.Nissen@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 915, as amended (7 CFR part 915) (the Order), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (the Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by Florida avocado growers. The referendum will be conducted from September 21 through October 13, 2026, among Florida avocado growers in the Order's production area. Only current Florida avocado growers that were engaged in the production of avocados for market during the period of April 1, 2025, through March 31, 2026, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. In accordance with § 915.64(d), USDA must conduct a referendum every six years. USDA would consider termination of the Order if continuance is not favored by at least two-thirds of the producers voting in the referendum, or at least two-thirds of the volume represented in the referendum. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information concerning the operation of the Order and relative benefits and costs to growers, handlers, and consumers to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the ballot materials used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0189, Fruit Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 200 South Florida avocado growers to cast a ballot. Participation is voluntary. Ballots delivered to AMS via U.S. mail or electronic ballot must show proof of delivery by no later than 11:59 p.m. Eastern Time on October 13, 2026, to be included in the vote tabulation.

Steven Kauffman, Delaney Fuhrmeister, Rebecca Geller, Jennie Varela, and Christian D. Nissen of the Southeast Region Branch, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400 *et seq.*).

Ballots and voting instructions will be sent by U.S. mail or through electronic mail to all Florida avocado growers of record and may also be obtained from the referendum agents or their appointees.

Authority: 7 U.S.C. 601–674.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–18587 Filed 9–10–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by October 13, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Grazing Permit Administration Forms.

OMB Control Number: 0596–0003.

Summary of Collection: Annually, livestock grazing occurs on approximately 94 million acres of National Forest Service (NFS) lands. This grazing is subject to authorization and administrative oversight by the Forest Service (FS). The information is required for the issuance and administration of grazing permits, including fee collections, on NFS land as authorized by the Federal Land Policy and Management Act 1976, as amended, and subsequent Secretary of Agriculture Regulation 5 U.S.C. 301, 36 CFR 222, subparts A and C. The bills for collection of grazing fees are based on the number of domestic livestock grazed on national forest lands and are a direct result of issuance of the grazing permit. Information must be collected on an

individual basis and is collected through the permit issuance and administration process. FS will collect information using several forms.

Need and Use of the Information: FS will use the information collected on the forms to acquire data from applicants applying for new grazing permits or making changes to their current grazing permit(s). FS also uses the information collected in administering the grazing use program on NFS land. If information were not collected it would be impossible for the agency to administer a grazing use program in accordance with the statutes and regulations.

Description of Respondents: Farms; Business or other for-profit; Individuals or households.

Number of Respondents: 1,661.

Frequency of Responses: Reporting: Annually; Other (as needed basis).

Total Burden Hours: 638.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–18578 Filed 9–10–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0736]

Domestic Quarantine: Quarantined Areas and Regulated Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of the changes made to our lists of domestic quarantined areas in 2025. These changes may be viewed on the relevant plant pest programs' websites.

FOR FURTHER INFORMATION CONTACT: Dr. Derek A. Woller, Senior Regulatory Policy Specialist, PPQ, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20705; (480) 490–6454; *Derek.A.Woller@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 301 are designed to prevent the interstate spread of plant pests that are new to or not widely distributed within the United States. Subparts C through X (§§ 301.32 through 301.92–12, referred to below as the regulations) each address a specific plant pest and contain criteria for designating certain areas of the United States as quarantined areas [1] for the specific plant pest. The regulations restrict the interstate movement of certain regulated articles from quarantined areas in order to prevent the spread of plant pests to noninfected areas of the United States.

In accordance with the regulations, APHIS keeps updated lists of quarantined areas on the relevant plant pest programs' websites, which are listed in the relevant subpart of the regulations. When a change to the status of a plant pest threat occurs, APHIS takes appropriate action to add, expand, remove, or reduce a quarantined area, and the relevant APHIS plant pest program updates the web-based list of quarantined areas for their program. APHIS also publishes a yearly notice informing the public of all updates to quarantined areas that have occurred since publication of the last notice informing the public of such updates.

Since our last notice [2] informing the public of updates to our lists of quarantined areas, the following actions revising our lists of quarantined areas have been taken. Updated lists of quarantined areas are available on the relevant plant pest programs' websites. For ease of access, direct links to each page are provided as footnotes in this document.

Asian Longhorned Beetle [3]

- DA–2025–11
- DA–2025–26

Citrus Canker [4]

- DA–2025–25

Citrus Greening [5]

- DA–2025–07
- DA–2025–09
- DA–2025–17
- DA–2025–28
- DA–2025–33
- DA–2025–37
- DA–2025–47
- DA–2025–48

Fruit Flies [6]

- DA–2025–01
- DA–2025–04
- DA–2025–06
- DA–2025–13
- DA–2025–16
- DA–2025–19
- DA–2025–23
- DA–2025–24
- DA–2025–27
- DA–2025–30
- DA–2025–32
- DA–2025–35
- DA–2025–36
- DA–2025–39
- DA–2025–40
- DA–2025–41
- DA–2025–42
- DA–2025–43
- DA–2025–44
- DA–2025–45
- DA–2025–46
- DA–2025–50
- DA–2025–51
- DA–2025–53
- DA–2025–54

Golden Nematode [7]

- DA–2025–10

Imported Fire Ant [8]

- DA–2025–34

Karnal Bunt [9]

- DA–2025–12
- DA–2025–22

Pale Cyst Nematode [10]

- DA–2025–08
- DA–2025–20
- DA–2025–31

Spongy Moth [11] (Gypsy Moth)

- DA–2025–14

This notice serves as an official record and public notification of these actions.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3. Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

Done in Washington, DC, this 1st day of September 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–18616 Filed 9–10–26; 8:45 am]

BILLING CODE 3410–34–P

[1] Certain subparts refer to quarantined areas as ''regulated areas,'' ''protected areas,'' or ''suppressive/generally infested areas.''

[2] Docket No. APHIS–2024–0063, 90 FR 40558, August 20, 2025.

[3] *https://www.aphis.usda.gov/plant-pests-diseases/alb.*

[4] *https://www.aphis.usda.gov/plant-pests-diseases/citrus-diseases/citrus-canker.*

[5] *https://www.aphis.usda.gov/plant-pests-diseases/citrus-diseases/citrus-greening-and-asian-citrus-psyllid.*

[6] *https://www.aphis.usda.gov/plant-pests-diseases/fruit-flies.*

[7] *https://www.aphis.usda.gov/plant-pests-diseases/golden-nematode.*

[8] *https://www.aphis.usda.gov/plant-pests-diseases/ifa.*

[9] *https://www.aphis.usda.gov/plant-pests-diseases/karnal-bunt.*

[10] *https://www.aphis.usda.gov/plant-pests-diseases/pcn.*

[11] *https://www.aphis.usda.gov/plant-pests-diseases/spongy-moth.* Formerly gypsy moth, see *https://www.aphis.usda.gov/news/agency-announcements/aphis-announces-new-common-names-regulated-lymantria-moths.*

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on October 5, 2026. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions to be discussed at the 45th Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU45) of the Codex Alimentarius Commission (CAC). CCNFSDU45 will be held in Nuremberg, Germany, from November 2–6, 2026. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 45th Session of the CCNFSDU and to address items on the agenda.

DATES: The public meeting is scheduled for October 5, 2026, from 1:00–3:00 p.m. ET.

ADDRESSES: The public meeting will take place via video teleconference only. Documents related to the 45th Session of the CCNFSDU will be accessible via the internet at the following address: *https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCNFSDU&session=45.*

Dr. Douglas Balentine, U.S. Delegate to the 45th Session of the CCNFSDU, invites interested U.S. parties to submit their comments electronically to the following email address: *douglas.balentine@fda.hhs.gov.* Comments should state that they relate to the activities of the 45th Session of the CCNFSDU.

Registration: Attendees may register to attend the public meeting at the following link: *https://www.zoomgov.com/meeting/register/NKykfhtySqOR4D0mFOtJyw.* After registering, you will receive a confirmation email containing information about joining the meeting.

For further information about the 45th Session of the CCNFSDU, contact U.S Delegate, Dr. Douglas Balentine, at: *douglas.balentine@fda.hhs.gov.* For additional information regarding the public meeting, contact the U.S. Codex Office by email at: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1963. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) are:

(a) to study specific nutritional problems assigned to it by the Commission and advise the Commission on general nutrition issues;

(b) to draft general provisions, as appropriate, concerning the nutritional aspects of all foods;

(c) to develop standards, guidelines or related texts for foods for special dietary uses, in cooperation with other committees where necessary; and,

(d) to consider, amend if necessary, and endorse provisions on nutritional aspects proposed for inclusion Codex standards, guidelines and related texts.

The CCNFSDU is hosted by Germany. The United States attends the CCNFSDU as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items from the agenda for the 45th Session of the CCNFSDU will be discussed during the public meeting:

- Adoption of the Agenda
- Matters referred to the Committee by the Codex Alimentarius Commission and its subsidiary bodies
- Matters of interest arising from international organizations
- NRVs-R for persons aged 6–36 months (at Step 4)
- Draft standard for foods for older infants and young children (at Step 4)
- Technological justification for several food additives
- Review of the methods of analysis in CXS 234–1999 for standards falling under CCNFSDU's remit
- Proposals for new work/emerging issues
- Other Business

Public Meeting

At the October 5, 2026, public meeting, agenda items and draft U.S. positions will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to U.S Delegate, Dr. Douglas Balentine, at: *douglas.balentine@fda.hhs.gov.* Written comments should state that they relate to activities of the 45th Session of the CCNFSDU.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: *https://www.usda.gov/codex.*

(Authority: 19 U.S.C. 2578; Pres. Proc. 6780; 7 CFR part 2.602.)

Done at Washington, DC, on August 25, 2026.

Julie A. Chao,

Deputy U.S. Manager for Codex Alimentarius.

[FR Doc. 2026–18620 Filed 9–10–26; 8:45 am]

BILLING CODE 3420–3F–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request approval to revise and extend a currently approved information collection to gather data related to water usage for North Carolina agricultural operations that likely use between 10,000 and 1,000,000 gallons per day. A revision to the burden hours will be necessary due to a decrease in the sample size.

DATES: Comments on this notice must be received by November 10, 2026 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0262, by any of the following methods:

- *Email: omboffi cer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: NASS OMB Clearance

Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Jody R. McDaniel, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from NASS OMB Clearance Officer, at (202) 720–2206 or at *ombofficer@nass.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Water Use Survey.

OMB Control Number: 0535–0262.

Expiration Date of Approval: May 31, 2027.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture.

The Water Use survey program will collect information on water usage for North Carolina agricultural operations that likely use between 10,000 and 1,000,000 gallons per day. Agricultural operations who use over 1,000,000 gallons in any one day are required to report their water usage directly to North Carolina Department of Environmental Quality (NCDEQ) and are not included in this survey. The program will help the North Carolina Department of Agriculture and Consumer Services (NCDACS) and NCDEQ fulfill the requirements of North Carolina state legislation enacted in 2008 (SL2008–0143). All questionnaires included in this information collection will be voluntary. This project is conducted as a cooperative effort with the North Carolina Department of Agriculture and Consumer Services. Funding for this survey is being provided by NCDACS.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113, 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115–435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Estimate of Burden: Public reporting burden for this information collection is based on similar surveys with expected response time of 30 minutes. The estimated sample size will be approximately 3,000. The frequency of data collection for the different surveys is annual. Estimated number of responses per respondent is 1. Publicity materials and instruction sheets will account for approximately 5 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data.

Respondents: North Carolina agricultural operations that likely use between 10,000 and 1,000,000 gallons annually.

Estimated Number of Respondents: 3,000.

Estimated Total Annual Burden on Respondents: 1,438 hours.

Comments: Comments are invited on: (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 those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC.

Jody R. McDaniel,

Associate Administrator.

[FR Doc. 2026–18624 Filed 9–10–26; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection.

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Agricultural Prices Surveys. Revision to burden hours may be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by November 10, 2026 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0262, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Jody R. McDaniel, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from NASS OMB Clearance Officer, at (202) 720–2206 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Agricultural Prices.

OMB Control Number: 0535–0003.

Expiration Date of Approval: May 31, 2027.

Type of Request: Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and

national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and to conduct the Census of Agriculture.

The Agricultural Prices surveys provide data on the prices received by farmers and prices paid by them for production goods and services. NASS estimates based on these surveys are used as a Principal Economic Indicator of the United States. These price estimates are also used to compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301(a)). In addition, price data are used by the Federal Crop Insurance Corporation to help determine payment rates, program option levels, and disaster programs.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113) and Office of Management and Budget regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115–435, codified in 44 U.S.C. Ch. 35. CIPSEA supports NASS's pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA.

Estimate of Burden: Public reporting burden for this information collection is based on more than 30 individual surveys with expected responses of 5–20 minutes and frequency of 1–12 times per year. Estimated number of responses per respondent is approximately 4.1 times per year.

Respondents: Farmers and farm-related businesses.

Estimated Number of Respondents: 40,000.

Estimated Total Annual Burden on Respondents: 26,000 hours.

Comments: Comments are invited on: (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 those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC.

Jody R. McDaniel,

Associate Administrator.

[FR Doc. 2026–18618 Filed 9–10–26; 8:45 am]

BILLING CODE 3410–20–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2026–0019–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board received 5,412 pages of records from the National Archives and Records Administration (NARA) related to four civil rights cold case incidents to which the Review Board assigned the unique identifiers 2023–002–004, 2024–003–012, 2024–003–054, and 2024–003–057. The agencies proposed 1,436 postponements including postponements of sealed federal grand jury information in the records. On September 4, 2026, the Review Board met and approved 1,431 postponements and determined that 4,001 pages in full and 103 pages in part should be publicly disclosed in the Civil Rights Cold Case Records Collection. The Review Board will request that the Attorney General petition the relevant court to unseal federal grand jury information in the records for incident 2023–002–004. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Review board decision
2023–002–004	2025–NARA–02–1029 through 2025–NARA–02–2169	Approve.
2023–002–004	2025–NARA–02–2170 and 2025–NARA–02–2171	Reject.
2023–002–004	2025–NARA–02–2172 through 2025–NARA–02–2251	Approve.
2024–003–012	2025–NARA–03–0938 through 2025–NARA–03–0940	Approve.
2024–003–012	2025–NARA–03–0941 through 2025–NARA–03–0943	Reject.
2024–003–054	2024–NARA–03–1558 through 2024–NARA–03–1764	Approve.

Authority: Public Law 115–426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: September 9, 2026.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2026–18579 Filed 9–10–26; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 260902–0004]

Proposed Voluntary Product Standard PS 2–25, Performance Standard for Wood Structural Panels

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) is distributing for public comment a proposed revision of Voluntary Product Standard PS 2–25, *Performance Standard for Wood Structural Panels.* The revisions to the standard were coordinated by the APA—The Engineered Wood Association, (formally known as the American Plywood Association), prepared by the Standard Review Committee, and approved by the PS 2 Standing Committee. The proposed standard would establish the physical properties and structural performance criteria for assessing the acceptability of wood structural panels primarily used for construction sheathing and single floor applications and provide a basis for common understanding among the manufacturers, distributors, and users of these products. Interested parties are invited to review the proposed standard and submit comments to NIST.

DATES: Written comments regarding the proposed revision, PS 2–25, *Performance Standard for Wood Structural Panels,* should be submitted to the Standards Coordination Office, NIST, no later than October 13, 2026. Written comments should be submitted according to the instructions in the **ADDRESSES** section below. Submissions received after that date may not be considered.

ADDRESSES: An electronic copy (an Adobe Acrobat File) of the proposed standard, PS 2–25, *Performance Standard for Wood Structural Panels,* can be obtained at the following website *https://www.nist.gov/standardsgov/voluntary-product-standards-program.* This site also includes an electronic copy of PS 2–18 (the existing standard). Written comments on the proposed revision should be submitted to Nathalie Rioux, Standards Coordination Office, NIST, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899–2100. Electronic comments may be submitted to *standards@nist.gov.*

Instructions: Attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of, or electronic links to, the referenced materials.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. All comments responding to this document will be a matter of public record. Relevant comments will generally be available during and after the comment period closes on NIST's website at *https://www.nist.gov/standardsgov/voluntary-product-standards-program.* NIST will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason.

Therefore, commenters should not submit confidential business information or otherwise sensitive, protected, or personal information, such as account numbers, Social Security numbers, or any other information they do not wish to be posted publicly (*e.g.,* personal or confidential business information).

FOR FURTHER INFORMATION CONTACT: Nathalie Rioux, Standards Coordination Office, National Institute of Standards and Technology, telephone: (240) 751–6225; email: *standards@nist.gov.*

SUPPLEMENTARY INFORMATION: Proposed Voluntary Product Standard PS 2–25, *Performance Standard for Wood Structural Panels,* would establish requirements, for those who choose to adhere to the standard, for structural panels. This standard would establish the performance requirements regarding adhesive bond performance, panel construction and workmanship, dimensions and tolerances, and moisture content of wood structural panels intended for construction sheathing and single floor end uses as well as the certification and marking requirements for panels.

The proposed revision of the standard has been developed and is being processed in accordance with 15 CFR part 10, *Procedures for the Development of Voluntary Product Standards.* The Standing Committee for PS 2–25 is responsible for maintaining, revising, and interpreting the standard and comprises producers, distributors, users, and others with an interest in the standard.

After reviewing the standard, the Committee determined that updates were needed to reflect current industry practices. The Committee held meetings to review the standard and make needed changes.

The PS 2 Standing Committee voted on the revision, and it was approved by 100% of the eighteen voting members. The Committee submitted a report to NIST with the voting results and the draft revised standard. NIST has determined that the revised standard should be issued for public comment. Section C5 of PS 2–25 contains a summary of significant changes.

Proposed Voluntary Product Standard PS 2–25, *Performance Standard for Wood Structural Panels,* revises PS 2–18 and includes the following changes:

1. Added definitions of Lot, Span Rating, and Veneer.

2. Added Bending Strength information in 6.4.2.1.

3. Added 3/8 Category 24/0 in Table 4.

4. Updated Figure 6 to fix the conversion of units; updated Figure 7 to fix ''mm'' that was cutoff in the image; updated Flowchart in Appendix B by changing Small Bending to Small Static Bending.

5. Updated test procedure for Static Bending Stiffness capacity by updating what each term in the equation refers to.

6. Updated Section 8 Marking and Certification by adding a subsection on Accredited Certification Agency; revising Qualified Inspection and Testing Agency subsection and adding a subsection on Accredited Inspection Agency and a subsection on Accredited Testing Laboratory; adding a subsection on Outsourcing (Subcontracting).

7. Added Section 9 on Quality Assurance Requirements which included adding the following subsections Manufacturing Quality Program, Inspection and Test Program, Sampling and Corrective Action.

The Standing Committee for PS 2–25 and NIST propose to revise the standard accordingly after reviewing public comments. NIST will publish a notice advising the public when PS 2–25 has been finalized.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–18561 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG048]

Endangered Species; File No. 29126; Correction

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

ACTION: Notice; receipt of application; correction.

SUMMARY: On July 1, 2026, a notice was published in the **Federal Register** announcing that NMFS had received an application for a permit (File No. 29126) from the Florida Sea Grant, P.O. Box 7640, St. Thomas, VI 00801 [Responsible Party: Logan Williams]. Due to a change in the applicant, that document doesn't reflect the current applicant and address. This document corrects this error. All other information is unchanged.

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D., or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The notice of receipt for a permit (91 FR 39986; July 1, 2026) stated that the applicant was the Florida Sea Grant. After the notice was published and the comment period closed, the applicant requested that NMFS change the applicant to the U.S. Virgin Islands Department of Planning and Natural Resources (DPNR), Division of Coastal Zone Management, (Marlon Hibbert, Responsible Party). The DPNR has reviewed the application and agrees to be the applicant for File No. 29126.

All other information contained in the document is unchanged.

Correction

In the **Federal Register** of July 1, 2026, in FR Doc. 2026–13232, on page 39986, in the third column, under the **SUMMARY** heading, the first sentence is corrected to read as follows:

Notice is hereby given that the U.S. Virgin Islands Department of Planning and Natural Resources, Division of Coastal Zone Management, 4611 Tutu Park Mall, Suite 300, 2nd Floor, St. Thomas, VI, 00802 (Marlon Hibbert, Responsible Party) has applied in due form for a permit to take pillar coral (*Dendrogyra cylindrus*) for purposes of scientific research and enhancement.

Dated: September 9, 2026.

Larissa Plants,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18619 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF963]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits, including amendments.

SUMMARY: Notice is hereby given that permits have been issued under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D. (File Nos. 25740, 25885, and 29287), Amy Hapeman (File No. 25563), Courtney Smith, Ph.D. (File No. 25508), and Jennifer Skidmore (File No. 24054); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable. Notices were published in the **Federal Register** on the dates listed below that requests had been submitted. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to *https://www.federalregister.gov* and search for the file number provided in table 1 below.

TABLE 1—ISSUED PERMITS

File No.	Version No.	RTID	Applicant	Previous **Federal Register** notice	Issuance date
24054	01	0648–XB503	Terrie Williams, Ph.D., University of California at Santa Cruz, Long Marine Lab, Center for Ocean Health, 115 McAllister Way, Santa Cruz, CA 95060.	86 FR 56900, October 13, 2021.	August 31, 2026.
25508	01	0648–XB173	SeaWorld, LLC, 6240 Sea Harbor Drive, Orlando, FL 32821 (Responsible Party: Christopher Dold, DVM).	86 FR 50704, September 10, 2021.	August 27, 2026.
25563	03	0648–XD609	NMFS Alaska Fisheries Science Center, Marine Mammal Laboratory, 7600 Sand Point Way NE, Seattle, WA 98115 (Responsible Party: Nancy Friday, Ph.D.)..	89 FR 27419, April 17, 2024.	August 11, 2026.
25740	03	0648–XB573	Center for Coastal Studies, 5 Holway Avenue, Provincetown, MA 02657 (Responsible Party: Anne-Marie Runfola).	86 FR 62516, November 10, 2021.	August 10, 2026.
25885	01	0648–XB792	Peter Thielen, D. Eng., Johns Hopkins University, 11100 Johns Hopkins Road, Laurel, MD 20723.	87 FR 7820, February 10, 2022.	August 10, 2026.
29287	N/A	0648–XF860	NMFS Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, California 92037 (Responsible Party: David Weller, Ph.D.).	91 FR 39603, June 30, 2026.	August 26, 2026.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 9, 2026.

Larissa Plants,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18621 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF959]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Northeast Fisheries Science Center Fisheries and Ecosystem Research

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the Northeast Fisheries Science Center (NEFSC) for authorization to take small numbers of marine mammals incidental to fisheries and ecosystem research in the Atlantic Ocean over the course of 5-years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the NEFSC's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the NEFSC's application and request.

DATES: Comments and information must be received no later than October 13, 2026.

ADDRESSES: Comments on the applications should be addressed to the Permits and Conservation Division, Office of Protected Resources, NMFS. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.cockrell@noaa.gov.*

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 received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities* 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.

An electronic copy of the NEFSC's application may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 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.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, 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).

Summary of Request

On July 16, 2026, NMFS received an application from the NEFSC requesting authorization for take of marine mammals incidental to their fisheries and ecosystem research activities with a variety of fishing gear in the Atlantic Ocean. We determined the application was adequate and complete on August 26, 2026. The requested regulations would be valid for 5-years (2027–2032). The NEFSC plans to conduct the specified activity along the east coast of the U.S. in the Atlantic Ocean. It is possible that marine mammals may interact with several types of fishing gear proposed for use in the NEFSC's fisheries and ecosystem research, resulting in serious injury and mortality. Therefore, the NEFSC requests authorization to incidentally take marine mammals.

Specified Activities

The Federal Government has a responsibility to conserve and protect living marine resources in U.S. Federal waters and has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside the United States. NOAA has the primary responsibility for managing marine fin and shellfish species and their habitats, with that responsibility delegated within NOAA to NMFS.

In order to direct and coordinate the collection of scientific information needed to make informed management decisions, Congress created six Regional Fisheries Science Centers, each a distinct organizational entity and the scientific focal point within NMFS for region-based Federal fisheries-related research. This research is aimed at monitoring fish stock recruitment, abundance, survival and biological rates, geographic distribution of species and stocks, ecosystem process changes,

and marine ecological research. The NEFSC is the research arm of NMFS in the Greater Atlantic Region. The NEFSC conducts research and provides scientific advice to manage fisheries and conserve protected species in the Atlantic Ocean, primarily from Maine through North Carolina. However, some limited fisheries research is conducted in more southern estuaries and Atlantic Ocean. The NEFSC provides scientific information to support the North Atlantic and Mid-Atlantic Fishery Management Council and numerous other domestic and international fisheries management organizations.

The NEFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. NEFSC scientists and their partners conduct fisheries-independent research onboard NOAA-owned and operated vessels or on chartered vessels. The gear types used fall into several categories: trawl gear used at various levels in the water column, longlines with multiple hooks, gillnets, and other gear. Of research gear used by NEFSC, only trawl, hook and line gear (including longline gears), fyke nets, and gillnets are likely to interact with marine mammals resulting in serious injury or mortality.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the NEFSC's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the NEFSC, if appropriate.

Dated: September 8, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–18613 Filed 9–10–26; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

Per 45 CFR Chapter XXI § 2102.3, the next meeting of the U.S. Commission of Fine Arts is scheduled for September 17, 2026, at 9:00 a.m. and will be held in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW, Washington, DC 20001–2728. Items of discussion may include buildings, infrastructure, parks, memorials, and public art.

Draft agendas and additional information regarding the Commission are available on our website: *www.cfa.gov.* Inquiries regarding the agenda, as well as any public testimony, and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *cfastaff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated September 4, 2026 in Washington, DC.

Zakiya N. Walters,

Administrative Officer.

[FR Doc. 2026–18545 Filed 9–10–26; 8:45 am]

BILLING CODE 6330–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of Final Environmental Assessment and Finding of No Significant Impact

AGENCY: Department of Defense (DoD).

ACTION: Notice of availability.

SUMMARY: Pursuant to the provisions of Title 41 of the Fixing America's Surface Transportation Act (FAST–41) (42 United States Code (U.S.C.) 4370m *et seq.*), The DoD (referred to herein as ''the Department of War'' or ''DoW'') announces the availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), following DoW's evaluation of the potential environmental effects of the construction and operation of an integrated non-ferrous smelting and refining facility and associated infrastructure in Montgomery County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Rose Johnson, Office of the Assistant Secretary of War for Energy, Installations, and Environment, (571) 372–6793, *rose.m.johnson140.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: Project Crucible is a covered project under the FAST–41 statute. FAST–41 is intended to provide transparency into the environmental review and authorization process for infrastructure projects, which is accomplished by posting projects on the Permitting Dashboard. The Project Crucible FAST–41 Permitting Dashboard can be viewed at *https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/project-crucible.*

The Final EA evaluates the reasonably foreseeable environmental effects associated with the construction and operation of Project Crucible, an integrated non-ferrous smelting and refining facility near Clarkesville, Montgomery County, Tennessee. The EA was prepared in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and DoW NEPA Implementing Procedures to inform DoW's decision whether to provide financial assistance through the DoW Office of Strategic Capital to Crucible Metals, LLC for Project Crucible and to inform the Tennessee Valley Authority's (TVA) decision-making responsibilities associated with the Connected Actions. The U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Tennessee State Historic Preservation Officer (SHPO), federally recognized Indian Tribes, TVA, and other participating agencies were involved in review and consultation related to the Proposed Action.

The Final EA evaluates the reasonably foreseeable environmental effects of the Proposed Action and no action alternative. Environmental resource areas carried forward for detailed analysis in the EA include air quality and greenhouse gases, water resources, acoustic environment, biological resources, cultural resources, utilities, solid and hazardous waste and hazardous materials, transportation, and socioeconomics. Based on the analysis presented in the EA, which was prepared in accordance with the requirements of NEPA and DoW NEPA Implementing Procedures, and in coordination with the USACE, Tennessee SHPO, federally recognized Indian Tribes, USFWS, and TVA, DoW finds that implementation of the Proposed Action would not significantly affect the quality of the human environment.

Endangered Species Act Section 7. The DoW consulted with the USFWS under section 7 of the Endangered Species Act regarding the proposed action and received concurrence with DoW's finding that the Proposed Action may affect but is not likely to adversely affect ESA-listed species. USFWS also acknowledged DoW's ''no jeopardy'' conference determinations for species proposed for listing. There are no federally designated critical habitats in the proposed project area.

National Historic Preservation Act Section 106. In consultation with

federally recognized Tribes, Tennessee SHPO, and the Advisory Council on Historic Preservation, DoW found that construction activities associated with the project would adversely affect three archaeological resources and one historic site. DoW proposed phased identification and assessment of effects resulting from construction of the connected utility infrastructure. The Tennessee SHPO concurred with this finding, the phased approach, the proposed conditions on the undertaking to avoid and minimize effects, and the proposed mitigation measures to resolve adverse effects. DoW has documented its decision, including the final conditions on the undertaking and the measures to resolve adverse effects, in the FONSI.

The Final EA and FONSI will be available to view and download electronically at *https://www.denix.osd.mil/ProjectCrucible* on September 11, 2026. The documentation is available from any internet access including from computers freely available at public libraries.

Dated: September 9, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–18606 Filed 9–10–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Establishment of Department of Defense Federal Advisory Committees—Homeland Defense Board

AGENCY: Department of Defense (DoD).

ACTION: Establishment of Federal advisory committee.

SUMMARY: The DoD (referred to herein as ''the Department of War'' or ''DoW'') is publishing this notice to announce it is establishing the Homeland Defense Board (HDB) as a discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the DoW, 703–692–5952.

SUPPLEMENTARY INFORMATION: In accordance with authority described in Chapter 10 of Title 5 United States Code (U.S.C.) 1008(a)(2), the Secretary of War (SecWar) approved the establishment of the HDB. The public or interested organizations may submit written statements about the HDB's mission and functions. The HDB will operate in accordance with chapter 10 of Title 5, U.S.C. (''commonly known as the Federal Advisory Committee Act'' or ''FACA''), as amended, and 41 Code of Federal Regulations (CFR) part 102–3, ''Federal Advisory Committee Management,'' [90 **Federal Register** 58417; December 16, 2025], and DoW policies and procedures.

Written statements may be submitted at any time or in response to the stated agenda of planned meetings of the HDB. All written statements shall be submitted to the HDB Designated Federal Officer (DFO), and this individual will ensure that all written statements are provided to the membership for their consideration. Once established, the HDB's DFO's contact information will be available on the DoD portion of the FACA Database which is maintained by the General Services Administration (GSA): *https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/department/of/defense.*

Consistent with 41 CFR 102–3.65(a), the DoW is publishing the HDB's 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 GSA 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 (OMB). 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 HDB is provided to the Secretariat to demonstrate that establishing the HDB is in the public interest:

1. *Annual Budget:* The Department of War (DoW) estimates annual operating costs to support the HDB are $350,000, which includes personnel travel, meetings, and contract support.

a. *Federal personnel on a full-time equivalent (FTE) basis:* The estimated annual personnel costs to the DoW are 0.75 full-time equivalent at $300,000, which includes basic pay with cost-of-living allowance.

b. *Other Federal internal costs:* $30,000.

c. *Proposed payments to members:* Consistent with 10 U.S.C. 173, members of the HDB are not compensated for their services, except for travel and per diem reimbursement for official HDB-related business.

d. *Proposed number of members:* As authorized by the Secretary of War (SecWar), the HDB will be composed of not more than 20 members and subcommittees, if authorized, will be composed of not more than 15 members.

e. *Reimbursable costs:* The estimated reimbursement costs, including travel, for DBB staff and members are $20,000.

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:* As described in its proposed charter and membership balance plan, the HDB will be composed of members who are eminent authorities in the fields of homeland defense, military strategy, defense support of civil authorities (DSCA), interagency integration, critical infrastructure and cybersecurity, strategic competition, and regional geopolitics, specifically western hemisphere policy:

(1) SecWar to serve as member and Chair.

(2) Assistant Secretary of War for Homeland Defense and Americas Security Affairs to serve as member and Vice Chair.

(3) Deputy Assistant Secretary of War for Homeland Defense.

(4) Deputy Assistant Secretary of War for Defense Continuity and Mission Assurance.

(5) Military Department Representatives: One DoW civilian officer and one field-grade/mid-grade officer from each Military Department.

(6) Such other members as the SecWar or the Deputy Secretary of War (''the DoW Appointing Authority'') may appoint or designate.

In evaluating candidates for the HDB, the DoW reviews the educational and professional credentials of individuals with extensive professional experience in the subject matters anticipated to be tasked to the HDB. The DoW has found that viewing the complex issues facing the DoW through a multidisciplinary advisory committee provides the DoW and, more importantly, the American public with a broader understanding of the issues on which subsequent policy decisions are based. Membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the HDB. The HDB's membership balance is not static, and the DoW Appointing Authority may change the membership based upon work assigned to the HDB.

4. *List of all other DoW Federal Advisory Committees:* A complete

listing of DoW Federal advisory committees can be located at: *https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/department/of/defense.*

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 specific, integrated advice required by the SecWar regarding the military's mission of defense of the Homeland and Homeland security cooperation is not available from any other Federal advisory committee, government agency, or alternative source. While other agencies and departments operate within specific mission or geographic areas, their advisory mechanisms are statutorily constrained to their respective non-military domains. Relying solely on internal DoW staff or contracted studies is also insufficient, as it fails to provide the consensus-based, independent, and external peer review required at the highest levels of strategic decision-making.

For instance, the Department of Homeland Security's Homeland Security Advisory Council is unsuited to fulfill this role, as it focuses exclusively on civilian law enforcement, border management, and emergency response; it lacks the mandate to advise on Title 10 or Title 32 military deployments domestic air defense; or military-specific crisis responses. Similarly, the Department of State's International Security Advisory Board concentrates on diplomatic relations and arms control, leaving it unequipped to evaluate United States Northern Command and United States Southern Command Combatant Command campaign plans or a global multi-domain, multi-layered defense strategy.

Within the DoW, the Defense Policy Board operates at a macro-strategic, global level, preventing it from devoting the sustained, granular attention required to navigate complex civil-military boundaries or regional transnational threats in the Americas. Finally, while internal staff and contracted think tanks provide valuable analysis, they either lack the external independence required to objectively critique DoW programs or produce static, historical reports rather than the real-time, consensus-driven advice needed by the SecWar. Consequently, no other source can provide the integrated, military-specific advice necessary to secure the homeland and the Western Hemisphere.

6. If *the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:* N/A.

7. Explanation *of why the committee/subcommittee is essential to the conduct of agency business:* The establishment of this advisory committee is essential to the conduct of DoW business because defending the Homeland is the Department's paramount statutory and strategic priority. The HDB's advice and recommendations will serve to enhance the employment of existing DoW forces and capabilities to provide a thorough, layered defense for the Homeland using prevailing ground, sea, air, and space-based capabilities. The Department remains committed to providing our Nation with strong, reliable, and effective Homeland defense. Additionally, the HDB's advice and recommendations will directly enable the DoW's execution of the National Defense Strategy, which prioritizes the defense of the Homeland above all other military objectives. The ultimate priority is peace through strength.

Over the past 10 years, rather than lessening, the threat from peer, near-peer, and rogue-state adversaries, in addition to non-state actors and hostile asymmetric activities, has become more intense and complex. The DoW provides for the common defense of American citizens and the Homeland by deploying and maintaining the premier warfighting force across the globe to provide a multi-domain, layered defense. The modern threat environment has fundamentally altered the geographic sanctuary of the continental United States (U.S). In an era where peer and near-peer adversaries are actively projecting economic, cyber, and military power into the Western Hemisphere, the HDB will provide critical, independent assessments of the DoW's hemispheric defensive posture and domestic security preparedness. Furthermore, the HDB's advice and recommendations are vital for navigating the complex legal and operational boundaries of domestic military operations, ensuring that DSCA is executed effectively.

The DoW requires the advice and recommendations of a dedicated, independent body of experts to navigate this complex threat landscape. The SecWar and senior DoW leaders must have access to, and benefit from, independent and external perspectives from the broader national security community to address current and future challenges and opportunities involving the defense of the Homeland with highly effective capabilities to meet a variety of domestic and overseas requirements, including the necessary military surge capacity to meet strategic requirements, and allow key DoW stakeholders the ability to ensure full interoperability and real-time integration with our existing defense architecture. The HDB fulfills this critical requirement.

The HDB will also provide the SecWar advice and recommendations necessary for strategic oversight for multi-theater security cooperation and multi-domain actions, validating that DoW resource investments and allocations are successfully countering foreign influence, disrupting transnational criminal networks, and building robust partner-nation military capabilities. Finally, the HDB's advice and recommendations will serve an essential function by bridging the gap between the military and domestic Homeland security agencies to secure the defense critical infrastructure, vital transport networks and logistics nodes and the defense industrial base. Without this advisory body, the DoW risks strategic blind spots in its primary mission to protect the Homeland.

Dated: September 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–18517 Filed 9–10–26; 8:45 am]

BILLING CODE 6001–FR–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–239]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed August 31, 2026 10 a.m. EST Through September 4, 2026 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20260117, Final, NMFS, OR, Western Oregon State Forests Habitat Conservation Plan FEIS–ROD, Contact: Lance Kruzic 541–802–3728.

EIS No. 20260118, Final Supplement, FERC, OR, Hydropower License re Idaho Power Company's Hells Canyon Hydroelectric Project, Contact: Office of External Affairs 866–208–3372.

EIS No. 20260119, Final, BLM, NM, Carlsbad Proposed Resource Management Plan and Final Environmental Impact Statement, Review Period Ends: 10/13/2026, Contact: Ty Allen 575–234–5978.

EIS No. 20260120, Draft, BLM, AK, Production Site Development in the National Petroleum Reserve in Alaska, Comment Period Ends: 11/09/2026, Contact: Melinda Moffitt 801–539–4045.

EIS No. 20260121, Draft Supplement, USACE, TX, Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration, Orange County, Texas, Comment Period Ends: 10/26/2026, Contact: Dr. Raven Blakeway 409–790–9058.

Amended Notice

EIS No. 20260114, Draft, FHWA, NY, Shore Road Bridge over the Hutchinson River Project, Comment Period Ends: 11/06/2026, Contact: Richard J. Marquis 518–431–4127.

Revision to FR Notice Published 09/08/2026; Extending the Comment Period from 11/02/2026 to 11/06/2026.

Dated: September 8, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–18580 Filed 9–10–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0150; FRL–13225–01–OCSPP]

Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Soil and Non-Soil Fumigant Risk Mitigation

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): Soil and Non-Soil Fumigant Risk Mitigation (EPA ICR No. 2451.04 and OMB Control No. 2070–0197). This ICR represents a renewal of an existing ICR that is currently approved through April 30, 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 10, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number Docket ID No. EPA–HQ–OPP–2022–0150, 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: Carolyn Siu, 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) 566–1205; email address: *Siu.Carolyn@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: Soil and Non-Soil Fumigant Risk Mitigation.

EPA ICR No.: 2451.04.

OMB Control No.: 2070–0197.

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: Pursuant to section 4(g) and section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) the Environmental Protection Agency (EPA) determined that several soil and non-soil fumigants are eligible for continuing registration only if specific risk mitigation measures, are adopted and adequately implemented. The information collected under this Information Collection Request (ICR) documents the Paperwork Reduction Act (PRA) activities that users, registrants, and participating states must conduct to implement fumigant risk mitigation measures for the chemicals identified in this document.The information collection activities discussed in this ICR include registrant activities to develop and implement training for fumigators in charge of fumigations, develop and disseminate safety information for handlers, develop and implement community outreach and education programs, and develop and implement first responder training; and labeling activities for fumigant products; including user posting requirements concerning fumigant applications around the use site, providing notice of soil fumigant applications to applicable states, preparing a Fumigant Management Plan (''FMP'') and Post-Application Summary (''PAS'') as needed, participating in an EPA-approved fumigant training program, and disseminating fumigant safe handling information to handlers.

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 numbers: None.

Respondents/affected entities: Entities potentially affected by this ICR include soil and non-soil fumigant users, specifically certified applicators and agriculture pesticide handlers. North American Industrial Classification System (NAICS) codes are identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory. FIFRA sections 3(c)(2)(B) and 3(c)(5).

Estimated number of potential respondents: 146,054.

Frequency of response: On occasion.

Total estimated average number of responses for each respondent: 1.8.

Total estimated burden: 1,175,458 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $66,065,591 (per year), includes $4,865,009 annualized capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is an increase of 333,720 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. The change in burden hours for soil fumigants is a result of an adjustment due to the changes in the estimated number of fumigant management plans and in the number of certified applicators and handler training. The change in burden hours for non-soil fumigants and capital and/or maintenance costs is due to an increase in the number of non-soil certified applicators and handlers, and the addition of Ethylene Oxide-using facilities (*e.g.,* commercial sterilization, healthcare, labs, veterinary clinics, etc). This is a result of a program change.

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. 2026–18556 Filed 9–10–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2026–5908; FRL–13581–01]

Ortho-Phthalaldehyde; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing a specific exemption reauthorization request from the National Aeronautics and Space Administration (NASA) to use the pesticide ortho-phthalaldehyde (OPA, CAS No. 643–79–8) to treat the coolant fluid of the internal active thermal control system (IATCS) of the International Space Station (ISS) to control aerobic/microaerophilic bacteria in the aqueous coolant. The applicant proposes the use of a new chemical that has not been registered by EPA. Therefore, in accordance with the Code of Federal Regulations, EPA is soliciting a 15-day public comment before making the decision whether to grant the exemption.

DATES: Comments must be received on or before September 28, 2026.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2026–5908, is available online at *https://www.regulations.gov.* Additional information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–2875; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are a pesticide manufacturer involved with the International Space Station. The following North American Industrial Classification System (NAICS) code is not intended to be exhaustive but rather provides a guide to help readers determine whether this document applies to them. One potentially affected entity may include Pesticide manufacturing (NAICS code 32532). Other types of entities not listed could also be affected.

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. EPA implementing regulations are set forth in 40 CFR part 166.

C. What action is the Agency taking?

EPA is announcing receipt of a request submitted to EPA under FIFRA section 18. This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (*i.e.,* an active ingredient) which has not been registered by EPA.

II. Summary of the Request Received

NASA has requested that EPA issue a specific exemption for the use of OPA in the coolant of the internal active thermal control system (IATCS) of the ISS to control aerobic/microaerophilic bacteria in the aqueous coolant. Information in accordance with 40 CFR part 166 (*https://www.ecfr.gov/current/title-40/part-166*) was submitted as part of this request.

As part of this request, the applicant asserts that it has considered the registered biocide alternatives and concluded that OPA is the most effective biocide that meets the requisite criteria, which includes the following: the need for safe, non-intrusive implementation and operation in a functioning system; the ability to control existing planktonic and biofilm-residing microorganisms; a negligible impact on system wetted materials of construction; and a negligible reactivity with existing coolant additives. Without the use of OPA, the ISS lacks an

adequate long-term solution to control microorganisms in the IATCS coolant.

The OPA is incorporated into a porous resin material contained in a stainless-steel canister. The canister containing the OPA-incorporated resin is inserted into a coolant system loop, using flexible hose and quick disconnects, and is placed in line for 8 hours to deliver the OPA into the fluid. As the coolant fluid flows through the cannister, the OPA elutes from the resin material into the coolant fluid. The total volume of the circulatory loops of the IATCS is 829 liters. The maximum concentration would be 350 milligrams (mg) of OPA per liter of coolant fluid. A total of 290,150 mg would be needed for the entire system. The OPA is incorporated into the resin at 210 mg of OPA per cm^3 resin, resulting in potential total use of 1,382 cm^3 of the OPA-containing resin. The level of OPA in the coolant is monitored periodically, and because OPA degrades over time, the concentration decreases to a level that is no longer effective in about 1 to 2 years. At this point, replenishment with new OPA-containing canisters is required.

Since authorizing emergency exemptions in 2011, the EPA expects this use to continue for the duration of the ISS program, which has been extended through 2030.

This notice provides an opportunity for public comment on the application. The Agency will review and consider all comments received during the comment in determining whether to issue the specific exemption requested by NASA.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 8, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2026–18542 Filed 9–10–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13594–01–OA]

Local Government Advisory Committee (LGAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), EPA hereby provides notice of a meeting for the Local Government Advisory Committee (LGAC) on the date and time described below. This meeting will be open to the public. For information on public attendance and participation, please see registration details under **SUPPLEMENTARY INFORMATION**.

DATES: The LGAC will meet on Friday, September 25, 2026, from 1:00 p.m. to 2:30 p.m. Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Paige Lieberman, Designated Federal Officer (DFO), at email address: *LGAC@epa.gov* or telephone number: 202–564–9957.

Information on Accessibility: For information on access or services for individuals requiring accessibility accommodations, please contact Paige Lieberman by email at *LGAC@epa.gov.* To request accommodation, please do so three (3) business days prior to the meeting, to give EPA as much time as possible to process your request.

SUPPLEMENTARY INFORMATION:

Content: This will be the inaugural LGAC meeting for this Administration. The members will hear potential charges for the year related to the Powering the *Great American Comeback* initiative and discuss how to respond as a Committee.

Registration: The meeting will be held virtually. Members of the public who wish to participate should register by contacting the Designated Federal Officer (DFO) at email address: *LGAC@epa.gov* by September 23, 2026. The agenda and other meeting materials will be available online one week prior at *https://www.epa.gov/ocir/local-government-advisory-committee-lgac,* and will be emailed to all registered attendees. In the event of cancellation for unforeseen circumstances, please contact the DFO or check the website above for reschedule information.

Julian Bowles,

Director of Intergovernmental Relations, Environmental Protection Agency.

[FR Doc. 2026–18524 Filed 9–10–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–897; FR ID 366379]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Charles A. Jones from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Jones receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Jones from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Jones and released on September 11, 2026. The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-897A1.pdf.*

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-897

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Charles A. Jones
56 Astoria Court
Murray, KY 42071

Re: Notice of Debarment, File No. EB-IHD-25-00038361

Dear Mr. Jones:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 16, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Charles A. Jones, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 20432 (April 16, 2026) (*Notice of Suspension*).

[3] *Id.*

[4] *Id.*

As discussed in the *Notice of Suspension*, on February 9, 2022, you pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme and conspiracy to defraud the E-Rate program.[5] You conspired with others to siphon millions of dollars from the E-Rate Program to companies you owned.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[5] *See United States v. Charles A. "Chuck" Jones*, Case No. 2:19-cr-20025-MSN, Plea Agreement (W.D. Tenn., filed Feb. 9, 2022) (detailing Charles Jones plea agreement with the government); *see also Notice of Suspension* at 2.

[6] *United States v. Charles A. "Chuck" Jones*, Case No. 2:19-cr-20025-MSN, Second Superseding Indictment, at 7 (W.D. Tenn., filed Aug. 26, 2021); *Notice of Suspension* at 2.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 18, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

[FR Doc. 2026–18590 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–898; FR ID 366382]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Mark Whitaker from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Whitaker receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Whitaker from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Whitaker and released on September 11, 2026.

The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-898A1.pdf*.

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-898

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
Mark Whitaker
c/o Leslie Ballin, Esq.
Ballin, Ballin & Fishman, PC
200 Jefferson Ave.
Memphis, TN 38103-2308

Re: Notice of Debarment, File No. EB-IHD-25-00038468

Dear Mr. Whitaker:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 16, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mark Whitaker, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 18856 (April 13, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on February 18, 2020, you pleaded guilty to misprision of a felony, specifically having knowledge of, and concealing, wire fraud.[5] Together with two other individuals, you knowingly transmitted materially false and fraudulent documents, including falsified invoices and a false certification that no kickbacks had been paid, with the purpose of defrauding the E-Rate program.[6] Despite your knowledge of these acts, you failed to report them to a judge or other person with civil or military authority under the United States.[7] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[8]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[9] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[10] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[11]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension* at 2; *see also United States v. Mark Whitaker*, Case No. 2:20-cr-20052-MSN, Plea Agreement (W.D. Tenn., filed Feb. 18, 2020); *United States v. Mark Whitaker*, Case No. 2:20-cr-20052-MSN, Information, at 1-4 (W.D. Tenn., Feb. 18, 2020) (*Information*).

[6] *Notice of Suspension* at 2; *Information* at 1-4.

[7] *Notice of Suspension* at 2; *Information* at 1-4.

[8] 47 CFR § 54.8(c).

[9] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 13, 2026.

[10] 47 CFR § 54.8(g).

[11] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18584 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–893; FR ID 366390]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Donatus Anyanwu from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Anyanwu receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Chris Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Anyanwu from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Anyanwu and released on September 11, 2026. The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-893A1.pdf.*

Federal Communications Commission.

Christopher Sova

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554
September 3, 2026

DA 26-893

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Donatus Anyanwu
c/o Vincent Eugene Wisely, Esq.
The Wiseley Law Firm PLLC 325
N. St. Paul, Ste. 3135
Dallas, TX 75201

Re: Notice of Debarment, File No. EB-IHD-25-00038523

Dear Mr. Anyanwu:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 13, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Donatus Anyanwu, Notice of Suspension and Initiation of Debarment Proceeding, 91 FR 18852 (April 13, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on July 26, 2019, you pleaded guilty to a mail and wire fraud conspiracy that involved knowingly and willfully devising a scheme and conspiracy to obtain money from the E-Rate program fraudulently.[5] You conspired with others to siphon hundreds of thousands of dollars from the E-Rate Program to a company you owned, for work the company did not perform.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension*; *see also United States v. Donatus Anyanwu*, Case No. 3:17-cr-00655-D, Plea Agreement (N.D. Tex., Jul. 29, 2019); *see also United States v. Donatus Anyanwu*, Case No. 3:17-cr-00655-D, Superseding Information, at 4 (N.D. Tex., Jul. 26, 2019).

[6] *Notice of Suspension* at 2.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 13, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18585 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–894; FR ID 366399]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Shawn Clemmons from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Clemmons receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Clemmons from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Clemmons and released on September 11, 2026. The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-894A1.pdf.*

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-894

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Shawn Clemmons
c/o Steven S. Nolder, Esq.
Steven S. Nolder, Attorney at Law 65
E State St., Suite 200
Columbus Ohio 43215

Re: Notice of Debarment, File No. EB-IHD-25-00038475

Dear Mr. Clemmons:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 13, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Shawn Clemmons, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 18847 (April 13, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on October 23, 2019, you pleaded guilty to making a false claim that involved deceptively using the E-Rate invoicing and reimbursement process.[5] As the executive director of South Central Ohio Computer Association (SCOCA), you made and presented to the Universal Service Administrative Company a false claim that SCOCA was in compliance with the E-Rate program rules, when you knew that to be untrue, and SCOCA was therefore ineligible to receive E-Rate funds.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension* at 2; *see also United States v. Shawn Clemmons*, Case No. 2:19-cr-00226-EAS, Information (S.D. Ohio, filed Oct. 22, 2019) (*Information*); *United States v. Shawn Clemmons*, Case No. 2:19-cr-00226-EAS, Plea Agreement (S.D. Ohio, filed Oct. 23, 2019).

[6] *Information* at 5; *Notice of Suspension* at 2-3.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 13, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18582 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–896; FR ID 366380]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars John Comito from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Comito receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Comito from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Comito and released on September 11, 2026. The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-896A1.pdf*.

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division,Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-896

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. John Comito
c/o Michael F. Bachner, Esq.
Bachner & Associates, PC 111
Broadway, Suite 701 New
York, NY 10006

Re: Notice of Debarment, File No. EB-IHD-25-00038518

Dear Mr. Comito:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 13, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to John Comito, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 18861 (April 13, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on September 11, 2020, you pleaded guilty to a wire fraud conspiracy that involved knowingly and willingly devising a scheme to obtain money from the E-Rate program fraudulently.[5] You knowingly and intentionally devised a scheme to defraud the Universal Service Administrative Company and 26 schools in New York City in order to obtain money and property from them.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension* at 2; *see also United States v. John Comito*, Case No. 1:19-cr-00593-RRM-RLM, Judgment and Sentencing Order at 8 (E.D.N.Y., issued Apr. 7, 2021); *United States v. John Comito*, Case No. 1:19-cr-00593-RRM-RLM, Indictment, at 7 (E.D.N.Y., filed Dec. 13, 2019) (*Indictment*).

[6] *Notice of Suspension* at 1-2; *Indictment* at 7.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 13, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18581 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–895; FR ID 366384]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Kenneth Collura from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Mr. Collura receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Mr. Collura from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Mr. Collura and released on September 11, 2026.

The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-895A1.pdf.*

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-895

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Kenneth Collura
c/o David H. Thomas, Esq. Taft
Stettinius & Hollister LLP
41 South High Street, Suite 1800
Columbus, OH 43215-6106

Re: Notice of Debarment, File No. EB-IHD-25-00038477

Dear Mr. Collura:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 16, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Kenneth Collura, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 20449 (April 16, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on July 1, 2019 you pleaded guilty to making a materially false statement to the federal government.[5] You knowingly and willingly submitted a false certification to the Universal Service Administrative Company that a contract between the Diocese of Columbus Office of Catholic Schools and the South Central Ohio Computer Association covered no ineligible services, when the charges under the contract were inflated and included expenses not eligible for E-Rate program funding.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension* at 2; *United States v. Kenneth Collura*, Case No. 2:19-cr-00146-EAS, Judgment and Sentencing Order (S.D. Ohio, issued Jan. 15, 2020); *see also United States v. Kenneth Collura*, Case No. 2:19-cr-00146-EAS, Sentencing Memorandum at 1-2 (S.D. Ohio, issued Dec. 31, 2019).

[6] *United States v. Kenneth Collura*, Case No. 2:19-cr-00146-EAS, Information, at 4 (S.D. Ohio, Jun. 20, 2019); *Notice of Suspension* at 2.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 18, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18625 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–899; FR ID 366393]

Notice of Debarment; Federal E-Rate Program

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Donna Woods from the schools and libraries universal service support mechanism (or E-Rate Program) and all federal universal service support mechanisms for three years.

DATES: Debarment commences on the date Ms. Woods receives the debarment letter or September 11, 2026, whichever date comes first, and will continue for three years.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christopher Sova, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christopher Sova may be contacted by phone at (202) 418–1868 or by email at *Christopher.Sova@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau debars Ms. Woods from the E-Rate program and all federal universal service support mechanisms for three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 26–897, which was mailed to Ms. Woods and released on September 11, 2026. The complete text of the notice of debarment is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA/26/899A1.pdf.*

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

September 3, 2026

DA 26-899

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Donna Woods
c/o Franklin Ray Mickelsen, Esq.
Broden & Mickelsen, LLP
2600 State St.
Dallas, TX 75204

Re: Notice of Debarment, File No. EB-IHD-25-00038521

Dear Ms. Woods:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) hereby notifies you that, pursuant to section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal schools and libraries universal service support mechanism (E-Rate program) and any other program funded by federal universal service support mechanisms for three years, commencing on either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever comes first (Debarment Date).[1]

On April 7, 2026, the Bureau sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on April 16, 2026.[2] The *Notice of Suspension* suspended you from participating in or receiving any benefit associated with the E-Rate program as well as any other program funded by federal universal service support mechanisms.[3] It

[1] 47 CFR § 54.8 (e), (g); 47 CFR § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)). On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[2] Letter from Christopher J. Sova, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Donna Woods, Notice of Suspension and Initiation of Debarment Proceeding, 91 Fed. Reg. 20437 (April 16, 2026) (*Notice of Suspension*).

[3] *Id.*

also described the basis for initiating the debarment proceeding against you, the applicable debarment procedures, and the effect of debarment.[4]

As discussed in the *Notice of Suspension*, on October 4, 2019, you were found guilty by a jury on three counts of wire fraud and one count of conspiracy to commit mail and wire fraud.[5] You knowingly and intentionally devising a scheme to defraud the E-Rate program in exchange for a kickback.[6] Pursuant to section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[7]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to the suspension or its scope, or to the proposed debarment or its scope, within 30 calendar days from your receipt of the *Notice of Suspension* or of its publication in the Federal Register, whichever was earlier.[8] The Commission received no opposition.

For the above reasons, you are debarred from involvement with the E-Rate program for three years from the Debarment Date.[9] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program and any other program funded by federal universal service support mechanisms, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[10]

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[4] *Id.*

[5] *See Notice of Suspension* at 2; *see also United States v. Donna Woods*, Case No. 3:17-cr-00655-D, Verdict (N.D. Tex., Oct. 4, 2019); *United States v. Donna Woods*, Case No. 3:17-cr-00655-D, Judgment (5th Cir., Apr. 2, 2021) (affirming the judgment of the District Court); *United States v. Donna Woods*, Case No. 3:17-cr-00655-D, Indictment, at 4 (N.D. Tex., Dec. 20, 2017) (*Indictment*).

[6] *Indictment* at 4; *Notice of Suspension* at 2.

[7] 47 CFR § 54.8(c).

[8] 47 CFR § 54.8 (e)(3)–(4). Any opposition had to be filed no later than May 18, 2026.

[9] 47 CFR § 54.8(g).

[10] 47 CFR § 54.8(a)(1), (d), (g).

cc: Fred Theobald, Universal Service Administrative Company (via e-mail)

[FR Doc. 2026–18591 Filed 9–10–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 13, 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. *Banner County Ban Corporation Employee Stock Ownership Plan and Trust;* to acquire up to 48.96 percent of the voting shares of Banner County Ban Corporation, and thereby indirectly acquire additional shares of Banner Capital Bank, all of Harrisburg, Nebraska.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–18594 Filed 9–10–26; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

September 22, 2026 at 9:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 605 436 724#; or via web: https://www.frtib.gov/.

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the August 25, 2026, Board Meeting Minutes
2. Monthly Reports
   (a) Participant Report
   (b) Investment Report
   (c) Legislative Report
3. Quarterly Report
   (d) Vendor Risk Management
4. Investment Manager Annual Service Review

Closed Session

5. Information Covered under 5 U.S.C. 552b (c)(9)(B) and (c)(10)

Authority: 5 U.S.C. 552b (e)(1).

Dated: September 9, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–18547 Filed 9–10–26; 8:45 am]

BILLING CODE 6760–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-MA–2026–02; Docket No. 2026–0002; Sequence No. 01]

Federal Management Regulation (FMR); Rescinding and Removing FMR Bulletin B–51

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice to rescind and remove FMR Bulletin B–51.

SUMMARY: GSA is rescinding and removing Federal Management Regulation (FMR) Bulletin B–51, Annual Executive Agency Reports on Exchange/Sale and Personal Property Furnished to Non-Federal Recipients, due to the bulletin being outdated. GSA has published annual reporting information for executive agencies in guidance on *gsa.gov*.

DATES: *Applicability Date:* September 11, 2026.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact William Garrett, Acting Deputy Associate Administrator, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–368–8163, or by email at *william.garrett@gsa.gov.* Please cite ''Notice to rescind and remove FMR Bulletin B–51'' (MA–2026–02).

SUPPLEMENTARY INFORMATION:

Background

Due to issuance of the Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation, dated January 31, 2025, GSA is rescinding and removing FMR Bulletin B–51 from its website.

The following bulletin is rescinded and will be removed from GSA's website because the content is outdated: FMR Bulletin B–51: Annual Executive Agency Reports on Exchange/Sale and Personal Property Furnished to Non-Federal Recipients. This bulletin became obsolete following the publication of FMR Case 2025–05, ''Federal Management Regulation; Aligning the Federal Management Regulation (FMR) With the Administration's Deregulatory Priorities.'' The revised FMR language eliminated the Exchange/Sale report requirement. The bulletin also provided guidance on reporting surplus personal property data. That guidance has been removed as that data is not required to be collected under the Non-Federal Recipients Report (NFRR).

Guidance on the NFRR can be found at *https://www.gsa.gov/policy-regulations/policy/personal-property-policy-overview/reporting-to-gsa.*

All currently active FMR bulletins can be viewed at *https://www.gsa.gov/policy-regulations/regulations/federal-management-regulation/fmr-and-related-files.*

Matthew Batzel,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2026–18617 Filed 9–10–26; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2026–0265; Sequence No. 1]

Submission for OMB Review; System for Award Management Annual Certification of Compliance With Executive Order 14400, Urgent National Action To Save College Sports

AGENCY: Integrated Award Environment, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding a new collection of annual certification of compliance with the rules of Executive Order 14400 from registered Higher Education Institutions in the System for Award Management (*SAM.gov*).

DATES: Submit comments on or before October 13, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: IAE Program Office at *IAE_Admin@gsa.gov* for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

Executive Order 14400, Urgent National Action to Save College Sports, directs the Administrator of General Services to propose a regular collection of information to evaluate compliance with the rules covered in the E.O. to aid contract and grantmaking agencies' compliance with the E.O. starting August 1, 2026.

The System for Award Management (SAM or *SAM.gov*) serves as the primary registration and award management database for the U.S. Federal Government. SAM currently collects, validates, stores, and disseminates data in support of agency acquisition and financial assistance missions. SAM validates entity registration information and electronically shares the secure and encrypted data with Federal agency personnel to facilitate their award making and payments. Additionally, SAM shares its data with Federal Government procurement, financial assistance, and electronic business systems.

Both current and potential Colleges and Universities are required to register in SAM pursuant to Title 2 of the Code of Federal Regulations (CFR) and the Federal Acquisition Regulation (FAR) to receive specified Federal awards. Entities complete a registration process to provide basic information relevant to procurement and Federal financial assistance transactions. These entities may also report various information applicable to the federal award process in *SAM.gov*.

Registered entities identified as Higher Education Institutions during the SAM entity registration and meeting the $20M (adjusted for inflation) threshold for intercollegiate athletics activities revenue will certify their compliance annually with the terms within E.O. 14400. This certification information will be available for Federal officials for contract and grantmaking activities and compliance verification.

B. Annual Reporting Burden

Respondents: 11,720.

Responses per Respondent: 1–5 (1 for screening responses and 4 for certification responses).

Total Annual Responses: 14,620 (11,720 screening responses and 725 certification responses).

Hours per Response: 0.25 for screening response and 0.5 for certification response.

Total Burden Hours: $181,584.50 ($161,589.50 for screening response and $19,995.50 for certification response).

C. Public Comments

A 60-day notice published in the **Federal Register** at 91 FR 36143 on June 16, 2026. One Comment was received covering several different topics.

Comment: A general concern that the certification could influence eligibility determinations, payment processing, grant and contract actions, and compliance reviews, and that it could be an opaque enforcement mechanism.

Response: This information collection covers the collection of certification information in *SAM.gov* to centralize collection and aid contracting and grantmaking agencies compliance with section 4(a) of E.O. 14400. Eligibility, award determination, and payment are awarding agency functions and not within scope of this information collection.

Comment: A comment that the information collection burden should include burden associated with institutional review, legal analysis, data gathering, and internal approvals in a university institution.

Response: The estimated hours in this information collection covers the administrative time for registrants to review, prepare, and complete or update the SAM registration. Costs for legal analysis are pre-existing obligations related to compliance with existing laws and regulations and are not new burdens created by this administrative ICR.

Comment: Clarify how the $20M in athletics revenue should be calculated.

Response: Calculation of the $20M in athletics revenue should be calculated based on the guidance in E.O. 14400 Section 3.

Comment: Clarification on which agencies or officials may access certification data and for what purposes.

Response: SAM.gov data is available for all federal agencies to access and utilize as needed for their agency mission.

Comment: Clarification on whether certification data may be used to delay, suspend, terminate, deny, or condition federal awards.

Response: Agency use of *SAM.gov* data is outside the scope of this information collection and would be governed by the awarding agency's policy and processes.

Comment: Clarification on whether institutions will receive notice, an opportunity to correct errors, and an appeal or review pathway before adverse action is taken.

Response: Issuance of suspension and debarment or other adverse actions are outside scope of this information collection and are governed by existing law and regulation.

Comment: Recommendation that *SAM.gov* preserves version history and audit logs, submission timestamps, corrections, and resubmitted records.

Response: SAM.gov as a matter or practice maintains record versions, audit logs, time stamps, and other relevant record data to validate the record submission and its associated audit characteristics.

Comment: Recommendation that *SAM.gov* preserves documentation of agency reliance on certification data.

Response: Agency utilization of *SAM.gov* or other sources as part of contract or grant award making is maintained within agency files and not within *SAM.gov*.

Richard Speidel,

Deputy Chief Data Officer, General Services Administration.

[FR Doc. 2026–18609 Filed 9–10–26; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10697]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing*.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collections

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Medicare Coverage of Items and Services for Coverage with Evidence Development; *Use:* This is a reinstatement package. In general, in order for an item or service to be covered under Medicare, it must meet the standard described in section 1862(a)(1)(A) of the Act—that is, it must be reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.

When the available evidence is insufficient to demonstrate that the items and services are reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member under section 1862(a)(1)(A) of the Act, CED has been used to support evidence development for certain items and services that are likely to show benefit for the Medicare population. CED relies primarily on the statutory exception in section 1862(a)(1)(E) of the Act, which effectively permits Medicare payment for items and services that are reasonable and necessary to carry out research conducted pursuant to section 1142 of the Act. Items and services that are not reasonable and necessary to carry out that research are excluded.

CED has been a pathway whereby, after a CMS and AHRQ review, Medicare covers items and services on the condition that they are furnished in the context of approved clinical studies or with the collection of additional clinical data. Any approved CED study submission should satisfy each of the criteria ''1 –17'' provided in the CMS Coverage with Evidence Development guidance document. *Form Number:* CMS–10697 (OMB control number 0938–1387); *Frequency:* Annually; *Affected Public:* Private sector—Not-for-profit institutions and Businesses or other for-profits; *Number of Respondents:* 15; *Total Annual Responses:* 15; *Total Annual Hours:* 1,500. (For policy questions regarding this collection, contact Lori Ashby at 410–786–6322.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–18611 Filed 9–10–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1978–N–0018]

Amending Over-the-Counter Monograph M020: Sunscreen Drug Products for Over-the-Counter Human Use, and Related Information; Aminobenzoic Acid (PABA) and Trolamine Salicylate

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability on its website of the final administrative order (final order) (OTC000008–1) titled ''Amending Over-the-Counter Monograph M020: Sunscreen Drug Products for Over-the-Counter Human Use, and Related Information; Aminobenzoic Acid (PABA) and Trolamine Salicylate.'' This final order amends ''Over-the-Counter Monograph M020: Sunscreen Drug Products for Over-the-Counter Human Use'' (Over-the-Counter (OTC) Monograph M020) to remove PABA and trolamine salicylate as sunscreen active ingredients. A sunscreen drug product containing PABA or trolamine salicylate is not generally recognized as safe and effective (GRASE).

DATES: The announcement of the availability on FDA's website of the final order is published in the **Federal Register** on September 11, 2026.

ADDRESSES: For access to final order OTC000008–1, go to the OTC Monographs@FDA portal at *https://www.accessdata.fda.gov/scripts/cder/omuf/index.cfm.* See the **SUPPLEMENTARY INFORMATION** section for more information on electronic access to the final order.

FOR FURTHER INFORMATION CONTACT: Shannon Liu, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–2484, *Shannon.Liu@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing final order OTC000008–1 to amend the requirements for sunscreen drug products for OTC human use, as described in OTC Monograph M020, to remove PABA and trolamine salicylate as sunscreen active ingredients. FDA is issuing the final order pursuant to section 505G(b)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355h(b)(1)).

OTC Monograph M020 describes the conditions under which OTC sunscreen drug products are GRASE under section 201(p)(1) of the FD&C Act (21 U.S.C. 321(p)(1)). OTC Monograph M020 was previously set forth in final order OTC000039, issued on June 10, 2026. The conditions described in OTC Monograph M020 may be amended, revoked, or otherwise modified in accordance with the procedures of section 505G(b) of the FD&C Act.

Final order OTC000008–1 amends the conditions described in OTC Monograph M020, as set forth in final order OTC000039, to remove PABA and trolamine salicylate as sunscreen active ingredients. FDA has determined that there are no conditions under which a drug product containing PABA or trolamine salicylate as a sunscreen active ingredient is GRASE under section 201(p)(1) of the FD&C Act because FDA's review of the available safety data for PABA and trolamine salicylate shows that the risks associated with use of these active ingredients in sunscreen drug products outweigh the benefits.

A notice of availability of the proposed order OTC000008 titled ''Amending Over-the-Counter (OTC) Monograph M020: Sunscreen Drug Products for OTC Human Use'' was announced in the **Federal Register** on September 27, 2021 (86 FR 53322) (comment period extended November 22, 2021 (86 FR 66318)). FDA proposed to establish certain new conditions under which nonprescription sunscreen drug products would be determined to be GRASE. Relevant to this final order, FDA proposed to amend OTC Monograph M020 to remove PABA and trolamine salicylate as sunscreen active ingredients because FDA's review of the available safety data for PABA and trolamine salicylate shows that the risks associated with use of these active ingredients in sunscreen drug products outweigh their benefits. FDA considered timely submitted comments on the proposal to amend OTC Monograph M020 to remove PABA and trolamine salicylate as sunscreen active ingredients, and after considering comments, FDA in this final order OTC000008–1 finalizes its proposed determinations regarding sunscreen drug products containing PABA and trolamine salicylate without change. FDA will address the other aspects of proposed order OTC000008 in a future order or orders.

II. Paperwork Reduction Act of 1995

Final order OTC000008–1 is issued under section 505G(b)(1) of the FD&C Act. Under section 505G(o) of the FD&C Act, the Paperwork Reduction Act of 1995 (PRA) (Chapter 35 of title 44, United States Code) does not apply to collections of information made under section 505G of the FD&C Act. Therefore, clearance by the Office of Management and Budget under the PRA is not required for collections of information, if any, in a final order issued under section 505G of the FD&C Act.

III. Electronic Access

The final order can be accessed on the OTC *Monographs@FDA* portal at *https://www.accessdata.fda.gov/scripts/cder/omuf/index.cfm.* Under the ''Administrative Orders'' banner, click on the desired link under the ''Order ID'' heading and follow the prompts. FDA established this information technology system with a web portal that can be accessed through FDA's website. The OTC *Monographs@FDA* portal provides a resource for the public to view administrative orders (proposed, final, and interim final orders), as well as related supporting documents, for OTC Monograph Drugs and view OTC Monographs. In the future, the OTC *Monographs@FDA* portal will facilitate the public's ability to submit, search, and view comments and data for proposed and interim final orders.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18551 Filed 9–10–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–9350]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Tracking

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for the tracking of medical devices.

DATES: Either electronic or written comments on the collection of information must be submitted by November 10, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 10, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your

comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–9350 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Tracking.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Barrett, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Device Tracking—21 CFR Part 821

OMB Control Number 0910–0442—Extension

Section 519(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(e)(1)) provides that FDA may require by order that a manufacturer adopt a method for tracking a class II or III medical device, if the device meets one of the three following criteria: (1) the failure of the device would be reasonably likely to have serious adverse health consequences, (2) the device is intended to be implanted in the human body for more than 1 year (referred to as a ''tracked implant''), or (3) the device is life-sustaining or life-supporting (referred to as a ''tracked l/s-l/s device'') and is used outside a device user facility. Tracked device information is collected to facilitate identifying the current location of medical devices and patients possessing those devices, to the extent that patients permit the collection of identifying information. Manufacturers and FDA (where necessary) use the data to: (1) expedite the recall of distributed medical devices that are dangerous or defective and (2) facilitate the timely notification of patients or licensed practitioners of the risks associated with the medical device. In addition, applicable regulations in 21 CFR part 821 (21 CFR 821.1 through 821.60) include provisions for: (1) exemptions and variances; (2) system and content requirements for tracking; (3) obligations of persons other than device manufacturers, *e.g.,* distributors; (4) records and inspection requirements; (5) confidentiality; and (6) record retention requirements.

Respondents to the collection of information are medical device manufacturers, importers, and distributors of tracked implants or tracked l/s-l/s devices used outside a device user facility. Distributors include multiple and final distributors, including hospitals. We currently estimate 22,000 potential respondents.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Discontinuation of business—821.1(d)	1	1	1	1	1
Exemption or variance—821.2 and 821.30(e)	1	1	1	1	1
Notification of failure to comply—821.25(d)	2	2	4	1	4
Multiple distributor data—821.30(c)(2)	1	1	1	1	1
Total					7

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Tracking information—821.25(a)	13	1	13	76	988
Record of tracking data—821.25(b)	13	46,260	601,380	1	601,380
Standard operating procedures—821.25(c) [1]	13	1	13	63	819
Manufacturer data audit—821.25(c)(3)	13	1,124	14,612	1	14,612
Multiple distributor data and distributor tracking records—821.30(c)(2) and (d)	22,000	1	22,000	1	22,000
Total					639,799

[1] One-time burden.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Acquisition of tracked devices and final distributor data—821.30(a) and (b)	22,000	1	22,000	1	22,000
Multiple distributor data and distributor tracking records—821.30(c)(2) and (d)	1,100	1	1,100	1	1,100
Total					23,100

Our estimated burden for the information collection reflects an overall increase of 47,526 hours and a corresponding increase of 47,389 responses/records. We attribute this adjustment to an increase in the number of submissions we received over the last few years.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18529 Filed 9–10–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2917]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Clearance for Qualitative Data To Support Social and Behavioral Research for Food, Dietary Supplements, Cosmetics, and Animal Food and Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by October 13, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0891. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Christopher Colburn, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8758, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

Generic Clearance for Qualitative Data To Support Social and Behavioral Research for Food, Dietary Supplements, Cosmetics, and Animal Food and Feed

OMB Control Number 0910–0891—Extension

OMB's Office of Information and Regulatory Affairs (OIRA) has issued memoranda that provides an overview of administrative flexibilities available to assist agencies in complying with their statutory obligations under the PRA. Among these flexibilities is use of a generic clearance for certain information collection activities. A generic clearance may be appropriate when (1) the need for the data collection can be evaluated in advance, as part of the review of the proposed plan, but (2) the Agency cannot determine the details of the specific individual collections until a later time. Generic clearances cover collections that are voluntary, low-burden, and uncontroversial.

This generic clearance for certain information collection activities supports research conducted by FDA, as authorized under section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)), and is intended to help FDA's Human Foods Program (HFP) understand stakeholders' perceptions, attitudes, motivations, and behaviors. Understanding these perceptions, attitudes, motivations, and behaviors plays an important role in improving FDA's communications which impact various stakeholders and assists in the development of quantitative study proposals to complement other important research efforts in the Agency. To ensure that regulatory actions and communications activities have the highest potential to be received, understood, and accepted by those for whom they are intended, HFP and related FDA offices conduct research and studies relating to the control and prevention of disease as authorized by section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)).

To ensure that communications activities have the greatest effect, we conduct research and studies relating to the control and prevention of disease and the safety and health of the public. FDA is requesting OMB approval for the use of this generic collection of information that allows FDA to use qualitative social/behavioral science data collection techniques (*i.e.,* individual in-depth interviews (IDIs), small group discussions, focus groups, and observations) to better understand stakeholders' perceptions, attitudes, motivations, and behaviors regarding various issues associated with food, dietary supplements, cosmetics, and animal food and feed. Understanding these consumers', manufacturers', and producers' perceptions, attitudes, motivations, and behaviors plays an important role in improving FDA's communications that impact these various stakeholders and in assisting in the development of quantitative study proposals, complementing other important research efforts in the Agency.

To obtain approval for an individual generic submission collection that meets the conditions of this generic clearance, an abbreviated supporting statement will be submitted to OMB along with supporting documentation (*e.g.,* a copy of the interview or moderator guide, screening questionnaire).

Selection for potential respondents is done via a screening process to match the best possible respondent to each individual generic submission. Respondents to individual requests made under the generic clearance, once approved by OMB, may include a wide range of consumers and other FDA stakeholders, such as producers and manufacturers who are regulated under provisions applicable to FDA-regulated food, dietary supplements, cosmetics, and animal food and feed. Participation is voluntary.

In the **Federal Register** of April 17, 2026 (91 FR 20693), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Individual In-Depth Interview Screening	2,400	1	2,400	.08 (5 minutes)	192
Individual In-Depth Interviews	200	1	200	1	200
Focus Group/Small Group Participant Screening	5,400	1	5,400	.08 (5 minutes)	432
Focus Groups/Small Group Discussion	1,800	1	1,800	1.5	2,700
Observation Screening	720	1	720	.08 (5 minutes)	58
Observations	144	1	144	2	288
Total			10,664		3,870

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on both historical numbers of participants from past projects as well as estimates for projects to be conducted in the next 3 years. Based on a review of the information collection since our last request for OMB approval, we have adjusted our burden estimate based on actual usage of this collection of information and have decreased the number of responses and hours by half for the first four rows in table 1 with the other rows remaining the same. For the first four rows, we have reduced our estimate for the number of responses from 19,600 to 9,800 responses (a decrease of 9,800 responses) and reduced the number of hours from 7,048 to 3,524 hours (a decrease of 3,524 hours) based on our experience conducting these collections of information. The new burden is estimated at 10,664 responses and 3,870 hours.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–18528 Filed 9–10–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding, Appalachian Region Healthcare Support Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: HRSA is providing additional funding under the Appalachian Region Healthcare Support Program to one award recipient in fiscal year (FY) 2026. This supplemental funding will support additional technical assistance (TA) to help rural healthcare organizations located in the rural counties served by the Appalachian Regional Commission to strengthen healthcare delivery in the region.

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 Recipient of the Award: Rural Health Redesign Center Organization, Inc.

Amount of Non-Competitive Award: One supplemental award for $1,000,000.

Project Period: September 30, 2026, to September 29, 2027.

Assistance Listing Number: 93.619.

Award Instrument: Cooperative Agreement.

Authority: Section 711(b) of the Social Security Act.

TABLE 1—RECIPIENT AND AWARD AMOUNT

Grant No.	Award recipient name	City, state	Award amount
UZ2RH53800	Rural Health Redesign Center Organization, Inc	Harrisburg, PA	$1,000,000

Justification: HRSA received additional funding for the Appalachian Region Healthcare Support Program in FY 2026 through the Consolidated Appropriations Act, 2026, (*https://www.congress.gov/119/bills/hr7148/BILLS-119hr7148enr.pdf*), H.R. 7148. This funding will provide a one-time supplement to the Rural Health Redesign Center Organization, Inc. to strengthen healthcare delivery by providing free in-depth TA to rural healthcare organizations located in the Appalachian Regional Commission region to improve financial and operational performance as well as the quality of care. The grant recipient will use funding to expand TA services, length of TA, and work with more eligible rural healthcare organizations that will benefit from TA (such as critical access hospitals, small rural hospitals, rural health clinics, tribal healthcare facilities, and other healthcare organizations) to meet the program objectives:

(1) Provide objective analysis and assessment of healthcare organizations' financial status, market share, quality indicators, locally available human services, and gaps in services so that organizations can make actionable change;

(2) Identify clinical areas where expansion of services would meet local need, keep health care services available locally, and improve financial and operational performance and quality of care; and

(3) Implement best practice recommendations by providing support for initial operating and equipment costs.

Thomas J. Engels,

Administrator.

[FR Doc. 2026–18570 Filed 9–10–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Rural Health Network Development Program Performance Improvement and Measurement System, OMB No. 0906–0010—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than November 10, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Rural Health Network Development Program Performance Improvement and Measurement System, OMB No. 0906–0010—Revision.

Abstract: The Rural Health Network Development (RHND) program is authorized under section 330A(f) of the Public Health Service Act (42 U.S.C. 254c(f)). The purpose of this program is to support integrated health care networks that collaborate to achieve efficiencies; expand access to, coordinate, and improve the quality of basic health care services and associated health outcomes; and strengthen the rural health care system as a whole. RHND award recipients currently collect data using an OMB approved set of performance measures.

Need and Proposed Use of the Information: The purpose of the data collection is for HRSA to assess RHND awardees' progress in meeting the program goals, and how well each awardee meets their community needs. These measures cover the principal topic areas of interest to HRSA, including: (1) network collaboration, (2) demographics and services, (3) health

information technology and telehealth, and (4) project specific domains. All measures will evaluate HRSA's progress toward achieving its goals.

HRSA seeks to revise the approved information collection, which RHND awardees will submit to HRSA on an annual basis. There are no substantive changes to the actual current OMB approved form/measures. The proposed revisions are administrative in nature, which include:

- Reducing the total number of respondents to 43 as one award recipient relinquished their funding in Fiscal Year 2025.
- Decreasing the estimated average burden per response. The decrease in burden is largely due to current RHND award recipients who are now in their fourth and final year of the grant and have systems in place to capture and report data.

Likely Respondents: Respondents will be award recipients of the Rural Health Network Development Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement and Measurement System Database	43	1	43	9	387
Total	43	1	43	9	387

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–18553 Filed 9–10–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding, Infant-Toddler Court Program—State Awards

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: HRSA is providing additional award funds to 11 current ITCP—State Award recipients previously funded under HRSA–22–73 to support the continuation and expansion of existing activities to build state and local capacity and implement the infant-toddler court approach in federal fiscal year (FY) 2026.

FOR FURTHER INFORMATION CONTACT: Ekaterina Zoubak, Early Childhood Systems Analyst, Division of Home Visiting and Early Childhood Systems, HRSA, at *ezoubak@hrsa.gov* and 240–475–8014.

SUPPLEMENTARY INFORMATION:

Intended Recipient(s) of the Award: Current ITCP—State Award recipients (11 current awardees).

Amount of Non-Competitive Award: $4,588,804, or up to $417,164 for each award.

Project Period: September 30, 2022, to September 29, 2027.

Assistance Listing Number: 93.110.

Award Instrument: Non-competitive supplemental funding to the existing Cooperative Agreement.

Authority: 42 U.S.C. 701(a)(2) (Title V, § 501(a)(2) of the Social Security Act).

TABLE 1—RECIPIENT(S) AND AWARD AMOUNT(S)

Grant No.	Award recipient name	City, state	
U2ZMC46643	Prevent Child Abuse Arizona	AZ	$417,164
U2ZMC529755	Illuminate Colorado	CO	417,164
U2ZMC46638	Georgia State University Research Foundation, Inc	GA	417,164
U2ZMC55646	Iowa Department of Health and Human Services	IA	417,164
U2ZMC46639	Michigan Department of Health and Human Services	MI	417,164
U2ZMC46636	Nevada Division of Child & Family Services	NV	417,164
U2ZMC46642	Passaic County Court Appointed Special Advocates (CASA), A New Jersey Nonprofit Corporation.	NJ	417,164
U2ZMC46640	Justice Innovation Inc. d/b/a Center for Court Innovation	NY	417,164
U2ZMC46637	Educational Service Center of Cuyahoga County	OH	417,164
U2ZMC46635	Children's Center	UT	417,164
U2ZMC46634	Children and Youth Justice Center	WA	417,164

Justification: In FY 2022, under the authority for Special Projects of Regional and National Significance (SPRANS) (42 U.S.C. 701(a)(2) (Title V, § 501(a)(2) of the Social Security Act)), HRSA awarded the ITCP State awards to 12 recipients (HRSA–22–073). This award included expectations for the recipient to continue and expand research-based infant-toddler court (ITC) teams to change child welfare practices and improve the early developmental health and well-being of infants, toddlers, and their families.

A Congressional Report accompanying the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47), included funding for this program to ''continue and expand research-based Infant-Toddler Court Teams to change child welfare practices to improve well-being for infants, toddlers, and their families'' (Senate Report 118–84). In addition, the Joint Explanatory Statement accompanying the FY 2024 appropriations act directed HRSA to ''allocate funding to ensure continuation of existing grantees, technical assistance, and other activities.'' In FY 2024, HRSA provided a supplement of $2,700,000 in SPRANS funding, through its Maternal and Child Health Bureau, to the ITCP—State Award Program recipients noted in Table 1.[1]

A Congressional Report accompanying the FY 2025 appropriations act directed HRSA to ''allocate funding to ensure continuation of existing grantees, technical assistance, and support other expansion activities'' (House Report 118–585). In response to the Congressional intent, HRSA provided a supplement of $2,798,847 in SPRANS funding to the State award recipients in FY 2025 to continue work initiated in prior years, to improve access to evidence-based child welfare practices and improve the early developmental health and well-being of infants, toddlers, and their families.

A Congressional Report accompanying the Consolidated Appropriations Act, 2026 (Pub. L. 119–75) included an additional $2,000,000, for a total of $20,000,000 in funding ''for research-based Infant-Toddler Court Teams to change child welfare practices to improve well-being for infants, toddlers, and their families'' (House Report 119–271). The Report also included a directive to ''allocate funding to ensure continuation of existing grantees, technical assistance, and support other expansion activities'' (House Report 119–271).

Consistent with Congressional intent, HRSA will provide $4,588,810 in FY 2026 in supplemental funding to the recipients outlined in Table 1. This supplement will be used to implement project activities within the scope of the current ITCP—State Awards funding opportunity (HRSA–22–073) and to: (1) increase staff capacity through hiring, consultancy, contracting, or training; (2) increase the reach of the infant-toddler court approach by increasing caseloads or expanding to new sites; or (3) address unmet measurement and evaluation needs. These activities are within scope to change child welfare practices to improve well-being for infants, toddlers, and their families.

Margaret M. Bush,

Deputy Administrator.

[FR Doc. 2026–18568 Filed 9–10–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Funding, Rural Hospital Stabilization Pilot Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental funding.

SUMMARY: HRSA is awarding supplemental funding under the Rural Hospital Stabilization Pilot Program to two award recipients in fiscal year (FY) 2026 to provide in-depth technical assistance (TA) to rural hospitals to enhance and/or expand service lines to meet local needs and keep health care services available locally.

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 Recipient(s) of the Award: two award recipients, as listed in Table 1.

Amount of Non-Competitive Award: two supplemental awards of $2,984,770.

Project Period: September 30, 2026, to September 29, 2027.

Assistance Listing Number: 93.811.

Award Instrument: Cooperative Agreement.

Authority: Section 711(b)(5) of the Social Security Act.

TABLE 1—RECIPIENT AND AWARD AMOUNT

Grant No.	Award recipient name	City, State	Award amount
U87RH53799	Rural Health Resource Center	Duluth, MN	$2,984,770
N/A	Rural Health Redesign Center Organization, Inc	Harrisburg, PA	2,984,770

Justification: HRSA received additional funding for the Rural Hospital Stabilization Pilot Program in FY 2026 through the Consolidated Appropriations Act, 2026, (*https://www.congress.gov/119/bills/hr7148/BILLS-119hr7148enr.pdf*), H.R. 7148. This funding will provide one-time supplements to the Rural Health Resource Center and the Rural Health Redesign Center Organization, Inc to strengthen healthcare delivery in rural areas by providing free in-depth TA to more rural hospitals nationwide to enhance service lines, improve financial performance, and stabilize operations. The grant recipient will use funding to ramp up operations to identify and work with rural hospitals that will benefit from TA to meet the following program objectives: (1) identify clinical areas where expansion would meet local medical need, help keep health care services available locally and improve hospital finances, and (2) implement new service lines by providing support for initial operating and equipment costs that provide participating hospitals the ability to build up patient volume for the new service line to

[1] In addition to the recipients included on Table 1, a FY 2024 supplement was provided to the Oklahoma Department of Mental Health and Substance Abuse Services (Award Number U2ZMC46641). This recipient has since relinquished their award and will not receive supplemental funds in FY 2026.

eventually become self-sustaining operations.

Thomas J. Engels,

Administrator.

[FR Doc. 2026–18518 Filed 9–10–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board (SDRAB).

This will be a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. To register for attending this meeting and it is required to attend, please use the following link: *https://events.gcc.teams.microsoft.com/event/e154949c-695b-4bc5-809f-490cb9277484@14b77578-9773-42d5-8507-251ca2dc2b06?source=copyLinkLegacyShareLinkDialog*.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: December 3, 2026.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: The purpose of this meeting is to seek guidance and gather input from the Sleep Disorders Research Advisory Board on research priorities conducted or supported by the Institute; to update the Advisory Board and public stakeholders on the progress of sleep and circadian research activities across NIH; and to discuss the status of the NIH Sleep Research Plan refresh.

Address: National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 407B, Bethesda, MD 20814.

Meeting Format: Virtual Meeting.

Contact Person: Marishka Brown, Ph.D., SDRAB Executive Secretary, Director, National Center on Sleep Disorders Research, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 407–B, Bethesda 20814–7952, 301–827–7822 *ncsdr@nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/sleep-disorders-research,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center on Sleep Disorders Research; 93.837, Cardiovascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 8, 2026.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–18615 Filed 9–10–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, October 28, 2026, 08:30 a.m. to October 28, 2026, 03:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on July 07, 2026, 91 FR 41646 Doc No. 128.

This notice is being amended to reflect the change in time from 8:30 a.m. to 3:00 p.m. to 10:00 a.m. to 1:00 p.m. The meeting will be open from 10 a.m.–12 p.m. and closed from 12:30 p.m.–1 p.m.

Dated: September 8, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–18513 Filed 9–10–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michael Patrick O'Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20892, (301) 867–5309, *oconnellmp@mail.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Imaging Technology Development Topics.

Date: October 15, 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: Sue Andersen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (301) 480–5404, *sue.andersen-navalta@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Integrated Approaches in Neurodegeneration.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National

Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–6813 *bernard.srambicalwilfred@nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Prevention Study Section.

Date: October 15–16, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Byung Min Chung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4056, *justin.chung@nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Clinical Integrative Cardiovascular and Hematological Sciences Study Section.

Date: October 15–16, 2026.

Time: 9:30 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: Marie-Luise Brennan, Ph.D., MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–0732, *marie-luise.brennan@nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.

Date: October 15–16, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Robin L. Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4933, *robin.thompson@nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

Date: October 19–20, 2026.

Time: 9:30 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Signaling, Development, Degeneration and Plasticity.

Date: October 19–20, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402–3726, *boycevs@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; R15 and R16 Applications in Interdisciplinary Biological Sciences.

Date: October 19, 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.

Date: October 19–20, 2026.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, *malaiyandilm@csr.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 8, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–18512 Filed 9–10–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, National Institute on Aging, October 27, 2026, 08:00 a.m. to October 29, 2026, 05:00 p.m., National Institutes of Health, Biomedical Research Center, 31 Center Drive, Baltimore, MD, 21224 which was published in the **Federal Register** on August 07, 2025, 14959 90 FR 38170.

This notice is being amended to reflect the change in meetings days from three to one day October 27–29, 2026, to October 28, 2026. The time will change from 8:30 a.m. to 3:00 p.m. to 3:00 p.m. to 5:00 p.m. The meeting format will adjust from in-person/virtual to virtual only. The meeting will be closed to the public from 3:00 p.m. to 3:15 p.m. Open session will be from 3:15 p.m. to 4:15 p.m. The meeting will conclude in closed session from 4:15 p.m. to 5:00 p.m. The meeting is partially closed to the public.

Dated: September 8, 2026.

Rosalind M. Niamke,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2026–18514 Filed 9–10–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6628–N–01]

Notice of Research Justifying Additional Incentives for Certain Activities To Reduce Homelessness

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice seeks public comment on activities HUD proposes to incent through the Continuum of Care (CoC) program. These activities are proven to be effective at reducing homelessness or preventing homelessness, and HUD invites public comment on these proposed activities before incenting communities to adopt them as part of their CoC funding applications.

DATES: Comments are due October 13, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding

this notice. All submissions must refer to the docket number and title. There are two methods for submitting public comments:

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *https://www.regulations.gov.*

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th St. SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Claudette Fernandez, General Deputy Assistant Secretary, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone 202–708–4300. (This is not a toll-free number.) HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

Purpose

The Continuum of Care (CoC) Program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 *et seq.*) (''the Act''). The purpose of this notice is to set forth HUD's determination regarding bonuses and other incentives for activities for the CoC Program in section 428 of the Act (42 U.S.C. 11386b).

Section 428(d)(1) of the Act (42 U.S.C. 11386b(d)(1)) authorizes the Secretary to provide bonuses or other incentives to geographic using CoC Program funds for activities ''proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals.'' Section 428(d)(2) provides that, ''[f]or purposes of this subsection, activities that have been proven to be effective . . . include[ ]'' permanent supportive housing, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems, and ''any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness.''

On August 7, 2026, the U.S. District Court for the District of Rhode Island held that HUD could not issue its FY 2026 Continuum of Care Competition and Youth Homeless Demonstration Program Grants Notice of Funding Opportunity (NOFO) without going through notice and comment under section 421(d)(2)(C) to establish a set-aside for transitional housing and ''supportive services only'' projects. *See* Memorandum and Order, *Washington* v. *HUD,* 1:26–cv–436 (D.R.I. Aug. 7, 2026); Memorandum and Order, *National Alliance to End Homelessness* v. *HUD,* 1:26–cv–439 (D.R.I. Aug. 7, 2026). HUD does not concede the lawfulness of those orders here, either implicitly or otherwise, and fully stands by its ability to implement all of the parts of its 2026 NOFO without going through notice and comment. HUD is publishing this notice to reinforce its ability to establish the set-aside and to add another means of promoting sound policies on specific services and program components such as supportive services and transitional housing.

The bonuses and incentives contemplated in section 428(d) are a subset of the allowable tools HUD has to issue set-asides, bonus awards, scoring criteria, certifications, and other competitive advantages that allow HUD to implement sound policies to further Congress's directive that HUD award grants ''on a competitive basis'' in furtherance of a ''national competition.'' Section 422 of the Act (42 U.S.C. 11382(a)); section 427(a) of the Act (42 U.S.C. 11386a(a)); *see also* section 427(b)(1)(G) of the Act (42 U.S.C. 11386a(b)(1)(G)) (allowing the Secretary of HUD to require ''such other factors . . . to carry this part in an effective and efficient manner'').

Generally, HUD uses these tools to ensure ''compliance with the program requirements . . . [and] selection criteria'' in sections 426 and 427 of the Act, and to ''establish priorities for funding projects in the geographic area involved.'' Section 403 of the Act (42 U.S.C. 11360a(f)(B)). HUD maintains that its set-asides, threshold criteria, merit criteria, certifications, and other challenged parts of the 2026 NOFO are lawful and not best characterized as bonuses or incentives under section 428(d) and (e) of the Act (42 U.S.C. 11386b(d), (e)). Nevertheless, HUD wishes to move forward with this notice identifying particular activities that are proven to be effective.

This notice announces specific activities the Secretary proposes to incentivize and makes available for notice and comment the research HUD is relying on in support of its determination that these activities are proven effective at reducing homelessness. HUD will review the public comments received and then, following the comment period, HUD will either publish revisions to the determination based on consideration of comments, or, if HUD determines that no revisions are needed, then HUD will adopt these determinations as part of future CoC funding opportunities.

Consistent with the statutory framework established by Congress, HUD seeks to ensure that communities utilize a balance of approaches and have access to the full range of eligible interventions authorized under the CoC Program. Ultimately, HUD aims to provide communities with greater flexibility to address local conditions, and advance the statutory goals of reducing homelessness, optimizing self-sufficiency, and minimizing trauma to homeless individuals and the community.

Determination

HUD has determined that the following activities constitute proven effective activities for purposes of section 428(d):

- Transitional housing with supportive services concentrating on improving employment income and meeting behavioral healthcare needs for homeless individuals and families, particularly for homeless youth, families, and survivors of domestic violence, including dating violence, sexual assault, and stalking.
- Supportive services for homeless individuals and families concentrating on improving employment income, meeting healthcare needs, treating substance use disorder and mental illness, and addressing barriers to self-sufficiency and housing through the provision of supportive services in housing, shelter, a standalone facility, or through street outreach.
- Supportive service participation agreements to engage program participants in unique, individualized services tailored to their needs and goals.
- Housing that supports treatment and recovery for homeless individuals with a substance use disorder or in recovery from a substance use disorder by providing drug-free housing, sober housing, and on-site behavioral healthcare and recovery support services.

• Coordination with law enforcement and first responders as crucial partners in addressing homelessness.

Transitional Housing, Supportive Services Only projects, and supportive services are existing eligible CoC costs and program components under 24 CFR 578.53 and 578.37(a)(2) and (3). Supportive service participation agreements and sober housing are existing eligible CoC models of service under 24 CFR 578.75(h) and 578.93(b)(5). As such, this determination does not establish new CoC Program components, create new eligible activities, or expand HUD's statutory authority. Rather, it reflects the Secretary's exercise of authority expressly provided by Congress to identify, based on research and after notice and comment, additional proven effective strategies under section 428(d)(2)(C).

Background

The McKinney-Vento Homeless Assistance Act established the CoC program to:

1. Promote community-wide commitment to the goal of ending homelessness;

2. Provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

3. Promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) of the Act (42 U.S.C. 11313(a)(7)) and programs funded with State or local resources; and

4. Optimize self-sufficiency among individuals and families experiencing homelessness.

Congress recognized that homelessness has many causes and affects varying subpopulations with unique needs. In establishing the program, Congress found that ''the causes of homelessness are many and complex'' and that ''there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals.'' Section 102 of the Act (42 U.S.C. 11301).

Consistent with this understanding, Congress authorized a range of program components and intervention strategies under the CoC program. HUD's regulations identify five eligible project components: Permanent Housing, including Permanent Supportive Housing and Rapid Re-Housing; Transitional Housing; Supportive Services Only; Homeless Management Information Systems; and Homelessness Prevention (24 CFR 578.37(a)). Together, these components were intended to create a balanced continuum of assistance.

Transitional Housing and Supportive Services, two of the five components, are neither new nor marginal activities. They are longstanding components of the Federal response to homelessness and have been funded through HUD homelessness assistance programs for decades. Transitional Housing is housing intended to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary. Section 401(31) of the Act (42 U.S.C. 11360(31)). By providing temporary housing and stability, Transitional Housing is intended to assist individuals and families in achieving and maintaining permanent housing, including market rate housing.

Supportive services are services that address the special needs of people served by a project and include childcare, job training, outpatient health services, case management, and other services necessary to obtain and maintain housing. Section 401(29) of the Act (42 U.S.C. 11360(29)). Under HUD's regulation, Supportive Services Only projects provide such services to unsheltered and sheltered homeless persons without providing housing or housing assistance through the project and may include street outreach activities. Supportive Services Only projects may also utilize eligible funds for facilities from which supportive services are provided, allowing communities to connect homeless individuals and families with services designed to promote housing stability and self-sufficiency.

Transitional Housing was incorporated into the Stewart B. McKinney Homeless Assistance Act of 1987 through HUD's Supportive Housing Demonstration Program, and HUD began funding transitional housing, permanent supportive housing, and related supportive services through that program in the late 1980s. In 1992, Congress made the program permanent as the Supportive Housing Program.[1]

The period beginning in 1994 also reflected changes in Federal assistance policy. In 1994, HUD began developing the CoC concept, and in 1996, began requiring communities to submit Supportive Housing Program applications through the CoC process. Separately, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 replaced Aid to Families with Dependent Children with Temporary Assistance for Needy Families, emphasizing work and time-limited assistance.[2] During the period that followed, transitional housing continued to be funded through the CoC Program and expanded substantially. HUD reports that approximately 4,400 transitional housing programs were operating in 1996, providing approximately 160,000 beds. By 2007, nearly 7,300 transitional housing programs were operating, providing approximately 211,000 beds.[3]

The HEARTH Act of 2009 revised and consolidated federal homelessness assistance programs and established the current CoC Program framework. That year, 36 percent of the national CoC award went to Transitional Housing or Supportive Services Only projects.[4] Beginning with the 2013 CoC NOFO, HUD dramatically de-prioritized Transitional Housing and Supportive Services Only projects. In recent NOFOs, HUD's funding competition has effectively not allowed any new Transitional Housing or Supportive Services Only projects.[5] In 2024, only 6 percent of the national award went to Transitional Housing or Supportive Services Only projects, compared with 36 percent in 2009.[6] Since 2013, the nationwide supply of Permanent Housing (Permanent Supportive Housing and Rapid Re-Housing) has increased 100 percent. During the same time, the nationwide supply of

[1] U.S. Dep't of Hous. & Urb. Dev., *Stewart B. McKinney Homeless Programs* (Dec. 12, 1995).

[2] U.S. Dep't of Health & Hum. Servs., Off. of the Assistant Sec'y for Planning & Evaluation, *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (Aug. 1996).

[3] Martha R. Burt, *Life After Transitional Housing for Homeless Families* (U.S. Department of Housing and Urban Development, Office of Policy Development and Research 2010), at xvi, *https://www.huduser.gov/portal/publications/pdf/LifeAfterTransition.pdf.*

[4] U.S. Dep't of Hous. & Urb. Dev., *HUD's 2009 CoC Assistance Programs Funding Awards—National 2009* (2009), *https://files.hudexchange.info/reports/published/CoC_AwardComp_NatlTerrDC_2009.pdf.*

[5] Recent NOFOs had no threshold criteria for Transitional Housing or Supportive Services Only projects other than Coordinated Entry, meaning no new Transitional Housing or Supportive Services Only projects were eligible for funding. *See* U.S. Dep't of Hous. & Urb. Dev., *Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants*, No. FR–6800–N–25, at 60–63 (July 31, 2024),

[6] U.S. Dep't of Hous. & Urb. Dev., *CoC Award Competition National, Territories, and DC 2024* (2024), *https://files.hudexchange.info/reports/published/CoC_AwardComp_NatlTerrDC_2024.pdf.*

Transitional Housing decreased 59.7 percent.[7]

The systematic defunding of Transitional Housing and Supportive Services Only projects can be attributed to HUD's 2013 implementation of a policy approach, generally referred to as ''Housing First.'' While definitions of the policy and its implementation differ, HUD has consistently described Housing First as ''rapid placement and stability in permanent housing in which admission does not have preconditions . . . and in which housing assistance is not conditioned upon participation in services.'' [8] In practice, HUD's implementation of the policy drew emphasis away from robust supportive services that were tied even to early iterations of the Housing First model, and replaced them with a single-minded focus on retention of housing subsidy.[9]

HUD's implementation of Housing First since 2013 has funded Permanent Housing to the exclusion of Transitional Housing and Supportive Services Only projects, and mandated ''fidelity'' to the Housing First model within CoC-funded projects.[10] While proponents claimed that Housing First would end all types of homelessness by 2020, the approach has profoundly failed to deliver on its promises.[11] After focusing on permanently subsidized housing with no conditions for more than a decade, homelessness reached the highest number ever recorded at the highest rate of increase ever recorded in 2024.[12] There are more people today than ever before who are dependent on indefinitely subsidized housing for homelessness.

Congress was clear that the ''causes of homelessness are many and complex'' and has no singular solution. Section 102(a) of the Act (42 U.S.C. 11301(a)). Consistent with this understanding, HUD finds that an exclusive focus on permanent housing, paired with HUD's 2013 Housing First mandate, has failed to adequately address this reality.

More than a decade since the enactment of the HEARTH and the Housing First policy shift, homelessness trends and stakeholder experience have prompted renewed examination of the role of the full range of interventions authorized under the Act.

The 2009 HEARTH Act requires the Secretary to ''provide bonuses or other incentives to geographic areas for using funding under this part for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals.'' Section 428(d)(1) of the Act (42 U.S.C. 11386b(d)(1)). Section 428(d)(2) further provides that, ''[f]or purposes of this subsection, activities that have been proven to be effective . . . includes'':

- Permanent supportive housing for chronically homeless individuals.
- For homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services.
- Any other activity determined by the Secretary, based on research and after notice and comment, to have been proven effective at reducing homelessness generally, reducing homelessness among a specific subpopulation, or achieving homeless prevention and independent living goals.

More than fifteen years after enactment of the HEARTH Act, HUD now has access to substantially more data, research, and program experience than was available when the current policy framework was first implemented. HUD has therefore undertaken a review of available evidence concerning the effectiveness of Transitional Housing, supportive services, participation requirements, recovery-oriented housing models, and related interventions.

HUD's investment in Permanent Supportive Housing, to the exclusion of other forms of assistance—including robust wraparound services—and other subpopulations, has not led to a reduction in chronic homelessness. Instead, chronic homelessness has increased 80.5 percent since 2013 to the highest number on record despite a 44 percent increase nationwide in Permanent Supportive Housing beds during the same period. Chronic homelessness is not the only subpopulation for which the ''proven effective strategies'' have yet to prove effective. Family homelessness has increased 4 percent, unsheltered homelessness has increased 36 percent, and homelessness generally has increased 27 percent even as the supply of Permanent Supportive Housing has increased 44 percent.[13] These outcomes underscore the need for additional strategies.

Permanent Supportive Housing and re-housing services for families are not tied to a Housing First approach in statute. Rather, HUD finds that both have failed to prove effective when implemented to the exclusion of other types of assistance and services, especially those proven to be effective for populations that are able to regain self-sufficiency. Further, HUD finds that the implementation of the 2009 activities has not adequately furthered the independent living goals established in section 428(d)(1) of the Act. That provision states that ''the Secretary shall provide bonuses . . . for activities that have been proven to be effective at . . . achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).'' The independent living goals set forth in section 427(b)(1)(F) are for homeless youth and families with children and include addressing:

- Chronic disabilities;
- Chronic physical health or mental health conditions;
- Substance use disorder;
- Histories of domestic violence or childhood abuse; and
- Barriers to employment.

HUD finds that these goals require interventions beyond permanent housing assistance alone. Employment-focused services, behavioral health services, substance use disorder treatment, recovery support services, participation agreements tailored to individual needs, and transitional housing assistance can address barriers to self-sufficiency and independent living in ways that an exclusive focus on permanent housing assistance

[7] U.S. Dep't of Hous. & Urb. Dev., *The 2025 Annual Homelessness Assessment Report (AHAR) to Congress: Part 1: Point-in-Time Estimates of Homelessness* (May 2026), *https://www.huduser.gov/portal/sites/default/files/pdf/2025-AHAR-Part-1.pdf.*

[8] U.S. Dep't of Housing & Urban Dev., *Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2024 and FY 2025 Continuum of Care Competition*, No. FR–6800–N–25, 17 (July 31, 2024), *https://www.hud.gov/sites/dfiles/CPD/documents/CoC/Foa_Content_of_FR-6800-N-25_1-9-download.pdf.*

[9] Covenant House Int'l, National Network for Youth & School House Connection, ''*To Become the Best Version of Myself*'': *Youth-Supportive Transitional Housing Programs as An Essential Resource for Addressing Youth Homelessness* 23 (2021), *https://www.covenanthouse.org/sites/default/files/2023-08/Transitional-Housing.pdf.*

[10] Off. of Cmty. Planning & Dev., U.S. Dep't of Hous. & Urb. Dev., *Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants* 86 (2024), *https://www.hud.gov/sites/dfiles/CPD/documents/CoC/Foa_Content_of_FR-6800-N-25_1-9-download.pdf.*

[11] Tina Trenkner, *Are Cities' Pledges to End Homelessness Working?*, Governing (Mar. 26, 2012), *https://www.governing.com/archive/gov-homelessness-rising-decade-after-pledges-to-end-it.html.*

[12] *2025 AHAR, supra* note 7.

[13] *2025 AHAR, supra* note 5, at 1, 29.

cannot. Recognizing these interventions as proven effective strategies will help advance the independent living goals identified by Congress and encourage communities to utilize a broader range of authorized interventions tailored to local needs and individual circumstances.

HUD acknowledges that a select subpopulation of homeless individuals are unlikely to regain self-sufficiency or independence and may require long-term assistance. However, there are countless individuals who, with supportive services and transitional housing, can become self-sufficient, and who deserve the opportunity to do so. HUD's past focus on permanently subsidized housing without conditions has failed to afford them that opportunity, and in doing so, has caused tremendous harm to vulnerable Americans.

For these reasons, HUD intends to implement the existing statutory strategies consistent with their original intents. Consistent with that goal, HUD is identifying activities that have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals listed above.

The research supporting the Secretary's determination draws on HUD administrative data, external research and evaluations, published studies, program experience, and stakeholder feedback. HUD's review of this evidence demonstrates that these activities warrant recognition as proven effective strategies under section 428(d)(2)(C). The stakeholder perspectives and research discussed below describe the evidence considered by HUD and are being made available for public review and comment consistent with section 428(d)(2)(C).

Stakeholder Perspectives And Feedback

As provided by statute, HUD is making available for notice and comment the research supporting its determination that the activities discussed below have been proven effective at reducing homelessness and achieving homeless prevention and independent living goals. In developing this determination, HUD undertook a preliminary process of eliciting comments and feedback from stakeholders and considered them as part of its review. This publication provides further opportunity for interested parties to submit comments, which HUD will review and consider upon final publication of this report.

In conducting its review, HUD considered available data and engaged with stakeholders, including CoC collaborative applicants, CoC recipients, faith-based organizations, service providers, healthcare providers, law enforcement, local elected officials, and individuals with lived experience. Over the last year, HUD hosted 58 homelessness forums in 32 states, sharing its intended policy direction, listening to feedback, and answering questions.

HUD also partnered with the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services (HHS) and the White House Office of National Drug Control Policy (ONDCP) to release a *Best Practices Toolkit: Addressing Homelessness and Addiction through ''Treatment First''* [14] (''Best Practices Toolkit''). The toolkit draws directly on a three-day White House summit with leading housing and service providers, law enforcement officers, medical personnel, addiction and mental health experts, and individuals with lived experience from across the country. The toolkit provides an extensively researched set of best practices for addressing homelessness among those with substance use disorders.

Several common themes emerged from HUD's engagement with stakeholders and informed HUD's review of additional strategies. These include:

- The value of and need for supportive services, including behavioral health services;
- The difficulty faced by new providers in receiving CoC funding in a system dominated by renewal projects;
- The benefits of partnerships with law enforcement and first responders to engage individuals in crisis with the goal of connecting them to services;
- The impact of the fentanyl crisis and substance use disorders in contributing to the loss of housing, perpetuating homelessness, and creating barriers to recovery and self-sufficiency; and
- The complex nature of underlying causes of homelessness beyond the loss of housing alone.

HUD does not create policy in a vacuum. In addition to direct stakeholder engagement, HUD considered developments in state and local homelessness policy across the country that reflect large-scale shifts in approaches to homelessness. It is evident that the status quo on Federal homelessness policy has not resulted in an America with fewer homeless individuals and families. The opposite is true. HUD and the Federal Government are far from the first to recognize this reality and the need for a new approach. Cities and states across the country have been reevaluating their approaches to homelessness in favor of public safety, accountability, self-sufficiency, and recovery for those who need it.

Examples of these policy shifts can be found in jurisdictions across the nation, including those where Housing First has been the dominant policy framework. San Francisco, California has increased law enforcement response to public illicit drug use, invested in housing conditioned on treatment and sobriety, and recently passed a drug-free housing ordinance.[15] California declared increased efforts to remove homeless encampments across the state.[16] Portland, Oregon has implemented a camping ban and invested heavily in short-term shelter and housing.[17] Anchorage, Alaska reported eliminating major homeless encampments for the first time in a decade following investments in behavioral health treatment and public safety partnerships.[18] The mayor of Houston, Texas declared he would be ''reclaiming our public spaces.'' [19] Seattle, Washington is making new investments, not in permanent supportive housing,

[14] U.S. Dep't of Hous. & Urb. Dev., *Best Practices Toolkit* (2026), *https://www.hud.gov/sites/default/files/Main/documents/Best-Practices-Toolkit.pdf.*

[15] Luz Pena, *SF Mayor Signs Legislation for Officers to Arrest Drug Users, Send Them to RESET Center*, ABC7 News (Feb. 17, 2026), *https://abc7news.com/post/san-francisco-mayor-signs-legislation-police-sheriff-deputies-arrest-drug-users-send-reset-center/18613975/*; Mayor Daniel Lurie, *Mayor Lurie Signs Legislation To Expand Drug-Free Permanent Supportive Housing, Building on Progress of Breaking the Cycle Plan*, City & Cnty. of S.F. (Feb. 17, 2026), *https://www.sf.gov/news-mayor-lurie-signs-legislation-to-expand-drug-free-permanent-supportive-housing-building-on-progress-of-breaking-the-cycle-plan.*

[16] Marisa Kendall, *Newsom Launches Task Force to Clear CA Homeless Encampments*, CalMatters (Aug. 29, 2025), *https://calmatters.org/housing/homelessness/2025/08/newsom-homeless-encampments-task-force/.*

[17] Michaela Bourgeois & Anthony Kustura, *Portland Resumes Homeless Camping Ban Enforcement, Focuses on Connecting Portlanders with Shelter*, KOIN 6 News (Oct. 30, 2025), *https://www.koin.com/news/portland/portland-resumes-homeless-camping-ban-enforcement-focuses-on-connecting-portlanders-with-shelter/.*

[18] Press Release, Anchorage Assembly, Chair Constant Statement on Homelessness Milestone (Mar. 3, 2026), *https://www.muni.org/Departments/Assembly/PressReleases/Pages/Chair-Constant-Statement-on-Homelessness-Milestone.aspx.*

[19] Dominic Anthony Walsh, *Mayor Whitmire Wants to 'End Homelessness' in Houston This Year. The Effort Faces Challenges*, Houston Public Media (Feb. 28, 2026), *https://www.houstonpublicmedia.org/articles/news/city-of-houston/2026/02/28/544667/homeless-houston-mayor-whitmire-policy/.*

but in shelter.[20] Multnomah County, Oregon is investing in sobering centers and recovery beds.[21]

Across the country, the intertwined realities of homelessness, addiction, and mental illness have become increasingly inescapable, driving communities to reconsider approaches that do not adequately address these challenges. This has contributed to growing dissatisfaction among communities and taxpayers with the broader policy approaches that have shaped the Nation's response to homelessness,[22] particularly as ever-increasing taxpayer investment has failed to alter the visible crisis on the streets. The persistence of these conditions has raised concerns that approaches focused primarily on housing placement, without addressing underlying behavioral health, substance use, and other barriers to stability, can leave individuals trapped in cycles of addiction and homelessness. With the right support, homeless individuals with addiction and mental illness can recover, achieve stability, and lead healthy lives in stable housing.

As the largest federal homelessness assistance program, the CoC Program plays a leading role in shaping homelessness policy across the nation. The perspectives and experiences shared with HUD reinforce the need for approaches that address homelessness through a broader range of interventions, including services, treatment, recovery, and pathways to self-sufficiency. The research and evidence discussed below further examine these approaches and provide the evidentiary basis for HUD's determination.

Research

Transitional Housing With Supportive Services

The McKinney-Vento Homeless Assistance Act defines Transitional Housing as ''housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.'' Section 402(31) of the Act (42 U.S.C. 11360(31)). One of the four objectives of the CoC Program is to ''optimize self-sufficiency'' among homeless individuals and families. Section 421(4) of the Act (42 U.S.C. 11381(4)). This objective is aided by Transitional Housing, which is one of five eligible project types under the CoC regulations and is a key component of the continuum of assistance (24 CFR 578.37) Congress established the Act to address the ''many and complex'' causes of homelessness and serve the ''diverse needs'' of each continuum's geographic area. Section 102(a)(3) of the Act (42 U.S.C. 11301(a)(3)).

Transitional Housing is particularly effective in addressing the needs of subpopulations including homeless youth, families with children, and survivors of domestic violence (DV), dating violence, sexual assault, and stalking. Together, these subpopulations make up a significant subset of the total homeless population.[23] For these and other populations, Transitional Housing can provide the time, stability, and intensive supportive services necessary to address barriers to employment, health, behavioral health, substance use, safety, and self-sufficiency while working toward stable housing.

HUD's recognition that Transitional Housing is an effective strategy is not new. In 2010, a HUD Policy Development and Research (PD&R) study stated that ''Transitional Housing has been an important element of the Department's efforts to respond to the housing needs of homeless families and individuals.'' [24] Despite being a key feature of Congress's design and HUD's implementation of the CoC Program, just three years later, HUD would pivot decisively against Transitional Housing, shifting resources toward Permanent Housing.

The effect of this policy shift on the availability of Transitional Housing has been substantial. The national supply of Transitional Housing has decreased approximately 60 percent since HUD first began collecting data in 2007.[25] In HUD's 2013 CoC NOFO, the Department dramatically de-prioritized Transitional Housing and Supportive Services Only projects. In recent NOFOs, HUD has effectively not allowed any new Transitional Housing or Supportive Services Only projects to compete for funding. Recent NOFOs had no threshold criteria for Transitional Housing or Supportive Services Only projects other than Coordinated Entry, meaning no new Transitional Housing or Supportive Services Only projects were eligible for funding.[26] Thus, Housing First very quickly became Housing Only. This historical divestment from Transitional Housing in favor of Permanent Housing has left vulnerable individuals without the necessary support and tools to become self-sufficient.

HUD now has substantially more performance data with which to assess that policy shift than it did when the shift occurred. The period from 2007 (when HUD first started collecting PIT count data) to 2013 provided approximately six years of national homelessness data before HUD began diverting resources away from Transitional Housing. During those first six years (2007 to 2013), homelessness decreased 8.8 percent. By contrast, during the last 13 years (2013 to 2026) of a near-exclusive focus on Permanent Housing, homelessness increased 27 percent, rising to highest recorded levels in 2024 and 2025.[27] Further, since 2013, HUD has chosen to distribute an average of only 5.45 percent of funding to new projects each year, severely limiting the funds available for new projects in favor of renewal projects.[28] It is well past time for HUD to recognize that funding Transitional Housing is a necessary part of the CoC Program.

The practical consequences of this shift in resources and attention away from case management and supportive services towards housing placements and retention were reflected by homelessness providers, one of which described the change as:

''*The [2013] shift in HUD funding to rapid rehousing programs was seismic for nonprofit organizations providing homeless services at the local level . . . Following the HUD money, emphasis in the field shifted to finding landlords willing to take a risk by renting to referrals from homeless services agencies instead of providing services.*

[20] Stephannie Stokes, *Next Homeless Shelter Village in Wilson's Surge to Be in South Seattle*, Seattle Times (May 7, 2026), *https://www.seattletimes.com/seattle-news/homeless/next-homeless-shelter-village-on-wilsons-surge-to-be-in-south-seattle/*.

[21] *County Investments Add More Than 250 Recovery and Stabilization Beds*, Multnomah Cnty. (Oct. 28, 2024), *https://multco.us/news/county-investments-add-more-250-recovery-and-stabilization-beds*.

[22] Will James, *Homelessness Continues to Get Worse. Should Seattle, and the U.S., Still Embrace 'Housing First'?*, KUOW (Jan. 8, 2025), *https://www.kuow.org/stories/housing-first-seattle-history-homelessness-homeless*.

[23] Unaccompanied youth and people in families with children accounted for approximately 35 percent of the 2025 Point-in-Time Count. *2025 AHAR, supra* note 7.

[24] Burt, *supra* note 3.

[25] U.S. Dep't of Hous. & Urb. Dev., *CoC Housing Inventory Count (HIC): National, Territories, and DC 2007* (2007), *https://files.hudexchange.info/reports/published/CoC_HIC_NatlTerrDC_2007.pdf*.

[26] *See* U.S. Dep't of Hous. & Urb. Dev., *FY 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants,* 89 FR 61,988 (July 31, 2024), *https://www.hud.gov/sites/dfiles/CPD/documents/FY2024_FY2025_CoC_and_YHDP_NOFO_FR-6800-N-25.pdf*.

[27] *2025 AHAR, supra* note 7.

[28] U.S. Dep't of Hous. & Urb. Dev., *CoC Award Summary Reports by Component and Project Type* (2007–2024), HUD Exchange (last visited Sept. 1, 2026), *https://www.hudexchange.info/programs/coc/awards-by-component/*.

Service providers, encouraged by HUD, eliminated case manager positions and hired housing locators instead.'' [29]

HUD has found that the exclusion of Transitional Housing and resulting imbalance in the CoC Program has prevented communities from executing the core purposes of the program—to reduce homelessness and optimize self-sufficiency. Transitional Housing should be recognized as one strategy, among others, to address homelessness and promote independent living.

A. Transitional Housing for Youth Subpopulation

For subpopulations such as homeless youth, data indicate that Transitional Housing leads to positive outcomes for housing stability and employment. Research shows high rates of unemployment among homeless youth and negative outcomes in safety, stability, and self-sufficiency associated with unemployment.[30] A study published in *Social Science and Medicine* found that a temporary housing and supportive services intervention was effective in promoting stabilization among the young individuals included in the study.[31] The authors also stated that research shows permanent supportive housing for homeless youth is ''associated with worse employment outcomes, probably due to disincentives to work.'' [32]

A 2016 study published in *Pediatrics* evaluated outcomes of homeless youth with mental illness receiving a ''Housing First'' intervention compared with treatment as usual. Notably, the ''Housing First'' intervention was ''combined with assertive community treatment or intensive case management,'' which is a level of service uncommon in CoC housing assistance. Even with that additional service component, the ''Housing First'' intervention was associated with lower rates of employment and higher rates of ''leisure''—two measures that do not indicate progress toward self-sufficiency for working age youth.[33]

Evidence from Transitional Housing programs presents a different picture. A study by *Covenant House International* found that among youth exiting Transitional Housing programs across 15 U.S. cities, 73 percent exited to stable housing and 69 percent were employed or in school upon exit. Among youth who remained in Transitional Housing for at least one year, these percentages increased to 83 percent and 75 percent respectively.[34] These outcomes are particularly relevant to the CoC Program's statutory objective of optimizing self-sufficiency and underscore the value of pairing housing assistance with supportive services focused on employment, mental health, substance use treatment, and recovery in addressing youth homelessness.

The continued demand for Transitional Housing among youth is evident in HUD's program data. Of the limited supply of Transitional Housing and Supportive Services Only projects that remain in the CoC Program, a significant portion are dedicated to youth. Nearly 16 percent of Transitional Housing awards and 33 percent of Supportive Services Only awards in FY24 were youth projects.[35]

B. Transitional Housing for Domestic Violence Survivor Population

For the population of individuals and families impacted by domestic violence, dating violence, sexual assault, and stalking, Transitional Housing is a key tool for providing community and support to recover and regain self-sufficiency in a safe environment. According to the *2025 National Network to End Domestic Violence* National Summary, 71 percent of programs providing services to survivors provided emergency shelter, while 39 percent provided ''Transitional or Other Housing.'' Nevertheless, demand for temporary housing continued to exceed available resources, as the majority of unmet requests were for ''emergency shelter, hotels, motels, transitional housing, and other housing.'' [36]

The Department of Justice's Office on Violence Against Women likewise identified ''widespread shortages in emergency shelters, transitional housing, and long-term affordable housing'' in a January 2025 report.[37] The report further identified the need for partnerships with law enforcement and substance use disorder treatment and recovery programs to ''deliver comprehensive, wraparound services'' for survivors.[38] These sources indicate that short- to medium-term shelter and housing assistance, coupled with supportive services, remains a critical gap in existing resources available to survivors and their families. For survivors, these documented needs highlight the importance of preserving access to Transitional Housing as part of a broader continuum of housing and supportive services.

C. Transitional Housing for Families With Children Subpopulation

For families with children, research, including HUD's Family Options Study, supports the provision of short- to medium-term housing assistance paired with robust services.[39] In a 2025 study published in *Social Science & Medicine*, researchers conducted a randomized controlled trial and evaluated the longitudinal impacts of a ''temporary housing and supportive services'' model compared with ''housing only'' among homeless young mothers.[40] The study found that a 3-month temporary housing and supportive services intervention was ''powerful to promote mothers' stabilization'' and produced consistently positive outcomes in housing, employment, and survival behaviors compared with ''housing only.''

Similar findings in favor of housing paired with supportive services were found in a 2023 study in the *Journal of Substance Abuse Treatment*, which examined outcomes of young homeless mothers with substance use disorders.[41] The randomized controlled trial found that mothers receiving housing paired with supportive services were more likely to maintain or reduce substance use and increase self-efficacy compared with mothers receiving housing alone or services as usual. Together, these findings suggest that supportive services are particularly important when

[29] Covenant House Int'l, *supra* note 9.

[30] Natasha Slesnick, Jing Zhang & Tansel Yilmazer, *Employment and Other Income Sources Among Homeless Youth*, 39 J. Primary Prevention 247, 247–62 (2018), *https://doi.org/10.1007/s10935-018-0511-1*.

[31] Jing Zhang et al., *Housing Stability, Employment, and Survival Behaviors Among Young Mothers Experiencing Homelessness: A Randomized Controlled Trial of a Housing Intervention*, 366 Soc. Sci. Med. 117658 (2025), *https://doi.org/10.1016/j.socscimed.2024.117658*.

[32] *Id.*

[33] Nicole Kozloff et al., ''*Housing First*'' *for Homeless Youth with Mental Illness*, 138 Pediatrics, no. 4, e20161514 (2016), *https://housingfirst.wp.tri.haus/assets/files/2016/12/HF-for-homeless-youth-with-mental-illness.pdf*.

[34] Covenant House Int'l, *supra* note 9, at 23.

[35] *CoC Award Competition 2024, supra* note 6.

[36] Nat'l Network to End Domestic Violence, *20th Annual Domestic Violence Counts Report: National Summary* (2026), *https://nnedv.org/wp-content/uploads/2026/03/20th-Annual-DV-Counts-Report-National-Summary-FINAL-EN.pdf*.

[37] U.S. Dep't of Just., Off. on Violence Against Women, *30 Years of the Violence Against Women Act: A Legacy and Future of Safety and Justice* 14 (2025), *https://www.justice.gov/ovw/media/1385701/dl?inline*.

[38] *Id.*

[39] U.S. Dep't of Hous. & Urb. Dev., *The Family Options Study*, HUD User, *https://www.huduser.gov/portal/family_options_study.html*.

[40] Zhang et al., *supra* note 31.

[41] Natasha Slesnick et al., *Housing and Supportive Services for Substance Use and Self-Efficacy Among Young Mothers Experiencing Homelessness: A Randomized Controlled Trial*, 144 J. Substance Abuse Treatment 108917 (2023), *https://doi.org/10.1016/j.jsat.2022.108917*.

providing housing to young mothers with substance use disorders.

D. Transitional Housing and Supportive Services Provision

HUD also finds that some of the early concerns that drove the de-prioritization of Transitional Housing were too narrowly focused on immediate costs driven by service intensity, rather than on long-term outcomes those services can deliver. The higher levels of supportive services provided in Transitional Housing, and the associated costs, were one of the primary drivers of HUD's shift away from Transitional Housing. In a 2010 PD&R research report, HUD posed the question, ''Should transitional housing continue to be emphasized as an option for all homeless?'' [42] The report noted that ''transitional housing is the most expensive model [compared to shelter and Permanent Supportive Housing],'' but also recognized that it frequently offered ''more privacy and a comprehensive range of on-site services.'' The report also noted ongoing decreases in chronic homelessness from 2007 to 2009. Despite these positive outcomes, HUD's consideration of immediate costs subsequently led to a significant expansion of Permanent Supportive Housing, while failing to provide the appropriate level of Transitional Housing with supportive services. As a result, since 2013, the Federal Government has provided approximately $36 billion in CoC funding to address homelessness. Yet approximately 155,000 more people are homeless today than in 2013—a 26.3 percent increase.

There is clear and consistent research demonstrating the value of Transitional Housing paired with supportive services, particularly for subpopulations such as youth, families with children, and DV survivors. Transitional Housing is distinguished from other forms of housing assistance by its ability to pair housing with a more robust provision of supportive services.[43] The evidence demonstrates that the effectiveness of Transitional Housing is largely dependent on the provision of those services, including treatment, job training, recovery support, and case management. The need for these services is also consistently self-reported by homeless individuals and is discussed in detail below.[44]

Taken together, the research, data, and program experience demonstrate that Transitional Housing, particularly when paired with robust supportive services, advances housing stability, self-sufficiency and the independent-living objectives established by Congress. Research and program experience indicate that Transitional Housing is especially effective for populations including youth, families with children, and survivors. HUD further finds that the substantial reduction in Transitional Housing capacity since 2013 has limited communities' access to a congressionally authorized intervention designed to facilitate the transition to permanent housing while addressing barriers to self-sufficiency. Recognizing Transitional Housing as eligible for bonuses and incentives restores a critical component of the continuum that Congress authorized, and gives communities greater flexibility to respond to local needs.

Supportive Services and Participation Agreements

HUD finds that supportive services, and participation agreements designed to engage program participants in those services, are critical components of an effective response to homelessness. One of the primary purposes of the CoC program is to optimize self-sufficiency. Section 421 of the Act (42 U.S.C. 11381). Through incentives and bonuses for supportive services and participation agreements, CoCs will have increased opportunities to prioritize and invest in projects that advance treatment, recovery, and economic independence based on individual need.

HUD recognizes that not every CoC Program participant will be able to return to self-sufficiency. However, everyone deserves the opportunity to do so. Among the estimated 745,000 homeless individuals and families in the U.S., and the more than 500,000 living in housing for the homeless, many have the potential to achieve recovery, employment, independence, and self-sufficiency when provided the appropriate tools, services, and support, including those who have been chronically homeless.

HUD's performance data suggests that the CoC Program has struggled to advance the statutory objective of optimizing self-sufficiency. HUD data reveals low rates of increased employment income and exits to unsubsidized housing. As of 2023, a median of only 6 percent of individuals in CoC-funded housing across the nation increased their earned employment income during that reporting period. By comparison, 33 percent increased their benefits and welfare income.[45] Nationwide, 76.1 percent of Permanent Supportive Housing residents are under age 65 and 17.4 percent under age 18.[46] Yet 38.8 percent of households stay in Permanent Supportive Housing for five or more years, and the number of households staying for five or more years increased 30 percent between 2019 and 2022. Only 13.2 percent of all Permanent Supportive Housing households exited their housing in a twelve-month reporting period as of 2022. Of those exits, only 12.9 percent, or 1.7 percent of total participating households, were to unsubsidized housing. Under Housing First policy, the tragic reality is that nearly twice as many exits were due to death, with the death rate nearly doubling in recent years.[47]

After more than a decade of Federal homelessness policy emphasizing permanent housing, coupled with HUD's typical past practice of renewing 85 to 95 percent of projects every year at the expense of supporting new households, these outcomes show that housing alone is insufficient to address the behavioral health, substance use, employment, and other barriers that contribute to homelessness and impede long-term stability and self-sufficiency. Supportive services provide a critical means of addressing those barriers and helping individuals achieve self-sufficiency. Individualized supportive services can help individuals pursue recovery, greater independence, stability, dignity, and personal goals, while supporting each individual according to their circumstances and capacity for self-sufficiency.

The need for supportive services is clear and widely supported. As described below, data shows that homeless individuals frequently

[42] U.S. Dep't of Hous. & Urb. Dev., *Bridging the Gap: Homelessness Policy*, 1 Insight, no. 1, 2011, at 1, *https://www.huduser.gov/portal/periodicals/insight/insight_1.pdf*.

[43] *What is a Continuum of Care?*, Nat'l Alliance to End Homelessness (Jan. 14, 2010), *https://endhomelessness.org/resources/policy-information/what-is-a-continuum-of-care/*.

[44] Univ. of Cal., San Francisco, Benioff Homelessness & Hous. Initiative, *California Statewide Study of People Experiencing Homelessness, https://homelessness.ucsf.edu/our-impact/studies/california-statewide-study-people-experiencing-homelessness*.

[45] Office of Special Needs Assistance Programs, U.S. Dep't of Housing and Urban Dev., *Continuum of Care (CoC) System Performance Measures Data Since FY 2015* (Excel data file) (2025), *https://files.hudexchange.info/resources/documents/System-Performance-Measures-Data.xlsx*.

[46] U.S. Dep't of Hous. & Urb. Dev., *The 2022 Annual Homelessness Assessment Report (AHAR) to Congress, Part 2: Annual Estimates of Sheltered Homelessness in the United States* 105 (2024), *https://www.huduser.gov/portal/sites/default/files/pdf/AHAR-Part-2-2022.pdf*.

[47] *Id.* at 106.

identify social, health, and income-related challenges as causes of their loss of housing, highlighting the needs for services that address these underlying challenges.

A. Prevalence of Substance Use Disorder, Mental Health Conditions, and Unemployment Among the Homeless Population

A 2023 University of California San Francisco study found that homeless individuals point to social and health factors as contributing to their loss of housing more frequently than economic factors. When asked to report the reasons for leaving their last housing, the authors found that 95 percent report a social or health reason compared to 47 percent reporting an economic reason. Among economic factors, loss of income was the most cited—almost twice as common as ''housing costs were too high.'' [48]

According to multiple comprehensive studies detailed below and HUD's own Point-In-Time Count data, homeless individuals self-report high rates of substance use disorders. Within HUD-funded Permanent Supportive Housing, 41 percent of adult-only households self-report a substance use disorder. One CoC-funded provider in a large urban setting reported that 68 percent of residents in their CoC-funded housing have a substance use disorder. Among unsheltered homeless individuals, 75 percent report substance abuse and 51 percent report that substance abuse contributed to their loss of housing.[49] Rates of alcohol use disorder are two to four times higher among the homeless population than the general population.[50] A 2023 study found that 29 percent of homeless individuals reported regularly using amphetamines, cocaine, or non-prescribed opioids in the six months leading up to their loss of housing.[51] Of individuals reporting regular drug use, 20 percent reported wanting treatment but being unable to receive it.[52] SAMHSA's national Treatment Episode Data Set shows that more than 1 in 5 treatment admissions in the U.S. reported being homeless at treatment admission in 2024, a significant overrepresentation compared to the general population.[53]

Unemployment rates among the homeless population are also significantly higher than among the general population. In addition to reporting ''loss of income'' as the most common economic factor behind their loss of housing, only 18 percent of homeless individuals in the University of California San Francisco study reported income from jobs. Of that share, only 8 percent reported income from formal employment.[54] A significant 70 percent of homeless individuals reported at least two years since the last time they worked for 20 hours or more per week.[55] Among homeless youth, the unemployment rate is reportedly as high as 75 percent compared to 16 percent among the general population of youth.[56]

Taken together, these studies demonstrate the breadth of challenges homeless individuals face and the need for a wide array of supportive services that address more than housing alone. By advancing a narrow focus on Permanent Housing at the expense of a broader array of strategies and services, HUD finds that the CoC Program has not adequately acknowledged and addressed these needs.

B. Value and Effectiveness of Supportive Services

In recognizing the need for services related to behavioral health needs among the homeless population, HUD looks to SAMHSA as an operator of federal programs designed to address these challenges. SAMHSA's homelessness programs include outreach, case management, mental and substance use disorder treatment, peer support, and employment readiness services.[57] According to SAMHSA, the effectiveness and need for case management for homeless individuals and families is well established:

The need for case management with this population is obvious. Clients need suitable short- and long-term housing; many have mental disorders. Homeless individuals frequently suffer from significant health problems secondary to their lifestyle, including tuberculosis, HIV, and AIDS. Unemployment is high. This constellation of tangible needs can best be addressed by one individual at the interface between the streets and social service agencies.[58]

For health outcomes in particular, a SAMHSA Advisory details the effectiveness of case management:

Multiple analyses (Joo & Huber, 2015; Kirk et al., 2013; Penzenstadler et al., 2017; Rapp et al., 2014; Regis et al., 2020) have found positive outcomes [of case management] for one or more measures, such as treatment adherence, overall functioning, costs, decreases in substance use, reductions in acute care episodes, and increased engagement in nonacute services. A 2019 meta-analysis comparing case management with treatment as usual showed a small yet statistically significant positive effect, which was greater for treatment-related tasks than for personal functioning outcomes such as improved health status and family relations and reductions in substance use and legal involvement (Vanderplasschen et al., 2019).

SAMHSA's Projects for Assistance in Transition from Homelessness (PATH) program provides services to homeless individuals with substance use disorders or mental illness. These services include behavioral healthcare, outreach, case management, and job training.[59] Combining these approaches has proved effective in the PATH program. In the most recent evaluation data, homeless participants emphasized the value of case management, transportation assistance, documentation support, housing navigation, and behavioral health linkages.[60]

[48] Margot Kushel & Tiana Moore, *Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness* 38 (2023), *https://homelessness.ucsf.edu/sites/default/files/2026-04/CASPEH_Report_62023_v4.pdf.*

[49] Janey Rountree et al., *Health Conditions Among Unsheltered Adults in the U.S.* 5 (2025), *https://capolicylab.org/wp-content/uploads/2025/11/Health-Conditions-Among-Unsheltered-Adults-in-the-US.pdf;* UCSF Benioff Homelessness & Housing Initiative, *supra* note 33, at 43.

[50] Ctr. for Substance Abuse Treatment, *Comprehensive Case Management for Substance Abuse Treatment,* Treatment Improvement Protocol (TIP) Series, No. 27, HHS Pub. No. (SMA) 15–4215 (2015), *https://library.samhsa.gov/sites/default/files/sma15-4215.pdf.*

[51] Kushel & Moore, *supra* note 48.

[52] *Id.*at 8.

[53] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Treatment Improvement Protocol (TIP) Series 27, Comprehensive Case Management for Substance Abuse Treatment, HHS Pub. No. (SMA) 15–4215 (2015), *https://www.samhsa.gov/data/sites/default/files/reports/rpt57179/2024-teds-annual-report.pdf.*

[54] Kushel & Moore, *supra* note 48.

[55] *Id.*

[56] Slesnick, Zhang & Yilmazer, *supra* note 30.

[57] Substance Abuse & Mental Health Servs. Admin., *Grant Programs and Services for Homelessness, https://www.samhsa.gov/communities/homelessness-programs-resources/grants.*

[58] *Comprehensive Case Management for Substance Abuse Treatment, supra* note 50.

[59] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Residence of Individuals Experiencing Homelessness Prior to Enrollment in the Projects for Assistance in Transition from Homelessness Program: Findings from the 2023 PATH Evaluation, CBHSQ Spotlight, Pub. No. PEP25–07–001 (Mar. 2025), *https://www.samhsa.gov/data/sites/default/files/reports/rpt56240/PATH-clients-resid-prior-to-enroll.pdf.*

[60] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Projects for Assistance in Transition from Homelessness (PATH) Program: FY 2022–2024 Triennial Process Evaluation Highlights (June 2026), *https://www.samhsa.gov/data/sites/default/files/reports/rpt57148/2025%20PATH%20Triennial%20Eval%20Report.pdf.*

SAMHSA's Certified Community Behavioral Health Clinics (CCBHCs) provide mental health and substance use care to local communities including homeless individuals. An impact report found that all CCBHCs throughout the country serve homeless individuals, with 13 percent of CCBHCs reporting that more than 25 percent of their clients are homeless. The certification criteria for CCBHCs include:

Targeted case management to ''*assist people receiving services in sustaining recovery and gaining access to needed medical, social, legal, educational, housing, vocational and other services and supports,*'' *and that this service should be provided during* ''*critical periods, such as episodes of homelessness or transitions to the community from jails or prisons*'' [61]

A 2021 SAMHSA report examined research and best practices on integrating employment with substance use disorder treatment and recovery. Underscoring the important role of employment opportunities and job training as supportive services, the authors state that ''work is one of the best predictors of positive outcomes for individuals with substance use disorder.'' [62] Those positive outcomes include lower rates of recurrence, higher rates of abstinence from substance use, and more successful transition from long-term residential treatment back into the community.

A wide array of supportive services is therefore foundational to addressing behavioral health challenges and reducing associated homelessness. The SAMHSA/HUD/ONDCP *Best Practices Toolkit* details the practices commonly employed by leading experts in the country.[63] The experts who informed the toolkit agreed on a set of core program elements including ''self-sufficiency as the central goal,'' ''structure and routine,'' ''learning and skill building,'' ''individualized care planning,'' and ''understanding employment readiness as a mechanism for building self-esteem and self-efficacy.'' The toolkit identifies a series of services phased by levels of readiness from ''crisis'' to ''thriving,'' including healthcare, crisis stabilization, inpatient and outpatient treatment, community recovery support services, housing options, employment support, education, transportation, case management, and legal services.

Research indicates that housing paired with supportive services delivers better outcomes than ''housing only.'' [64] A 2010 paper on support for homeless families separated services for homeless families into Tiers of increasing intensity including housing, employment, child care, healthcare, transportation, basic services for children, education, mental health services, and family support.[65] The authors note that ''without services, many families will fall back into homelessness or remain isolated in permanent housing.'' According to the National Center on Family Homelessness, Health Care for the Homeless Clinician's Network, ''all programs serving homeless families and children should provide a core group of support services central to stabilizing families and improving their wellbeing.'' [66]

HUD's eligible supportive services costs and Supportive Services Only project component play critical roles in addressing the unique needs of homeless individuals and families. Supportive Services Only projects may include child care, health clinics, mobile dental clinics, legal services, licensed apprenticeship programs, and many other standalone services or services provided in shelters for sheltered and unsheltered homeless individuals. By increasing bonuses and incentives for the provision of supportive services, HUD intends to better advance community-wide commitments to reducing homelessness and optimizing self-sufficiency.

C. Supportive Service Participation Agreements

One way to advance both recovery and economic self-sufficiency is through participation requirements. HUD seeks to provide bonuses and incentives for CoCs and providers who demonstrate successful implementation of supportive service participation requirements. Service participation requirements have been successfully employed in many federal social service programs and have strong bipartisan support.[67]

In 2022, HUD's PD&R published an issue of its *Evidence Matters* newsletter on the topic of Housing First.[68] When describing Housing First, the authors focus heavily on the ''no preconditions'' aspect of the model rather than the ''no participation requirements.'' The study cited by HUD in *Evidence Matters* compared Pathways to Housing to ''treatment first'' programs that preconditioned housing on treatment. In fact, the *Evidence Matters* report acknowledged that the first program to implement Housing First—Pathways to Housing—initially required program participants to agree to two staff visits per month. This example illustrates that Housing First did not preclude participation requirements. Today, HUD finds that the weakness in the nation's homelessness system is not that too few entities condition assistance on sobriety, but rather that too few entities create the accountability and structure needed to help an individual recover or a young person to finish school and find meaningful employment. Participation requirements such as these, when determined appropriate by the provider, are the type of requirements for which HUD seeks to provide incentives and bonuses.

The subject matter experts informing the *Best Practices Toolkit* collectively agree that structure and routine are fundamental to addressing homelessness and addiction, and HUD finds that healthy structure is furthered by required engagement in services such as case management to build individualized service plans. In SAMHSA's PATH program, program participants, the majority of which were living in unsheltered situations at program entry, specifically emphasized the value of case management services provided under the program.[69]

HUD has previously acknowledged the value of required engagement in case management. In the development of the interim CoC rule, HUD stated that ''its experience with the Supportive Housing and Shelter Plus Care

[61] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Hum. Servs., * Improving Housing Stability for People with Behavioral Health Needs Through the CCBHC Model *, Pub. No. PEP26–01–016 (June 2026), *https://library.samhsa.gov/sites/default/files/improving-housing-stability-ccbhc-pep26-01-016.pdf.*

[62] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Substance Use Disorders Recovery with a Focus on Employment and Education, Pub. No. PEP21–PL–Guide–6 (Mar. 2021), *https://library.samhsa.gov/sites/default/files/pep21-pl-guide-6.pdf;* Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Advisory: Integrating Vocational Services into Substance Use Disorder Treatment (Based on TIP 38), Pub. No. PEP20–02–01–019 (Jan. 2021), *https://library.samhsa.gov/sites/default/files/pep20-02-01-019.pdf.*

[63] *Best Practices Toolkit, supra* note 14.

[64] Zhang et al., *supra* note 31.

[65] Ellen L. Bassuk, Katherine T. Volk & Jeffrey Olivet, *A Framework for Developing Supports and Services for Families Experiencing Homelessness,* 3 Open Health Servs. & Pol'y J. 34, 34–40 (2010), *https://homelesshub.ca/wp-content/uploads/2023/12/eyn4xm01.pdf.*

[66] *Id.*

[67] Cicero Inst., *National Crime Poll* (2025), *https://ciceroinstitute.org/research/national-crime-poll/.*

[68] Office of Policy Dev. & Research, U.S. Dep't of Housing & Urban Dev., *Evidence Matters: Transforming Knowledge into Housing and Community Development Policy* (Spring/Summer 2023), *https://docs.huduser.gov/archives/portal/sites/default/files/pdf/EM-Newsletter-spring-summer-2023.pdf.*

[69] *Triennial Process Evaluation, supra* note 60.

programs'' led HUD to determine that ''programs should require *at least* case management for some initial period after exiting homelessness.'' As a result, the interim CoC rule requires participants in Rapid Re-Housing to meet with a case manager at least once a month (24 CFR 578.37(a)(1)(ii)(F)).

Opponents of participation requirements argue that participation is more meaningful if the choice to participate is entirely optional. It is certainly the case that individual choice is critical to success. In fact, HUD finds that well-designed participation requirements empower individual choice while pairing it with accountability, which is critical to achieving personal goals. The HUD Veteran Affairs Supportive Housing (HUD–VASH) program for homeless Veterans is an example of case management requirements delivering effective outcomes in reducing homelessness and resolving barriers to housing stability.

HUD finds that HUD–VASH demonstrates the efficacy of housing assistance tied to participation in case management and services. HUD–VASH implementation guidance updated in 2024 directs the provision of ''regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed'' and states that, ''*as a condition* of rental assistance, a HUD–VASH eligible veteran must receive the case management services noted above, as needed.'' [70]

One study of homeless veterans with a dual diagnosis (substance use disorder and mental health) utilizing HUD–VASH found that individuals who expressed disinterest in participating in supportive services at entry, yet who were determined by case managers to need services, were ''almost 6 times more likely to experience residential instability than others.'' [71] This finding supports the reality of gaps between perceived and actual needs, and suggests that deferring to perceived need may result in negative housing outcomes. Participation requirements based on individual need are a tool to promote individual engagement in services necessary for housing stability.

Unlike every other subpopulation of homelessness, Veteran homelessness has decreased significantly year-over-year for the last two decades. The HUD–VASH program provides evidence that assistance conditioned on participation in services works on a national scale, not just an individual one.

Drug Free and Sober Housing

Housing assistance in the CoC Program should be conducive to recovery rather than to substance use. As discussed in the preceding section, homeless individuals self-report substance use and substance use disorders at high rates and frequently identify addiction as a contributing factor to their loss of housing. For individuals with substance use disorders, housing environments matter. Research on sober living environments has found that housing settings can either support or hinder recovery and that the social and physical environment through which services are delivered plays an important role in recovery outcomes. Access to living environments that support recovery is therefore an important component of an effective response to homelessness. The evidence discussed below demonstrates both the need for recovery-oriented housing environments and the effectiveness of drug-free and sober housing as tools to advance recovery, housing stability, and self-sufficiency.

A. Demonstrated Need for Drug-Free Housing

Individuals in recovery, or working towards sobriety, deserve safe living environments that support rather than undermine that effort. HUD has considered input from individuals with lived experience in recovery and from service providers, who consistently report that living environments must be conducive to recovery rather than detrimental to it.

HUD finds that drug-free housing advances the safety, recovery, and self-sufficiency of individuals and families served by the CoC Program. Further, the prevalence of illicit drug use and distribution in CoC housing is detrimental to the success and well-being of individuals and the surrounding community.

The subject matter experts, including individuals with lived experience, who informed the *Best Practices Toolkit* collectively determined that ''substance free living spaces'' are a fundamental component of programs addressing homelessness and addiction because they help ''ensure daily safety and set conditions for ongoing success.''

The need for recovery-oriented housing environments is evident in the high prevalence of substance use disorder among homeless individuals and those living in housing assistance for the homeless. According to HUD data, 41 percent of adult-only households in CoC-funded Permanent Supportive Housing self-report a substance use disorder. One CoC-funded provider in Philadelphia reported that 68 percent of residents in CoC-funded housing have a substance use disorder and 97 percent have either a mental health condition or a substance use disorder.

The prevalence of substance use disorder is reflected in alarming rates of overdose deaths. Studies examining overdose deaths among homeless individuals consistently find rates far exceeding those of the general population. According to a 2022 JAMA study, deaths among homeless individuals in San Francisco ''more than doubled to 331 deaths during the first year of the COVID–19 pandemic, driven by a large increase in overdose deaths.'' [72] In Boston, the opioid overdose fatality rate among the homeless population increased by more than 1400 percent between 2013 and 2018.[73] The homeless population's overdose fatality rate was 12 times higher than the general population in Massachusetts from 2003 to 2018. In Los Angeles County in 2024, the overdose fatality rate among homeless individuals was 46 times higher than among the general population.[74] The results of ignoring the prevalence of substance use disorder and overdose among homeless individuals are deadly. Yet, addiction is a treatable chronic disease and recovery is possible when people are provided the right supports and environment for their recovery to flourish.[75]

According to HUD data, 19.5 percent of exits from Permanent Supportive Housing among adults living alone are due to death. Between 2019 and 2022, the share of adults living alone who died while residing in Permanent Supportive Housing increased from 13 percent of exits to 20 percent, while the total number of deaths increased by 31 percent.[76]

[70] Section 8 Housing Choice Vouchers: Revised Implementation of the HUD-Veterans Affairs Supportive Housing Program, 89 FR 65769 (Aug. 13, 2024).

[71] Russell K. Schutt et al., Explaining Service Use and Residential Stability in Supported Housing: Problems, Preferences, Peers, 59 Med. Care S117, S117–S123 (2021), *https://doi.org/10.1097/MLR.0000000000001498*.

[72] Caroline Cawley et al., *Mortality Among People Experiencing Homelessness in San Francisco During the COVID–19 Pandemic,* 5 JAMA Network Open e221870 (2022).

[73] *Id.*

[74] L.A. Cnty. Dep't of Pub. Health, *Final PEH Report 2026—Lives Lost: Mortality Trends and Prevention Opportunities for People Experiencing Homelessness in LA County, 2015–2024* 2 (2026), *http://publichealth.lacounty.gov/chie/reports/Homeless_Mortality_Report_2026.pdf*.

[75] What is the Definition of Addiction | American Society of Addiction Medicine

[76] U.S. Dep't of Hous. & Urb. Dev., * The 2022 Annual Homelessness Assessment Report (AHAR)

Continued

Local data further underscore the severity of the challenge. According to reporting on data from the San Francisco Medical Examiner's Office between 2020 and 2025, 23 percent of overdose deaths in San Francisco occurred inside Permanent Supportive Housing.[77] During the first four months of 2025, 30 percent of overdose deaths occurred inside Permanent Supportive Housing, compared with 20 percent outdoors and 3.5 percent in shelters.[78] In response to the tragedy of overdose deaths inside of housing for the homeless, the City and County of San Francisco recently passed an ordinance prohibiting illicit drug use and distribution in city-funded Permanent Supportive Housing.[79]

The City of Seattle reported a 282 percent increase in overdose deaths in King County's Permanent Supportive Housing (and other subsidized housing) between 2020 and 2023.[80] The report from the City Auditor states that, in 2023, overdose fatalities in King County among those living in Permanent Supportive Housing for the homeless made up 21 percent of all overdose fatalities in the County, just 3 percent less than both unsheltered and emergency shelter combined.[81]

In New York, a 2023 focus group of residents in Permanent Supportive Housing identified that overdose was a significant concern within Permanent Supportive Housing and ''created significant trauma for tenants and staff'' and that this was true despite ''heterogeneity in Permanent Supportive Housing buildings' current overdose prevention efforts and adoption of harm reduction principles.'' [82] The study drew out a subtheme that ''tenants using drugs alone behind closed doors was a common factor in overdose deaths.'' [83] Further, in 2023, overdose fatalities in single room occupancies (SROs) or ''supportive housing'' comprised 10 percent of all overdose fatalities in New York City, while just 4 percent occurred in shelters.[84] Taken together, these findings demonstrate that overdose fatalities are disproportionately high among homeless individuals and that the Permanent Supportive Housing environment may be more dangerous than shelter settings.[85]

These findings underscore the need to consider the environment in which housing assistance is provided, particularly for individuals in recovery. HUD's stakeholder engagement highlighted the importance of living environments that are conducive to recovery. Individuals in recovery and their families deserve access to safe housing environments free from substance use and distribution.

Drug-free housing is required by federal law and not a new strategy. Communities that had previously turned a blind eye to drug use within housing settings in the name of ''harm reduction'' are increasingly revisiting those policies and expanding recovery-focused options, evidenced by a resurgence in drug-free housing as a proven effective model. One example is San Francisco. When residents of the city were asked if all new Permanent Supportive Housing for the homeless should ''prohibit the use of illicit drugs on-site, and mandate the inclusion of recovery-focused options for those seeking to maintain their sobriety,'' 69 percent of participants responded affirmatively.[86] According to members of the San Francisco Board of Supervisors, ''26 percent of overdose deaths occurred in Permanent Supportive Housing, a higher percentage than in shelters, hospitals, private homes, or on the street.'' The Supervisors find that ''the externalities that arise from residents' illicit drug use overburden the City's public health and public safety resources . . . diminishing San Franciscans' confidence in their city government's response to homelessness overall.'' [87] On the basis of this data, the San Francisco Board of Supervisors passed legislation requiring city-funded Permanent Supportive Housing to be drug-free.[88]

B. Value and Effectiveness of Sober Housing

HUD distinguishes between drug-free housing and sober housing. Drug-free housing prohibits the use and distribution of illicit drugs on the premises and is consistent with longstanding federal law regarding drug-involved premises. Drug-free housing does not prescribe sobriety or regulate the behavior of program participants off premises. Sober housing is an extension of drug-free housing, designed specifically for individuals living in recovery, and is described by SAMHSA as ''a safe and supportive alcohol- and drug-free residence where people can live, build stability, and work toward independence.'' [89] SAMHSA distinguishes sober housing as requiring ''a commitment to not use alcohol or illicit drugs'' and requiring ''engagement in recovery supports.'' [90] Sober housing builds upon the concept of drug-free housing by providing an environment intentionally structured to support recovery, personal responsibility, and long-term stability. This is in direct contrast to SAMHSA's characterization that Permanent Supportive Housing ''does not require a person to engage in services, reduce substance use, or otherwise demonstrate their readiness to live independently.'' [91]

Importantly, sober housing is not a novel concept within federal homelessness policy. The CoC

---

to Congress: Part 2: Estimates of Homelessness in the United States * 106 (2022), *https://www.huduser.gov/portal/sites/default/files/pdf/AHAR-Part-2-2022.pdf.*

[77] Susan Dyer Reynolds, *Housing First, Morgue Second,* The Voice of San Francisco (Aug. 28, 2025), *https://thevoicesf.org/housing-first-morgue-second/.*

[78] Matt Dorsey (@MattDorsey), X (June 10, 2025, 12:36 a.m. UTC), *https://x.com/mattdorsey/status/1932235329777574029.*

[79] San Francisco Mayor's Off., *Mayor Lurie Signs Legislation to Expand Drug-Free Permanent Supportive Housing, Building on Progress of Breaking the Cycle Plan* (July 29, 2026), *https://www.sf.gov/news-mayor-lurie-signs-legislation-to-expand-drug-free-permanent-supportive-housing-building-on-progress-of-breaking-the-cycle-plan.*

[80] Seattle Off. of City Auditor, *Addressing Places in Seattle Where Overdoses and Crime are Concentrated: An Evidence-Based Approach* (2024), *https://www.seattle.gov/documents/departments/cityauditor/auditreports/overdoseandcrimeconcentrationsaudit.pdf.*

[81] *Id.*

[82] Marina Gaeta Gazzola et al., *Understanding Overdose Risk and Response in Permanent Supportive Housing: Results of Focus Groups with Tenants, Staff, and Leaders,* 20 Addiction Science & Clinical Practice 91 (2025), *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC12664209/.*

[83] *Id.*

[84] N.Y.C. Dep't of Health & Mental Hygiene, Epi Data Brief No. 142, *Unintentional Drug Poisoning (Overdose) Deaths in New York City in 2023* 9 (2024), *https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief142.pdf.*

[85] By contrast, data in Los Angeles is limited. When evaluating overdose fatalities among homeless individuals in Los Angeles County, the public health department removed fatalities in Permanent Supportive Housing from their findings. *See* Los Angeles County Department of Public Health, *Final PEH Report 2026—Lives Lost: Mortality Trends and Prevention Opportunities For People Experiencing Homelessness in LA County, 2015–2024* (2026), *http://publichealth.lacounty.gov/chie/reports/Homeless_Mortality_Report_2026.pdf.*

[86] Matt Dorsey (@MattDorsey), X (July 9, 2026, 3:13 p.m. UTC), *https://x.com/mattdorsey/status/2075236928061120931.*

[87] Office of S.F. Supervisor Matt Dorsey, *Drug-Free Supportive Housing: Legislative Handout* (July 2026), *https://acrobat.adobe.com/id/urn:aaid:sc:us:5d606903-bc3b-44eb-a55e-379476539368.*

[88] *Mayor Lurie Signs Legislation, supra* note 79.

[89] Press Release, U.S. Dep't of Health & Human Servs., *SAMHSA Awards More Than $45 Million in Supplemental Funding to Support Young Adult Sober Housing Services* (Sept. 23, 2025), *https://www.hhs.gov/press-room/samhsa-awards-45-million-funding-support-sober-housing-services.html.*

[90] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., *Housing Supports Recovery and Well-Being: Definitions and Shared Values,* Pub. No. PEP24–08–007 (Dec. 2024), *https://library.samhsa.gov/sites/default/files/housing-supports-pep24-08-007.pdf.*

[91] *Id.*

regulations at 24 CFR 578.93(b)(5) expressly contemplate sober housing, and HUD's determination intends to further incentivize and provide bonuses for the provision of an already authorized intervention.

Research demonstrates that sober housing produce positive outcomes across a wide range of measures.[92] According to a 2025 systematic literature review, individuals in sober housing had better outcomes in substance use, employment, income, and criminal justice involvement when compared to those who continued care as usual or received no intervention.[93] The Oxford House model, a sober living environment in which individuals share and self-govern their housing, is one example of these benefits. In a study that compared outcomes over 24 months, study participants who were assigned to Oxford House sober living homes (SLHs) had significantly lower substance use, significantly higher monthly income, and significantly lower incarceration rates than participants assigned to usual-care (*i.e.,* outpatient treatment or self-help groups).[94]

One study found that sober living residents not only experienced substantial reductions in substance use by six months that were maintained at twelve months, but also showed significant improvement or ''maintained low baseline levels of severity in substance use, employment, and legal problems.[95] A 2023 paper in the journal of *Addiction Research and Theory* found similar results: [96]

Three large-scale studies of sober living homes in Northern California and Southern California have demonstrated improved outcomes of individuals in these settings. The first study tracked functioning of 300 individuals residing in 20 different SLHs over an 18-month period. Results showed significant improvement on a wide variety of variables including alcohol and drug use, 6-month abstinence rates, alcohol and drug related problems, psychiatric symptoms, employment, and arrests (Polcin, Korcha, Bond, & Galloway, 2010a; Polcin, Korcha, Bond, & Galloway, 2010b). The second study assessed substance use, HIV risk and other outcomes among persons entering houses who are on probation or parole (N=330); some of whom were recruited from houses that were randomized to have participant receive a motivational interviewing and case management intervention. This study found that at 6- and 12-month follow-up, residents in both groups reported significant improvement on measures of substance abuse, criminal justice involvement, HIV risk, and employment (Polcin, Korcha, Witbrodt, Mericle, & Mahoney, 2018). The third study is currently focusing on the role of the social environment within sober living houses and neighborhood environments surrounding them with respect to resident outcomes. As part of this study, the researchers developed the Recovery House Environment Scale (RHES), which was developed by the research team to assess issues that are central to social model recovery. Higher scores on the RHES have been found to be positively associated with length of stay and negatively associated with days of substance use (Polcin, Mahoney, & Mericle, 2021). Results from this work highlight the importance of the social environment in sober living houses, particularly those most closely aligned with social model recovery principles.

Taken together, the evidence demonstrates that sober housing is a proven and effective strategy for addressing substance use disorder and advancing self-sufficiency. Research consistently shows that residents of sober housing experience improved substance use outcomes, higher rates of employment and income, greater housing stability, and reduced criminal justice involvement. These findings are particularly significant given the high prevalence of substance use disorder among homeless individuals and the devastating toll of overdose deaths documented throughout this notice. Treatment and supportive services are important components of recovery and long-term stability, but the living environment also matters. For individuals seeking sobriety, structured, drug-free settings that provide accountability, peer support, and stability can create the conditions necessary for long-term success. HUD therefore finds that sober housing should be encouraged as part of a comprehensive continuum of care and intends to further incentivize both sober housing and drug-free housing as a means to advancing recovery and self-sufficiency.

Law Enforcement and First Responders as Crucial Partners

Safety and security for all members of the public, especially the unsheltered homeless population, are essential to promoting a community-wide commitment to ending homelessness and minimizing the trauma caused to individuals, families, and communities by homelessness. The McKinney-Vento Act recognizes not only the trauma caused to individuals and families, but also the trauma to ''communities'' (42 U.S.C. 11381(2)). Homelessness does not occur in a vacuum, and its effects—particularly unsheltered homelessness in public spaces—impact the entire community.[97] HUD intends to create incentives and bonuses to encourage CoCs to assist in reducing the trauma associated with living on the streets or in encampments, and with related public illicit drug use and other criminal activity, including through partnerships with law enforcement, first responders, and other public safety agencies.

A. Need for Public Safety Partnerships

Firefighters, emergency medical personnel, police officers, co-response social workers and clinicians, mobile crisis teams, and crisis intervention teams play an important role in engaging individuals in the midst of a mental health or substance use disorder crisis.[98] By providing emergency services, first responders often witness and respond to the impacts of encampments and public drug use in a way that service providers simply do not. They also witness and respond to the impact of homelessness on non-homeless members of the community.[99]

[92] Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., *Best Practices for Recovery Housing,* HHS Pub. No. PEP23–10–00–002 (2023), *https://library.samhsa.gov/sites/default/files/best-practices-for-recovery-housing-pep23-10-00-002.pdf.*

[93] Corrie L. Vilsaint et al., Recovery Housing for Substance Use Disorder: A Systematic Review, 13 Frontiers Pub. Health 1506412 (2025), *https://doi.org/10.3389/fpubh.2025.1506412.*

[94] Leonard A. Jason et al., Communal Housing Settings Enhance Substance Abuse Recovery, 96 a.m. J. Pub. Health 1727, 1727–29 (2006), *https://doi.org/10.2105/AJPH.2005.070839.*

[95] Douglas L. Polcin et al., Recovery from Addiction in Two Types of Sober Living Houses: 12-Month Outcomes, 18 Addiction Rsch. & Theory 442, 442–55 (2010), *https://doi.org/10.3109/16066350903398460.*

[96] Amy A. Mericle et al., *Social Model Recovery and Recovery Housing,* 31 Addiction Rsch. & Theory 370, 370–77 (2023), *https://doi.org/10.1080/16066359.2023.2179996.*

[97] Marc Cota-Robles, *Los Angeles Post Office Parking Lot Overrun by Homeless Encampment,* ABC7 Los Angeles (Apr. 2, 2026), *https://abc7.com/post/los-angeles-post-office-parking-lot-overrun-homeless-encampment/18826260/.,* Bonny Chu, *Horror Video Captures Repeat Offender Allegedly Attacking 75-Year-Old Woman, Gouging Her Eye With Spiked Stick,* Fox News (May 24, 2026), *https://www.foxnews.com/us/horror-video-captures-repeat-offender-allegedly-attacking-75-year-old-woman-gouging-her-eye-spiked-stick.*

[98] Substance Abuse & Mental Health Servs. Admin., *2025 National Guidelines for a Behavioral Health Coordinated System of Crisis Care* (2025), *https://library.samhsa.gov/sites/default/files/national-guidelines-crisis-care-pep24-01-037.pdf.*

[99] Sam DiGiovanna, A Growing Trend of Fires-the Homeless, Cal. State Firefighters' Ass'n (June 22,

Continued

As a result, first responders possess unique insight into both the needs of homeless individuals and the broader community impacts associated with homelessness.

Public camping and public illicit drug use often exist in a self-perpetuating cycle. Open-air drug markets frequently emerge in and around public encampments, and existing drug markets can themselves attract and sustain encampments.[100] HUD's research found that, in at least one well-known example, the existence of a readily accessible open-air heroin market directly contributed to the formation and continued existence of a large homeless encampment despite the availability of shelter beds elsewhere. More broadly, the prevalence of substance use disorders among the unsheltered population, combined with the lack of law enforcement, treatment, and services can create environments where illicit drug use and distribution become pervasive. As a result, encampments often function not only as places of habitation, but also as places where substance use, overdose, and criminal activity occur in concentrated form. ''Open air drug markets'' threaten public safety and hurt residents, tourists, and local businesses, while perpetuating harmful cycles of addiction and instability.[101] Unchecked public camping and public drug use inhibit nonprofit providers, outreach workers, and local governments' abilities to connect individuals with effective interventions and undermine broader efforts in reducing homelessness.

The harms of unchecked encampments and public drug use particularly impact the most vulnerable subpopulations, such as children and survivors of domestic violence and trafficking.[102] In 2024, there were 18,557 people in families with children experiencing unsheltered homelessness on a single night in January.[103] These are families with children whose primary nighttime location is somewhere such as a car, the street, a public park, a train station, or an encampment. Data shows that adverse childhood experiences, including lack of housing and exposure to substance use and domestic violence, are associated with increased occurrences of homelessness, addiction, and mental illness in adulthood.[104]

Encampments also expose homeless individuals and surrounding communities to heightened risks of violence, victimization, overdose, and other threats to public safety. As unsheltered homelessness increased in King County, Washington, gun crimes tied to homeless encampments increased by 122 percent in the first six months of 2022. Between 2017 and 2020, 50 percent of all arrests in Portland, Oregon were of homeless individuals despite the homeless population making up only 2 percent of the total population. In New York City, drug overdoses were the most common cause of death among homeless individuals between 2018 and 2021, with deaths doubling during that period.[105] One study indicates that in some states, as many as half of unsheltered homeless individuals are registered sex offenders.[106]

While these realities do not suggest that the entire homeless population is engaged in criminal or illicit activity, they demonstrate that unchecked encampments are associated with crime. At the same time, research indicates that homeless individuals are victims of crime at higher rates than the general public.[107] Gun violence, fatal drug overdoses, exploitation, and sexual assault inflict profound harm and trauma on homeless individuals and families and further perpetuate the cycles of homelessness. Tragically, the violence and harm have become so commonplace that outreach providers have described the discovery of human remains in encampments as an ''expectation.'' [108]

These realities underscore that minimizing the trauma caused by homelessness requires addressing unsheltered homelessness and encampments, where individuals live in dangerous environments while the surrounding communities face the consequences of those conditions.[109] Public safety agencies and first responders are therefore crucial partners in identifying individuals in crisis, responding to dangerous situations, and connecting people to appropriate services and supports.

B. Value and Effectiveness of Public Safety Partnerships

The *Best Practices Toolkit,* shaped by subject matter experts from across the country in coordination with HUD, HHS/SAMHSA, and ONDCP, offers a model for homeless encampment response that recognizes the important role of law enforcement and first responders. According to the toolkit:

People living in encampments face serious, at times life-threatening, challenges, including untreated mental illness, substance use disorders, physical health conditions due to unsanitary and unsafe conditions, limited healthcare access, and long histories of trauma. The traditional response of allowing the growth of homeless encampments has not produced lasting solutions and often worsened outcomes for both individuals and neighborhoods.

The toolkit recognizes that effective encampment response requires coordination among outreach workers, housing providers, behavioral health professionals, first responders, and public safety agencies. Rather than treating homelessness solely as a housing issue, the toolkit advances an

2023), *https://www.csfa.net/a-growing-trend-of-fires-the-homeless/.*

[100] Rebecca Cohen, Will Yetvin & Jill Khadduri, *Understanding Encampments of People Experiencing Homelessness and Community Responses: Emerging Evidence as of Late 2018* (U.S. Dep't of Hous. & Urb. Dev., Office of Policy Development & Research Jan. 7, 2019).

[101] Makenna Marks, *Open-Air Drug Market in Downtown Portland Hurting Local Businesses,* KPTV FOX 12 Oregon (Nov. 22, 2024), *https://www.kptv.com/2024/11/22/open-air-drug-market-downtown-portland-hurting-local-businesses/.*

[102] Charlie Harger, *This kid's going to die': Neighbors say 9-year-old abandoned in tent off Aurora. CPS claims he's not in danger,* KIRO (Dec. 19, 2025), *https://mynorthwest.com/seattles-morning-news/9-year-old-tent-aurora/4174872;* Melissa Henry, *'Prostitution, drugs, human trafficking': Colorado Springs business owner calls on leaders to address homelessness problems,* KKTV (Nov. 7, 2025), *https://www.kktv.com/2025/11/08/prostitution-drugs-human-trafficking-colorado-springs-business-owner-calls-leaders-address-homelessness-problems/.*

[103] *2024 AHAR Part 1, supra* note 40.

[104] Megan Burgasser, *Adverse Childhood Experiences Tied to Higher Homelessness,* UC News (May 12, 2025), *https://www.uc.edu/news/articles/2025/05/adverse-childhood-experiences-tied-to-higher-homelessness.html.*

[105] Robert G. Marbut et al., *How Congress Can Reform Government's Misguided Homelessness Policies: Real Solutions for Mental Illness, Drug Addiction, and Crime Cannot Be Found in Housing Subsidies Alone* 4 (2022), *https://www.discovery.org/m/securepdfs/2022/10/How-Congress-Can-Reform-Governments-Misguided-Homelessness-Policies-20221011.pdf.*

[106] Cicero Inst., *Sex Offenders: An Overlooked but Significant Subpopulation of the Homeless* (2024), *https://ciceroinstitute.org/research/sex-offenders-an-overlooked-but-significant-subpopulation-of-the-homeless/.*

[107] San Diego Cnty. Dist. Att'y, *DA Shares First-of-Its Kind Crime Data, Proposes Three-Point Plan to Address Intersection of Crime and Homelessness* (Mar. 21, 2022), *https://www.sdcda.org/content/MediaRelease/Homeless%20Data%20and%20Plan%20News%20Release%20FINAL%203-21-22.pdf.*

[108] Frank Sumrall, *Volunteer Group Finds Human Remains in Seattle Park: 'It's Now an Expectation',* MyNorthwest (Jan. 9, 2024), *https://mynorthwest.com/local/volunteer-group-human-remains-seattle-park-its-now-an-expectation/3947793.*

[109] Nina Joudeh and Jamie Paige, *Deadly Bacteria at a Bay Area Homeless Encampment Sparks Urgent Calls for Action,* N.Y. Post (Jan. 17, 2026), *https://nypost.com/2026/01/17/us-news/deadly-bacteria-at-a-bay-area-homeless-encampment-sparks-urgent-calls-for-action/.*

integrated approach designed to improve outcomes for individuals while restoring safety and order in surrounding communities.

One example of a successful coordinated approach is the Homeless Outreach Services Team (HOST), which integrates specialized law enforcement teams with housing and services providers. HOST has achieved full resolution of over 1,500 encampments with no arrests, no use of force, and no litigation.

Well-designed approaches to disincentivize public camping results in treatment and shelter beds being filled, not jail cells. Under the Safer Kentucky Act of 2024, 92 percent of unlawful camping charges filed in the first year were non-jailable first offenses.[110] These engagements were opportunities to identify behavioral health or other challenges and for the provision of services, rather than efforts to incarcerate. According to one report, 150 cities in 32 states have passed ordinances banning or restricting public camping with California having the largest share.[111] Restrictions on public camping can be a critical tool to match individual needs with appropriate levels of care.[112]

These public-safety approaches to homelessness are also broadly supported by the public. According to national polling conducted in 2025, there is strong bipartisan support for public camping bans and stricter enforcement of drug laws. Not only do nearly two-thirds of voters oppose allowing homeless individuals to camp on public property, but 75 percent of voters found that it was more compassionate to move individuals into shelters rather than allowing camping. When shelters are unavailable, 70 percent supported designated temporary camping areas with sanitation, water, and police services away from residential and business areas, rather than unmanaged encampments. Further, voters were in favor of stricter drug enforcement near service providers, with 63 percent supporting increased criminal penalties for drug trafficking around homelessness facilities.'' [113] Together, these findings suggest that public safety-oriented approaches can help communities address homelessness in ways that align with both public safety concerns and public expectations.

C. Results of Public Safety-Oriented Approaches

Advancing public safety policies that identify people with behavioral health needs and connect them to services has been shown to decrease homelessness. Two years after the City of Austin reinstated a ban on public camping, unsheltered homelessness decreased by one-third.[114] Several years after Colorado Springs restricted public camping near creeks and waterways, unsheltered homelessness decreased by 19 percent.[115] In March 2026, Anchorage leaders announced that the city had no major homeless encampments for the first time in over a decade, attributing the milestone to deliberate ''a policy choice'' to ''pair public safety, outreach, shelter access, housing placement, and behavioral health investment.'' [116]

Taken together, the evidence demonstrates that law enforcement, firefighters, emergency medical personnel, crisis response teams, and other first responders are indispensable partners in addressing unsheltered homelessness, behavioral health crises, and the public safety challenges associated with homelessness. These professionals are often the first to encounter homeless individuals experiencing crisis, addiction, mental illness, victimization, or medical emergencies and are uniquely positioned to connect individuals with appropriate services and levels of care. HUD therefore finds that partnerships between CoCs, first responders, law enforcement agencies, and state and local governments are a proven and effective strategy for reducing homelessness, minimizing trauma, improving public safety, and advancing community-wide commitments to recovery, stability, and self-sufficiency.

Ronald J. Kurtz,

Assistant Secretary for Community Planning and Development.

[FR Doc. 2026–18555 Filed 9–10–26; 8:45 am]

BILLING CODE 4210–67–P

[110] Paul Webster and Caleb Jacobs, *Safer KY Act isn't cruel. It's a solution that's working. | Opinion,* Courier Journal (Mar. 24, 2026), *https://www.courier-journal.com/story/opinion/contributors/2026/03/24/safer-kentucky-act-homelessness-camping-ban-jail-law-enforcement/89199931007/?gnt-cfr=1&gca-cat=p&gca-uir=false&gca-epti=z1188xxp002450n11----l115650c11----e1188xxv003344&gca-ft=142&gca-ds=sophi.*

[111] Robbie Sequeira, *Many More Cities Ban Sleeping Outside, Despite a Lack of Shelter Space,* Stateline (Jan. 27, 2025), *https://stateline.org/2025/01/27/many-more-cities-ban-sleeping-outside-despite-a-lack-of-shelter-space/.*

[112] Devon Kurtz, *With Louisiana Homeless Bill, Democrats Once Again Smear Sensible Policy as Jim Crow,* The Federalist (Apr. 27, 2026), *https://thefederalist.com/2026/04/27/with-louisiana-homeless-bill-democrats-once-again-smear-sensible-policy-as-jim-crow/.*

[113] Cicero Inst., *National Crime Poll* (Oct. 2025), *https://ciceroinstitute.org/research/national-crime-poll/.*

[114] Katy McAfee, Ben Thompson, *Austin's Homeless Population Dispersing After 2 Years of Camping Ban Enforcement,* Community Impact (May 25, 2023), *https://communityimpact.com/austin/central-austin/city-county/2023/05/25/austins-homeless-population-dispersing-after-2-years-of-camping-ban-enforcement/.*

[115] Brief of Amicus Curiae Cicero Institute in Support of Petitioner at 14, *City of Grants Pass* v. *Johnson,* 603 U.S. 643 (2024) (No. 23–175).

[116] Anchorage Assembly, *Chair Constant Statement on Homelessness Milestone* (Mar. 3, 2026), *https://www.muni.org/Departments/Assembly/PressReleases/Pages/Chair-Constant-Statement-on-Homelessness-Milestone.aspx.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–13; OMB Control No. 2502–0616]

60-Day Notice of Proposed Information Collection: Manufactured Home Construction and Safety Standards Act Park Model RV Exemption Notice

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* November 10, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Room 9139–37, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Room 9139–37, Washington, DC 20410–5000; email Darian.*Ziegler@hud.gov,* telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an

accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available supporting documents for the proposed collection may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Manufactured Home Construction and Safety Standards Act Park Model RV Exemption Notice.

OMB Approval Number: 2502–0616.

OMB Expiration Date: January 1, 2027.

Type of Request: Renewal of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: For recreational vehicles that are exempt from HUD regulation as manufactured homes, HUD requires certification with either the American National Standards Institute's (ANSI) standard for Park Model Recreational Vehicles (PMRV), A119.5–15 or the National Fire Protection Association's NFPA 1192, Standard on Recreational Vehicles, 2015 Edition. PMRVs built to ANSI A119.5–15 may exceed the RV exemption's 400 square foot threshold, a manufacturer must post notice in the home that the structure is only designed for recreational purposes and is not designed as a primary residence or for permanent occupancy. The Recreation Vehicle Industry Association's (RVIA) current seal does not satisfy HUD's standard for the manufacturer's notice. HUD requirements provide specifics regarding the content and prominence of the notice and which requires the notice to be prominently displayed in the unit and delivered to the consumer before the sale transaction is complete, regardless of whether the transaction occurs online or in-person. PMRV manufacturers will satisfy this requirement with two printed sheets of paper per PMRV: One in the kitchen, and one delivered to the consumer before the transaction.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 26.

Estimated Number of Responses: 4,659 per annum.

Frequency of Response: Approx. 179.

Average Hours per Response: 20 seconds.

Total Estimated Burden: 26 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–18541 Filed 9–10–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2026–2971; FXES11140800000–267–FF08ECAR00]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for Woodward 46 Specific Plan Project, City of San Marcos, CA; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from Cornerstone Communities, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally threatened coastal California gnatcatcher incidental to construction of the Woodward 46 Specific Plan Project, in the City of San Marcos, San Diego County, California. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the National Environmental Policy Act (NEPA), Department of the Interior's (DOI) NEPA regulations, and the DOI NEPA Departmental Handbook. To make this preliminary determination, we prepared a joint draft environmental action statement and low-effect screening form, which is also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before October 13, 2026.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–R8–ES–2026–2971.

Submitting Comments: All submissions must include the Docket No. [FWS–R8–ES–2026–2971] for this document. You must submit comments using one of the following methods:

- *Online:* Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R8–ES–2026–2971.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R8–ES–2026–2971; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Snyder, Acting Field Supervisor, Carlsbad Fish and Wildlife Office, *jonathan_d_snyder@fws.gov*

(email) or 760–431–9440 ext. 307 (telephone). Individuals in the United States who are deaf, blind, 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:

Proposed Action

We, the U.S. Fish and Wildlife Service (Service), have received an application from Cornerstone Communities, LLC (applicant) for a 10-year incidental take permit (ITP) for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential ''take'' of the threatened coastal California gnatcatcher (gnatcatcher; *Polioptila californica californica*) associated with the construction of the Woodward 46 Specific Plan Project, in the City of San Marcos, San Diego County, California. In support of the application, the applicant prepared a draft HCP pursuant to section 10(a)(1)(B) of the ESA. The proposed action consists of the Service's issuance of an ITP and implementation of the proposed HCP.

Our Preliminary Determination

The Service has made a preliminary determination that the Service's issuance of the proposed ITP would individually and cumulatively have a minor effect on the gnatcatcher and the human environment. Therefore, we have preliminarily determined that the proposed action may qualify for application of a categorical exclusion pursuant to the National Environmental Policy (NEPA; 42 U.S.C. 4321 *et seq.*), the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Handbook (516 DM 1).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public at any time. If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, 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. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (43 CFR part 46).

Jonathan Snyder,

Acting Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service.

[FR Doc. 2026–18564 Filed 9–10–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Land Use Application and Permit

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes extending an information collection.

DATES: Interested persons are invited to submit comments on or before October 13, 2026.

ADDRESSES: Written comments and recommendations for this information collection request (ICR) 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: To request additional information about this ICR, contact Jeff Holdren by email at *jholdren@blm.gov,* or by telephone at (703) 360–9739. 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. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data is provided in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 19, 2026 (91 FR 13323). No comments were received in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is especially interested in public comments addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency could minimize the burden of the collection of information on those who are to respond, 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 response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number,

email address, or other personally identifying information (PII) in your comment, you should be aware that your entire comment, including your PII, may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM uses the information to determine whether private citizens, State and local governments, and businesses are qualified to use, occupy, or develop the public lands under certain conditions. The land uses that may be authorized are agricultural development, residential, recreation concessions, business, industrial, and commercial. This OMB control number is currently scheduled to expire on September 30, 2026. The BLM request that OMB renew this OMB control number for an additional three (3) years.

Title of Collection: Land Use Application and Permit (43 CFR part 2920).

OMB Control Number: 1004–0009.

Form Numbers: Form 2920–1.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, State and local

governments, and businesses that wish to use public lands.

Total Estimated Number of Annual Respondents: 407.

Total Estimated Number of Annual Responses: 407.

Estimated Completion Time per Response: Varies from 1 to 120 hours,

depending on activity.

Total Estimated Number of Annual Burden Hours: 2,455.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $145,760.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2026–18595 Filed 9–10–26; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0006; DS63644000 DRT000000.CH7000267D1113RT OMB Control Number 1012–0009]

Agency Information Collection Activities: 30 CFR Part 1220, OCS Net Profit Share Payment Reporting

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), ONRR is proposing to renew an information collection. Through this Information Collection Request (ICR), ONRR seeks renewed authority to collect information necessary to determine net profit share payments due the United States pursuant to Outer Continental Shelf (OCS) oil and gas leases.

DATES: You must submit your written comments on or before October 13, 2026.

ADDRESSES: All comment submissions must (1) reference ''OMB Control Number 1012–0009'' in the subject line; (2) be sent to ONRR before the close of the comment period listed under **DATES**; and (3) be sent using the following method:

- *Electronically via the Federal eRulemaking Portal:* Please visit *https://www.regulations.gov*. In the Search Box, enter the Docket ID Number for this ICR renewal (ONRR–2011–0006) and click ''search'' to view the publications associated with the docket folder. Locate the document with an open comment period and click the ''Comment'' button. Follow the prompts to submit your comment prior to the close of the comment period.
- *Email Submissions:* Please submit your comments to *ONRR_RegulationsMailbox@onrr.gov* with the OMB Control Number (OMB Control No. 1012–0009) listed in the subject line of your email. Email submissions must be postmarked on or before the close of the comment period.

Docket: To access the docket folder to view the ICR **Federal Register** publications, go to *https://www.regulations.gov* and search ''ONRR–2011–0006'' to view renewal notices recently published in the **Federal Register**, publications associated with prior renewals, and applicable public comments received for this ICR. ONRR will make the comments submitted in response to this notice available for public viewing at *https://www.regulations.gov.*

OMB ICR Data: OMB also maintains information on ICR renewals and approvals. You may access this information at *https://www.reginfo.gov/public/do/PRASearch.* Please use the following instructions: Under the ''OMB Control Number'' heading enter ''1012–0009'' and click the ''Search'' button located at the bottom of the page. To view the ICR renewal or OMB approval status, click on the latest entry (based on the most recent date). On the ''View ICR—OIRA Conclusion'' page, check the box next to ''All'' to display all available ICR information provided by OMB.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, please contact Aaron Lindquist, Data Intake, Solutioning, and Coordination, ONRR, by email at *Aaron.Lindquist@onrr.gov* or by telephone at (303) 231–3020. 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: Pursuant to the PRA, 44 U.S.C. 3501 *et seq.,* and 5 CFR 1320.5, all information collections, as defined in 5 CFR 1320.3, require approval by OMB. ONRR may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of ONRR's continuing effort to reduce paperwork and respondent burdens, ONRR is inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information in accordance with the PRA and 5 CFR 1320.8(d)(1). This helps ONRR to assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand ONRR's information collection requirements and provide the requested data in the desired format.

ONRR is especially interested in public comments addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of ONRR's estimate of the burden for this collection of

information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

As required in 5 CFR 1320.8(d), ONRR published a 60-Day Notice, for review and comment, in the **Federal Register** on April 9, 2026 (91 FR 18002). ONRR did not receive any comments in response to the **Federal Register** notice available at *www.regulations.gov.* ONRR additionally reached out to three members of industry soliciting comments for this information collection request renewal and received one comment. One member of industry provided a comment agreeing with the content of this information collection. ONRR responded by thanking that member of industry for their time.

Comments that you submit in response to this notice are a matter of public record. ONRR will include or summarize each comment in its request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask ONRR in your comment to withhold your personal identifying information from public review, ONRR cannot guarantee that it will be able to do so.

(a) Abstract—General Information: The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) directs the Secretary of the Interior (Secretary) to ''establish a comprehensive inspection, collection and fiscal and production accounting and auditing system to provide the capability to accurately determine oil and gas royalties, interest, fines, penalties, fees, deposits, and other payments owed, and to collect and account for such amounts in a timely manner.'' 30 U.S.C. 1711(a). ONRR performs these and other mineral revenue management responsibilities for the Secretary. *See* U.S. Department of the Interior Departmental Manual, 112 DM 34.1 (Dec. 9, 2020).

Through this ICR, ONRR seeks continued authority to collect information necessary to perform its delegated mineral revenue management responsibilities for Net Profit Share Leases (NPSLs). The NPSLs are OCS leases that set forth the payment of a percentage of the net profits from oil and gas production to the United States. *See* 30 CFR part 1220. The requirement to report the collected information accurately and timely is mandatory.

(b) Information Collections: 30 CFR part 1220 requires a NPSL lessee to maintain and provide the following categories of information:

(1) NPSL Capital Accounts and Reports: Sections 1220.010 and 1220.021 require the lessee to establish and maintain a capital account for each NPSL. These sections require the lessee to credit the capital account with all production revenues attributable to the NPSL and any other credits arising from NPSL activities. The sections also require the lessee to debit the account with all allowable direct and allocable joint costs incurred during the term of the lease, appropriate overhead allowances, and allowances for capital recovery.

Section 1220.031(a) requires the lessee to file annual reports with ONRR regarding the costs incurred until production revenues are credited to the capital account. Once production revenues are credited to the account, § 1220.031(b) requires the lessee to file monthly reports with ONRR. That section requires the monthly reports to include the volume and disposition of all oil and gas production saved, removed, or sold, the production revenue, the amount and description of all costs and credits to the NPSL capital account, the balance of the NPSL capital account, the net profit share base and net profit share payment due the United States, and the monthly profit share of the lessee. Section 1220.031(e) requires the lessee to file a final report with ONRR upon cessation of production indicating the remaining balance and costs and credits to the NPSL capital account.

(2) NPSL Inventories: Section 1220.032(a) and (b) require the lessee to take inventories of NPSL equipment, apparatus, and supplies at reasonable intervals not to exceed three years. Section 1220.032(b) requires the lessee to notify the Bureau of Ocean Energy Management (BOEM) of its intent to take inventory so that BOEM's Director may be represented at the inventory taking. Section 1220.032(d) requires the lessee to reconcile the physical inventory with the NPSL capital account and to make a list of overages and shortages available to the BOEM Director for audit. Section 1220.031(d) requires the lessee to file an inventory report following the inventory taking.

(3) NPSL Records and Audits: Section 1220.030(a) requires an NPSL lessee to establish and maintain certain records related to the NPSL. Section 1220.033(e) authorizes ONRR to inspect these records during normal business hours upon request. Section 1220.033(a) authorizes ONRR to audit accounts of the NPSL lessee or its contractor related to NPSL operations. Where possible, § 1220.033(a) requires ONRR to coordinate its audit with audit efforts of other nonoperators, if any. Section 1220.033(b)(1) requires nonoperators of the NPSL to notify ONRR of an audit call so that it may elect to send an auditor with the nonoperator's audit team in lieu of a separate audit call.

Title of Collection: 30 CFR Part 1220, OCS Net Profit Share Payment Reporting.

OMB Control Number: 1012–0009.

Form Numbers: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 1.

ONRR further refined its estimate after the publication of the 60-Day Notice (91 FR 18002). ONRR does not currently have any active NPSLs in its system because the leases have either expired, were terminated, or relinquished. However, because the authority to issue similar leases may still exist, ONRR does not anticipate—but also cannot entirely rule out—the possibility of future monthly sales reports. Furthermore, companies may still be within the allowable timeframe to adjust prior reporting. Between January 2022 and January 2026, ONRR received three adjustment royalty reports. For these reasons, the time burden associated with this ICR has decreased as ONRR expects only a minimal number of additional adjustments for NPSLs.

ONRR excluded estimates of certain requirements performed in the normal course of business that are considered usual and customary. ONRR further refined its estimate after the publication of the 60-Day Notice (91 FR 18002).

Total Estimated Number of Annual Responses: 1.

Total Estimated Number of Annual Burden Hours: 3 hours.

Estimated Completion Time per Response: 3 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: On occasion.

Estimated Annual Non-hour Cost Burden: ONRR has identified no ''non-

hour'' cost burden associated with the collection of information.

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 authority for this action is the PRA (44 U.S.C. 3501 *et seq.*).

April Lockler,

Director of the Office of Natural Resources Revenue.

[FR Doc. 2026–18526 Filed 9–10–26; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1014 and 1016 (Fourth Review)]

Polyvinyl Alcohol From China and Japan; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty orders on polyvinyl alcohol from China and Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on March 2, 2026 (91 FR 10155) and determined on June 5, 2026, that it would conduct expedited reviews (91 FR 40590, July 2, 2026).[3]

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on September 8, 2026. The views of the Commission are contained in USITC Publication 5787 (September 2026), entitled *Polyvinyl Alcohol from China and Japan: Investigation Nos.* 731–TA–1014 and 1016 *(Fourth Review).*

By order of the Commission.

Issued: September 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18525 Filed 9–10–26; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Brett W. Doyle and Commissioners Jason E. Kearns, Peter-Anthony Pappas, Bart Thanhauser, and David Foley Jr. voted in the affirmative.

[3] Commissioners David S. Johanson, Jason E. Kearns, and Amy A. Karpel concluded that the domestic interested party group responses were adequate, the respondent interested party group responses were inadequate, and there were no other circumstances that would warrant conducting full reviews. Chairman Brett W. Doyle and Commissioners Peter-Anthony Pappas, Bart Thanhauser, and David Foley Jr., who were not yet members of the Commission, did not participate in the adequacy votes.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–783–784 and 731–TA–1771–1772 (Final)]

Citric Acid and Certain Citrate Salts From Canada and India; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–783–784 and 731–TA–1771–1772 (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 citric acid and certain citrate salts, provided for in subheadings 2918.14.00, 2918.15.10, 2918.15.50, and 3824.99.93 of the Harmonized Tariff Schedule of the United States, from China that have been preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized by the government of China and sold at less-than-fair-value, and by reason of imports of citric acid and certain citrate salts from Canada that have been preliminarily determined by Commerce to be subsidized by the government of Canada but preliminarily determined by Commerce not to be, or not likely to be, sold at less-than-fair-value.

DATES: August 26, 2026.

FOR FURTHER INFORMATION CONTACT: Gregory Gutierrez (205–1999), 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 these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate, as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend. The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively. The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes merchandise matching the above description that is commingled or blended with citric acid, sodium citrate, and potassium citrate from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations. The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least two percent, by weight, of the product.''

Background.—The final phase of these investigations is being scheduled

pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of a negative preliminary determination by Commerce regarding whether citric acid and certain citrate salts from Canada are being sold at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b), and as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Canada and India of citric acid and certain citrate salts, and that such products from India 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 investigations were requested in petitions filed on January 21, 2026, by Archer-Daniels-Midland Company, Decatur, Illinois; Cargill, International, Wayzata, Minnesota; and Primary Products Ingredients Americas LLC, Schaumburg, Illinois.

For further information concerning the conduct of this phase of the investigations, 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).

Although Commerce has preliminarily determined that imports of citric acid and certain citrate salts from Canada are not being and are not likely to be sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b) [1] so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

Participation in the investigations 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 these investigations 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 investigations 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 investigations.

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 these investigations available to authorized applicants under the APO issued in the investigations, 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 investigations. A party granted access to BPI in the preliminary phase of the investigations 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 these investigations will be placed in the nonpublic record on December 28, 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 12, 2027. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 6, 2027. 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 8, 2026. 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 11, 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 January 5, 2027. 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 20, 2027. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before 5:15 p.m. on January 20, 2027. On February 2, 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 4, 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/*

[1] § 207.21(b) of the Commission's rules provides that, where Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

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 investigations must be served on all other parties to the investigations (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: These investigations are 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.

By order of the Commission.

Issued: September 9, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–18586 Filed 9–10–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Craig Cohen, DPM; Decision and Order

On March 23, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Craig Cohen, DPM, of Dublin, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. AC1462302, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 3; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on April 1, 2025, Registrant's Ohio medical license expired by its own terms. RFAAX 1, at 1. According to Ohio online records, of which the Agency takes official notice,[2] Registrant's Ohio medical license is expired. eLicense Ohio Professional Licensure License Look-Up, *https://elicense.ohio./oh_verifylicense* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Ohio, the state in which he is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Ashley Vermillion, N.P.,* 91 FR 35270 (2026); *Walter Walters, M.D.,* 91 FR 1816 (2026); *Nicholas J. Nardacci, M.D.,* 81 FR 47409 (2016).[4]

[1] Based on the Government's submissions in its RFAA dated May 26, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that from February 9, 2026, through February 17, 2026, the DI made multiple attempts to contact Registrant by phone through various phone numbers associated with Registrant's DEA registration and law enforcement records, but none of these attempts were successful. RFAAX 2, at 2. On March 12, 2026, the DI attempted to serve Registrant in person at Registrant's registered address, but the location was closed at the time. *Id.* On March 25, 2026, the DI again traveled to Registrant's registered address to attempt service and spoke to two receptionists, who informed the DI that Registrant was no longer practicing at the registered address location, had retired approximately one year earlier, and had stopped his mail forwarding address. *Id.* at 2–3. On the same day, the DI emailed Registrant at Registrant's registered email address and received a delivery receipt for the email. *Id.* at 1–2; *see* RFAAX 4. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice medicine in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except ''pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code § 2925.11(A), (B)(1)(d) (2025). Further, a '''[l]icensed health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* § 4729.01(I). Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* § 4729.01(I)(5). Additionally, Ohio law permits only ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant lacks authority to practice medicine in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant is not a licensed health professional authorized to prescribe drugs in Ohio and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AC1462302 issued to Craig Cohen, DPM. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Craig Cohen, DPM, to renew or modify this registration, as well as any other pending application of Craig Cohen, DPM, for additional registration in Ohio. This Order is effective October 13, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–18597 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Emran Mohammad, RN, APRN, CNP; Decision and Order

On May 2, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Emran Mohammad, RN, APRN, CNP, of Minneapolis, Minnesota (Registrant). OSC, at 1, 7; Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 7. The OSC proposed the revocation of Registrant's DEA Certificate of Registration, No. MM8483024, alleging that Registrant has no state authority to handle controlled substances and that Registrant's continued registration would be inconsistent with the public interest. OSC, at 1; RFAAX 1, at 1 (citing 21 U.S.C. 823(g)(1); 824(a)(3); 824(a)(4)).[1]

Specifically, the OSC alleged that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Minnesota, the state in which [he is] registered with DEA.'' OSC, at 3; RFAAX 1, at 3 (citing 21 U.S.C. 824(a)(3)). The OSC also alleged that Registrant has ''a chronic history of substance abuse, including controlled substances, and non-compliance with substance abuse treatment and with a DEA [Memorandum of Agreement].'' OSC, at 5; RFAAX 1, at 5 (citing 21 U.S.C. 823(g)(1)(B), (D)–(E)).[2]

On November 18, 2025, the Government submitted an RFAA requesting that the Agency issue a default final order revoking Registrant's registration. RFAA, at 6–7. After carefully reviewing the entire record and conducting the analysis as set forth in more detail below, the Agency grants the Government's request for final agency action and revokes Registrant's registration.

I. Default Determination

Under 21 CFR 1301.43, a registrant entitled to a hearing who fails to file a

General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.,* 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.,* 90 FR 10085 (2025); *Khursheed Haider, M.D.,* 90 FR 21950 (2025).

[1] Based on the Government's submissions in its RFAA dated November 18, 2025, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the Declaration from a DEA Diversion Investigator (DI) indicates that on April 8, 2025, the DI contacted Registrant by phone and left a voicemail, as well as attempted another call later that same day and a third call the next day. RFAAX 2, at 2. On April 11, 2025, the DI traveled with a second DI to Registrant's registered address in attempt to personally serve the OSC to Registrant, but they were informed that Registrant had only worked at the location for ''a month or two'' and had not been employed there since March 2024. *Id.* On April 17, 2025, the DI traveled with other DEA and law enforcement personnel to a residential address associated with Registrant in another attempt to personally serve the OSC to Registrant. *Id.* at 3. After receiving no response at the residence, the DI called Registrant's phone number again as well as left his DEA business card and a copy of the OSC at the residence. *Id.* Later that day, the DI received a phone call from someone who identified herself as an occupant at the residence. *Id.* This individual told the DI that she and Registrant had a child in common, that she had not seen Registrant since September 2024, that she broke a key off in a lock on her door to prevent Registrant from gaining entry, that she last spoke to Registrant on or about April 2025, and that she suspected that Registrant was in a ''sober living facility'' in California. *Id.* This individual also told the DI that DEA had the correct phone number and email address for Registrant. *Id.* On the same date, the DI emailed a copy of the OSC to Registrant's email address and did not receive any indication of delivery failure nor a response from Registrant. *Id.; see also id.,* Attachment 1. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '''reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.''' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

[2] The Agency need not adjudicate the criminal violations alleged in the OSC. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

timely hearing request ''within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default'' unless ''good cause'' is established for the failure. 21 CFR 1301.43(a) & (c)(1). In the absence of a demonstration of good cause, a registrant who fails to timely file an answer also is ''deemed to have waived their right to a hearing and to be in default.'' 21 CFR 1301.43(c)(2). Unless excused, a default is deemed to constitute ''an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Here, the OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. OSC, at 5–6; RFAAX 1, at 5–6 (citing 21 CFR 1301.43). According to the Government's RFAA, Registrant failed to request a hearing. RFAA, at 4. Thus, the Agency finds that Registrant is in default and therefore has admitted to the factual allegations in the OSC. 21 CFR 1301.43(e).

II. Loss of State Authority

Findings of Fact

According to the OSC, on or about October 8, 2024, the Minnesota Board of Nursing indefinitely suspended both Registrant's Minnesota advanced practice registered nurse (APRN) license and Registrant's Minnesota registered nurse (RN) license. OSC, at 3; RFAAX 1, at 3. Registrant's licenses were indefinitely suspended due to Registrant's relapse of drug use—including amphetamine (a Schedule II stimulant) and methamphetamine (A Schedule II stimulant)—and Registrant's violation of the conditions of a consent order. OSC, at 3; RFAAX 1, at 3. According to Minnesota online records, of which the Agency takes official notice,[3] both Registrant's Minnesota Certified Nurse Practitioner (CNP) license [4] and Registrant's Minnesota RN license are suspended. Minnesota Board of Nursing, Verify a License, *https://mn.gov/boards/nursing/verify-a-license* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed as a CNP nor licensed to practice nursing in Minnesota, the state in which he is registered with DEA.[5]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006). (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[6]

According to Minnesota statute, a ''licensed advanced practice registered nurse'' is among those who ''in the course of professional practice only, may prescribe, administer, and dispense a controlled substance . . . .'' Minn. Stat. § 152.12, Subd. 1 (2025).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice as an APRN in Minnesota because Registrant's Minnesota APRN license is suspended. As discussed above, an APRN must be licensed as such to handle controlled substances in Minnesota. Thus, because Registrant currently lacks authority to practice as an APRN in Minnesota, and, therefore, is not authorized to handle controlled substances in Minnesota, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency finds that Registrant's lack of state authority to handle controlled substances provides an independent basis for revocation of Registrant's DEA registration. 21 U.S.C. 824(a)(3).

III. Public Interest

Applicable Law

As the Supreme Court stated in *Gonzales* v. *Raich,* 545 U.S. 1 (2005), ''the main objectives of the CSA were to conquer drug abuse and control the legitimate and illegitimate traffic in controlled substances.'' 545 U.S. at 12. *Gonzales* explained that:

> Congress was particularly concerned with the need to prevent the diversion of drugs from legitimate to illicit channels. To effectuate these goals, Congress devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA . . . . The CSA and its implementing regulations set forth strict requirements regarding registration, labeling and packaging, production quotas, drug security, and recordkeeping.

Id. at 12–14.

The OSC's allegations concern drug abuse and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[4] CNP is one of the four types of APRN roles in Minnesota. Minnesota Board of Nursing, Advanced Practice Registered Nurse (APRN) Licensure General Information, *https://mn.gov/boards/nursing/advanced-practice/advanced-practice-registered-nurse-(aprn)-licensure-general-information/.*

[5] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed as a CNP nor licensed to practice nursing in Minnesota. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[6] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

substances,'' and ''to prevent the diversion of drugs from legitimate to illicit channels.'' *Id.* at 12–14, 27.

Findings of Fact

In light of Registrant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Accordingly, Registrant admits that on or about July 17, 2019, the Blue Earth County District Court, State of Minnesota, found that Registrant was mentally ill and chemically dependent based on a diagnosis of methamphetamine induced psychosis and methamphetamine use disorder. OSC, at 3. Registrant admits that this court activity followed an incident of self-harm, on or about June 27, 2019, in which Registrant intentionally attempted to overdose on methamphetamine. *Id.* Registrant admits that the Court found that Registrant posed a substantial likelihood of physical harm to himself or others and released him to the custody of Blue Earth County Human Services. *Id.*

Registrant admits that on or about September 7, 2019, Registrant relapsed by using methamphetamine. *Id.* Registrant admits that on or about September 10, 2019, the Minnesota Board of Nursing entered an order automatically suspending both Registrant's Minnesota APRN license and Registrant's Minesota RN license based on his civil commitment. *Id.*

Registrant admits that on or about July 28, 2020, Registrant was convicted in the Hennepin County District Court, State of Minnesota, of Fleeing a Police Officer by a Means Other Than a Motor Vehicle based on an incident that took place on or about March 10, 2020, during which Registrant was experiencing methamphetamine psychosis. *Id.* at 3–4.

Registrant admits that on or about October 1, 2020, Registrant was convicted in the Blue Earth County District Court, State of Minnesota, of Driving While Impaired based on an incident that took place on or about December 9, 2019, in which Registrant was operating a motor vehicle with amphetamine and methamphetamine in his body. *Id.* at 4.

Registrant admits that on or about September 29, 2021, Registrant again used methamphetamine. *Id.* Registrant admits that on or about February 3, 2022, the Minnesota Board of Nursing rescinded the September 10, 2019 order and suspended both Registrant's Minnesota APRN license and Registrant's Minnesota RN license based on Registrant's drug use and conviction. *Id.*

Registrant admits that on or about August 3, 2023, the Minnesota Board of Nursing rescinded the February 3, 2022 order and reinstated both Registrant's Minnesota APRN license and Registrant's Minnesota RN license with a stayed suspension, conditions, and monitoring. *Id.* Registrant admits that the terms included that Registrant would completely abstain from all controlled or abusable mood-altering substances. *Id.*

Registrant admits that on or about November 28, 2023, Registrant and DEA entered into a Memorandum of Agreement (MOA). *Id.* Registrant admits that the terms of the MOA included, in pertinent part: that Registrant would not ingest, inject, insert, inhale, or in any other manner allow for any controlled substance to enter his body, unless administered, prescribed, or dispensed to him for a legitimate medical purpose by a licensed practitioner acting in the usual course of professional practice; that Registrant was prohibited from possessing any Schedule II through V controlled substance; that should Registrant's license become suspended or revoked by the Minnesota Board of Nursing, Registrant would notify the DEA Minneapolis-St. Paul District Office and surrender his DEA registration within 24 hours; that Registrant would abide by all federal, state, and local laws and regulations pertaining to controlled substances; and that Registrant would abide by all law, regulations, and requirements of the Minnesota Board of Nursing. *Id.*

Registrant admits that Registrant relapsed several times since December 2023, including the use of methamphetamine and fentanyl (a Schedule II opioid), and that each relapse was a violation of the MOA. *Id.*

Registrant admits that on March 8, 2024, Registrant submitted a specimen for toxicology screening, which tested positive for amphetamine and methamphetamine. *Id.* Registrant admits that his use of amphetamine and methamphetamine was a violation of the MOA. *Id.*

Registrant admits that on March 26, 2024, Registrant notified DEA that he relapsed. *Id.* at 5. Registrant admits that his relapse was a violation of the MOA. *Id.*

Registrant admits that on or about August 9, 2024, the Minnesota Board of Nursing entered an order on both Registrant's Minnesota APRN license and Registrant's Minnesota RN license, immediately suspending both licenses due to Registrant violating the August 3, 2023 order. *Id.* Registrant admits that, as noted *supra* II., on October 8, 2024, the Minnesota Board of Nursing indefinitely suspended both licenses due to Registrant's noncompliance, and both licenses remain suspended as of the date of this Decision and Order. *Id.*

Registrant admits that he failed to notify the DEA Minneapolis-St. Paul District Office of the suspension of his licenses by the Minnesota Board of Nursing. *Id.* Registrant admits that his failure to notify DEA within 24 hours of the suspension was a violation of the MOA. *Id.*

Registrant admits that he refused to surrender his DEA registration within 24 hours of the Minnesota Board of Nursing suspending his licenses. *Id.* Registrant also admits that on April 19, 2024, he refused to surrender his DEA registration. *Id.* Registrant admits that his refusal to surrender his DEA registration under these circumstances violated the MOA. *Id.*

In consideration of the above, the Agency finds substantial record evidence that Registrant has a chronic history of substance abuse, including controlled substances, as well as a chronic history of noncompliance with substance abuse treatment and noncompliance with a DEA MOA.

Public Interest Determination

Legal Background on Public Interest Determinations

When the CSA's requirements are not met, the Attorney General ''may deny, suspend, or revoke [a] registration if . . . the [registrant's] registration would be 'inconsistent with the public interest.' '' *Gonzales* v. *Oregon,* 546 U.S. 243, 251 (2006) (quoting 21 U.S.C. 824(a)(4)). In the case of a ''practitioner,'' Congress directed the Attorney General to consider five factors in making the public interest determination. *Id.;* 21 U.S.C. 823(g)(1)(A–E).[7]

The five factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. at 292–93 (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' quoting *In re Arora,* 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). Each factor is

[7] The five factors are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

21 U.S.C. 823(g)(1)(A–E).

weighed on a case-by-case basis. *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993); *see Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 181 (D.C. Cir. 2005) (describing the Agency's adjudicative process as ''applying a multi-factor test through case-by-case adjudication,'' quoting *LeMoyne-Owen Coll.* v. *N.L.R.B.,* 357 F.3d 55, 61 (D.C. Cir. 2004)). Any one factor, or combination of factors, may be decisive, *David H. Gillis, M.D.,* 58 FR at 37508, and the Agency ''may give each factor the weight . . . deem[ed] appropriate in determining whether a registration should be revoked or an application for registration denied.'' *Morall,* 412 F.3d. at 185 n.2 (Henderson, J., concurring) (quoting *Robert A. Smith, M.D.,* 70 FR 33207, 33208 (2007)); *see also Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007).

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011) (quoting *Volkman* v. *U.S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009)); *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005). ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, Agency decisions have explained that findings under a single factor can support the revocation of a registration. *MacKay,* 664 F.3d at 821.

The Government has the burden of proof in this proceeding. 21 CFR 1301.44(e).

Registrant's Registration Is Inconsistent With the Public Interest

While the Agency has considered all the public interest factors of 21 U.S.C. 823(g)(1),[8] the Agency finds that the Government's evidence in support of its *prima facie* case best fits within Factor E. OSC, at 3–5.

Evidence is considered under Factor E when it constitutes ''[s]uch other conduct which may threaten the public health and safety.'' 21 U.S.C. 823(g)(1)(E). Congress has declared that ''improper use of controlled substances [has] a substantial and detrimental effect on the health and general welfare of the American people.'' 21 U.S.C. 801(2); *see also* 21 U.S.C. 823(l). Further, the Agency has consistently found that a registrant's self-abuse of controlled substances is proper to consider under Factor E as conduct that threatens public health and safety. *Brewster Drug, Inc.,* 85 FR 19020, 19026 (2020) (collecting cases). The Agency has also consistently found that a registrant's failure to comply with a DEA MOA is proper to consider under Factor E as conduct that threatens public health and safety. *Brian Thomas Nichol, M.D.,* 83 FR 47352, 47364–65 (2018) (citing *Erwin E. Feldman, D.O.,* 76 FR 16835, 16838 (2011)).

Here, as found above, Registrant is deemed to have admitted and the Agency finds that Registrant has a chronic history of substance abuse, including controlled substances, as well as a chronic history of noncompliance with substance abuse treatment and noncompliance with a DEA MOA. *See supra.* Notably, Registrant's substance abuse included instances of self-harm, fleeing from law enforcement, and driving while impaired, demonstrating that Registrant posed a clear danger to himself and others. The Agency therefore finds that Factor E weighs towards a finding that Registrant's registration is inconsistent with the public interest.

In sum, the Agency finds that after considering the factors of 21 U.S.C. 823(g)(1), Registrant's continued registration is ''inconsistent with the public interest.'' 21 U.S.C. 824(a)(4). Accordingly, the Government satisfied its *prima facie* burden of showing that Registrant's continued registration would be ''inconsistent with the public interest.'' *Id.* The Agency also finds that there is insufficient mitigating evidence to rebut the Government's *prima facie* case. Thus, the only remaining issue is whether, in spite of Registrant's misconduct, Registrant can be trusted with a registration.

IV. Sanction

Where, as here, the Government has met the burden of showing that Registrant's registration is inconsistent with the public interest, the burden shifts to Registrant to show why he can be entrusted with a registration. *Morall,* 412 F.3d. at 174; *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882, 18,904 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency requires that a registrant who has committed acts inconsistent with the public interest accept responsibility for those acts and demonstrate that he will not engage in future misconduct. *See Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). The Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.,* 89 FR 82639, 82641 (2024); *Mohammed Asgar, M.D.,* 83 FR 29569, 29573 (2018); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *See Jones Total Health Care Pharmacy,* 881 F.3d at 830–31; *Hoxie,* 419 F.3d at 483–84. Further, the Agency considers the egregiousness and extent of the misconduct as significant factors in determining the appropriate sanction. *See Jones Total Health Care Pharmacy,* 881 F.3d at 834 & n.4. The Agency also considers the need to deter similar acts by a registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Here, Registrant did not request a hearing or answer the allegations in the OSC and was therefore deemed to be in default. *See supra* I. To date, Registrant has not filed a motion with the Office

[8] As to Factor A, evidence is considered under Factor A when it reflects ''the recommendation of the appropriate State licensing board or professional disciplinary authority.'' 21 U.S.C. 823(g)(1)(A). Here, as found above, *see supra* II., the Minnesota Board of Nursing indefinitely suspended both Registrant's Minnesota APRN license and Registrant's Minnesota RN license due to Registrant's relapse of drug use and Registrant violating the conditions of a consent order. Accordingly, the Agency finds that Factor A weighs towards a finding that Registrant's registration is inconsistent with the public interest. As to Factors B and D, evidence is considered under these two factors when it reflects experience dispensing controlled substances and compliance or non-compliance with laws related to controlled substances. *Kareem Hubbard, M.D.,* 87 FR 21156, 21162 (2022). Here, there is no evidence in the record reflecting Respondent's experience dispensing controlled substances nor evidence in the record reflecting Respondent's compliance or non-compliance with laws related to controlled substances. 21 U.S.C. 823(g)(1)(B), (D). As to Factor C, there is no evidence in the record that Registrant has been convicted of any federal or state law offense ''relating to the manufacture, distribution, or dispensing of controlled substances.'' 21 U.S.C. 823(g)(1)(C). However, as Agency cases have noted, ''the absence of such a conviction is of considerably less consequence in the public interest inquiry'' and is therefore not dispositive. *Dewey C. MacKay, M.D.,* 75 FR at 49973.

of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Registrant has thus failed to answer the allegations contained in the OSC and has not otherwise availed himself of the opportunity to refute the Government's case. As such, Registrant has not accepted responsibility for the proven violations, has made no representations regarding his future compliance with the CSA, and has not demonstrated that he can be trusted with registration. Accordingly, the Agency will order the revocation of Registrant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. MM8483024 issued to Emran Mohammad, RN, APRN, CNP. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending application of Emran Mohammad, RN, APRN, CNP, to renew or modify this registration, as well as any other pending application of Emran Mohammad, RN, APRN, CNP, for additional registration in Minnesota. This Order is effective October 13, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–18605 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Cheryl White, N.P.; Decision and Order

On March 17, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Cheryl White, N.P., of Newburgh, Indiana (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. MW0411049, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Indiana, the state in which [she is] registered with DEA.'' *Id.* at 2. (citing 21 U.S.C. 824(a)(3)).[1]

The OSC notified Registrant of her right to file a written request for hearing, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds her to be in default. RFAA, at 2.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 3; *see also* 21 CFR 1316.67.

[1] According to Agency records, Registrant's registration expired on May 31, 2026. The fact that a registrant allows her registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68474, 68476–79 (2019).

[2] Based on the Government's submissions in its RFAA dated May 21, 2026, the Agency finds that service of the OSC on Registrant was adequate. The RFAA's included Declaration from a DEA Diversion Investigator (DI) indicates that on or about March 31, 2026, the DI mailed a copy of the OSC to Registrant's residential address in Lexington, Kentucky. RFAAX 3, at 3; *see also id.,* Attachment D. On the same date, the DI emailed a copy of the OSC to Registrant's registered email address. RFAAX 3, at 3; *see also id.,* Attachment F. The mailed copy of the OSC was successfully delivered on April 2, 2026. RFAAX 3, at 3; *see also id.,* Attachment E. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on October 31, 2023, Registrant's Indiana registered nurse license, Registrant's Indiana Advanced Practice Registered Nurse (APRN) Prescriptive Authority license, and Registrant's Indiana Controlled Substances Registration (CSR) Prescriptive Authority license all expired by their own terms. RFAAX 2, at 1–2.

According to Indiana online records, of which the Agency takes official notice,[3] Registrant's Indiana registered nurse license, Registrant's Indiana APRN Prescriptive Authority license, and Registrant's Indiana CSR Prescriptive Authority license all remain expired. State of Indiana License Search, *https://www.mylicense.in.gov/everification/Search.aspx* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice nursing nor to handle controlled substances in Indiana, the state in which she is registered with DEA.[4]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice nursing nor to handle controlled substances in Indiana. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Shane Lydon, M.D.,* 91 FR 43112 (2026*); Javaid A. Perwaiz, M.D.,* 86 FR 20732 (2021).[5]

According to Indiana statute, and subject to exceptions irrelevant here, ''[e]very person who dispenses or proposes to dispense any controlled substance within Indiana must have a registration issued by the [Indiana Board of Pharmacy] in accordance with the board's rules.'' Ind. Code 35–48–3–3(b) (2025). Further, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' *Id.* at 35–48–1.1–11.

Here, the undisputed evidence in the record is that Registrant currently lacks authority to handle controlled substances in Indiana because her Indiana CSR Prescriptive Authority license is expired. As discussed above, a person must hold an Indiana controlled substances registration to dispense a controlled substance in Indiana. Thus, because Registrant lacks authority to handle controlled substances in Indiana, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. MW0411049 issued to Cheryl White, N.P. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Cheryl White, N.P., to renew or modify this registration, as well as any other pending application of Cheryl White, N.P., for additional registration in Indiana. This Order is effective October 13, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–18599 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Joseph John Stubbers III, D.O.; Decision and Order

On February 27, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Joseph John Stubbers III, D.O., of Fairfield, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BS2473798, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).[1]

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's

[5] This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.,* 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.,* 90 FR 10085 (2025); *Khursheed Haider, M.D.,* 90 FR 21950 (2025).

[1] According to Agency records, Registrant's registration expired on February 28, 2026. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68474, 68476–79 (2019).

[2] Based on the Government's submissions in its RFAA dated April 21, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on February 27, 2026, the DI mailed a copy of the OSC to Registrant's registered address/mailing address provided to DEA. RFAAX 2, at 1. On the same date, the DI emailed a copy of the OSC to Registrant's registered email address. *Id.; see also id.,* Attachment A. Further, on the same date, the DI traveled with other DEA personnel to Registrant's residence (a different address associated with Registrant). RFAAX 2, at 2. There was no answer at the front door, after which the DI called the phone number associated with Registrant's registration. *Id.* Over the phone, Registrant told the DI he was not home and to leave a copy of the OSC at his residence. *Id.* Registrant also provided an alternate email address and was informed of the DI's email and mail service of the OSC, as well as the OSC's meaning and effect, which Registrant acknowledged. *Id.* Later, on the same date, the DI emailed a copy of the OSC to the alternate email address provided by Registrant. *Id.; see also id.,* Attachment B. On April 3, 2026, the copy of the OSC that the DI had sent by mail was returned as not deliverable. RFAAX 2, at 2; *see also id.,* Attachment C. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful). *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, effective April 26, 2023, the State Medical Board of Ohio permanently revoked Registrant's Ohio doctor of osteopathic medicine license. RFAAX 1, at 1–2. According to Ohio online records, of which the Agency takes official notice, Registrant's Ohio osteopathic medical license status remains revoked.[3] eLicense Ohio Professional Licensure License Look-up, *https://elicense.ohio./oh_verifylicense* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is currently not licensed to practice osteopathic medicine in Ohio, the state in which he is registered with DEA.[4]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).'').[5] The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code § 2925.11(A), (B)(1)(d) (2025). Further, a '' '[l]icensed health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* § 4729.01(I). Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731. of the [Ohio] Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* § 4729.01(I)(5). Additionally, Ohio law permits ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant currently lacks a license to practice osteopathic medicine in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant is not a licensed health professional authorized to prescribe drugs in Ohio, and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BS2473798 issued to Joseph John Stubbers III, D.O. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Joseph John Stubbers III, D.O., to renew or modify this registration, as well as any other pending application of Joseph John Stubbers III, D.O., for additional registration in Ohio. This Order is effective October 13, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 2, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–18604 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–09–P

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice osteopathic medicine in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[5] This rule derives from the text of two provisions of the Controlled Substances Act. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

DEPARTMENT OF JUSTICE

[OMB Number 1125–0017]

Agency Information Collection Activities; Proposed Collection eComments Requested; Revision and Extension of a Previously Approved Collection; Certification and Release of Records (Form EOIR–59)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR) at the Department of Justice (DOJ) will be submitting the following 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.

DATES: Comments are encouraged and will be accepted for 30 days until October 13, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703) 305- 0265, *eoir.pra.comments@usdoj.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

— Enhance the quality, utility, and clarity of the information to be collected; and/or

— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1125–0017. This information collection request (''ICR'') may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice information collections currently under review by OMB. Please submit a copy of your comments to Justine Fuga at *eoir.pra.comments@usdoj.gov.*

II. Overview of This Information Collection

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that ICRs submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of this information collection:

1. *Type of Information Collection:* Revision and extension of a previously approved collection.

2. *Title of the Form/Collection:* Certification and Release of Records.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The agency form number is EOIR–59, and EOIR is the sponsoring component.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals and households.

Abstract: This information collection is primarily used by EOIR to standardize and streamline requests for records related to cases or proceedings before EOIR pursuant to the Privacy Act and Freedom of Information Act (FOIA). An individual who is in or has been in proceedings before EOIR and seeks to authorize the disclosure of their information, including information retained in case files or a Record of Proceeding (documents, and if applicable, audio recordings), to an attorney, accredited representative, qualified organization, or other third party may use this form to authorize the disclosure. EOIR is making one substantive change to Part C to include a field to collect the name of the parent or guardian. The printed name of the parent or guardian in Part C will assist EOIR personnel processing the form to verify the parent or guardian's identity, as the name of the parent or guardian is not always legible in the signature field in Part D. EOIR also is making several non-substantive edits to the form instructions to improve clarity and readability, update links to EOIR web pages referenced in the instructions, and update the Privacy Act Statement. EOIR also removed references to ''noncitizen'' in form fields and headings.

5. *Obligation to Respond:* Optional and voluntary.

6. *Total Estimated Number of Respondents:* It is estimated that an average of 87,080 respondents will complete the form annually.

7. *Estimated Time per Respondent:* The estimated time per respondent is 10 minutes per response (0.17 hours per response.

8. *Frequency:* Once per year.

9. *Total Estimated Annual Time Burden:* EOIR estimates an average of 14,804 hours total annual time burden for form respondents.

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response	Total annual burden (hours)
EOIR–59	87,080	1	87,080	10 minutes (0.17 hours)	14,804

10. *Total Estimated Annual Other Costs Burden:* The total estimated annual public cost ranges from $0 to $1,264,298.88. The minimum cost burden is $0. There are no capital or start-up costs or filing fees, and printing and postage costs may be avoided by submitting the form electronically. The maximum cost burden is $1,264,298.88.

This amount is reached by totaling the maximum printing, postage, and labor costs that may be incurred. Of the total number of responses received annually, 8,537 responses on average are submitted by mail and incur printing and postage costs. Printing costs are estimated at $0.10 per page. Postage costs are estimated at $0.78 per response. If a respondent retains a practitioner to assist with completing the form, labor costs are estimated at $84.84 per hour, or $14.42 per response, which represents the average wage for an attorney as reported by the Bureau of Labor Statistics.

Cost	Calculation	Total
Printing	$0.10 per page × 2 pages × 8,537 mailed paper submissions annually	$1,707.40
Postage	$0.78 stamp × 8,537 mailed paper submissions annually	6,658.86
Labor	($84.84 per hour × 0.17 hours) × 87,080 average annual number of responses	1,255,932.62
Total	$1,707.40 + $6,658.86 + $1,255,932.62	1,264,298.88

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: September 9, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–18622 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title—Age, Sex, Race, and Ethnicity (ASRE) of Persons Arrested Under 18 Years of Age; ASRE of Persons Arrested Under 18 Years of Age and Over

AGENCY: FBI, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The FBI, Criminal Justice Information Services (CJIS) Division, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 10, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Matthew B. Fancher, Crime and Law Enforcement Statistics Unit Chief, FBI, CJIS Division, Module D–1, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, 304–625–4830.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: Under the Uniform Federal Crime Reporting Act of 1988, 34 United States Code (U.S.C.) 41303; the William Wilberforce Trafficking Victims Protection Reauthorization Act of 1988, 34 U.S.C. 41309; and 28 Code of Federal Regulations 0.85(f), FBI, General Functions, this collection requests the number of arrests from federal, state, county, city, tribal, and territorial law enforcement agencies (LEA) in order for the FBI's Uniform Crime Reporting Program to obtain ASRE data in furtherance of serving as the national clearinghouse for the collection and dissemination of criminal statistics and to publish these statistics.

Overview of This Information Collection

1. Type of Information Collection: Extension of a currently approved collection.

2. The Title of the Form/Collection: ASRE of Persons Arrested Under 18 Years of Age; ASRE of Persons Arrested 18 Years of Age and Over.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: The form numbers are 1–708 and 1–708a. The applicable component within DOJ is the CJIS Division in the FBI.

4. Affected public who will be asked or required to respond, as well as the obligation to respond: Affected public would be federal, state, local, tribal, and territorial LEAs. The obligation to respond is voluntary.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are approximately 3,381 LEA respondents submitting monthly for an estimated total of 40,572 responses for each form (3,381 LEAs × 12 months = 40,572 responses. 40,572 × 2 = 81,144 responses total for both forms). The estimated time it takes for an average respondent to respond is 15 minutes for form number 1–708 and 12 minutes for form number 1–708a.

6. An estimate of the total annual burden (in hours) associated with the collection: With two forms for this collection, the responses for the total of both forms is 81,144, with 40,572 total responses for each individual form. Therefore, the estimated annual public burden is 18,257 hours. [40,572 annual responses × 15 minutes per 1–708 response]/60 minutes per hour = 10,143 hours. Additionally, 40,572 annual responses × 12 minutes per 1–708a response]/60 minutes per hour = 8,114). (10,143 hours + 8,114 hours = 18,257 hours).

7. An estimate of the total annual cost burden associated with the collection, if applicable:

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (minutes)	Total annual burden (hours)
1–708 Form	3,381	1	40,572	15	10,143
1–708a Form	3,381	1	40,572	12	8,114
Unduplicated Totals			81,144		18,257

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 9, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–18608 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0363]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection, for Which Approval Has Expired: Title—2026 National Survey of Victim Service Providers

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Justice Statistics (BJS), Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 10, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Rebecca Bielamowicz, Bureau of Justice Statistics, 999 N Capitol St. NE, 8th Floor, Washington, DC 20531, (email: *bjspra.comments@ojp.usdoj.gov;* telephone: 202–307–0765).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: The National Survey of Victim Service Providers (NSVSP) provides national data on victim service providers (VSPs) in the United States. The 2026 NSVSP instrument measures topics related to the types of crime or abuse VSPs provided services for, the specific types of services they provided to crime victims, the size and makeup of VSPs' staff, and VSPs' preparedness to respond to mass violence incidents. The 2026 NSVSP is the second administration of the NSVSP, which was last conducted in 2019.

Overview of This Information Collection:

1. *Type of Information Collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

2. *The Title of the Form/Collection:* 2026 National Survey of Victim Service Providers.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number for the questionnaire. The applicable component within the Department of Justice is the Bureau of Justice Statistics in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond: Affected Public:* Programs and organizations that have been identified as providing services to victims of crime or abuse in the past six months will be asked to respond. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of respondents is 4,552. The time per response is 25 minutes to complete the 2026 NSVSP instrument. It will take the average ineligible respondent an estimated 5 minutes to respond.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 1,574 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Active Victim Service Providers	3,579	1	3,579	25	1,492
Ineligible Victim Service Providers	973	1	973	5	82
Unduplicated Totals	4,552		4,552		1,574

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: September 9, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–18554 Filed 9–10–26; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–050]

Name of Information Collection: Proposal Submissions and Awards Management System (ProSAMS) for the NASA Small Business Innovation Research/Small Business Technology Transfer (SBIR/STTR) program Solicitations

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of a new information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the Paperwork Reduction Act (PRA), invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by October 13, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the submissions may be obtained from NASA PRA Clearance Officer, Stayce Hoult by emailing *hq-ocio-pra-program@mail.nasa.gov*, calling (256) 714–8575, or viewing the entire information collection request at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Small Business Innovation Research (SBIR) program is a highly competitive program that encourages domestic small businesses to engage in Federal Research/Research and Development (R/R&D) that has the potential for commercialization. Through a competitive awards-based program, SBIR enables small businesses to explore their technological potential and provides the incentive to profit from its commercialization. By including qualified small businesses in the nation's R&D arena, high-tech innovation is stimulated, and the United States gains entrepreneurial spirit as it meets its specific research and development needs.

The Small Business Technology Transfer (STTR) is another program that expands funding opportunities in the federal innovation research and development (R&D) arena. Central to the program is an expansion of the public/private sector partnership to include the joint venture opportunities for small businesses and nonprofit research institutions. STTR's most important role is to bridge the gap between the performance of basic science and commercialization of resulting innovations.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to ''provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof,'' and to enhance public understanding of, and participation in, the nation's aeronautical and space program in accordance with the NASA Strategic Plan.

II. Methods of Collection

NASA collects this information electronically.

III. Data

Title: Proposal Submissions and Awards Management System (ProSAMS) for the NASA Small Business Innovation Research/Small Business Technology Transfer (SBIR/STTR) program solicitations.

OMB Number: 2700-xxxx.

Type of review: New Information Collection.

Affected Public: Profit and non-profit businesses or institutions.

Estimated Annual Number of Activities: 2 (registration and proposal submission).

Estimated Number of Respondents per Activity: 2200.

Annual Responses: 2200.

Estimated Time per Response: 16 hours.

Estimated Total Annual Burden Hours: 35200 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Stayce Harris Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–18515 Filed 9–10–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No.: NTSB–2026–0034]

Office of the Managing Director: Chief Data Officer; Fiscal Year (FY) 2026–2030 Strategic Plan

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice of final publication.

SUMMARY: The NTSB announces the availability of the following publication: ''NTSB FY 2026–2030 Strategic Plan''.

DATES: The plan was published on September 8, 2026.

ADDRESSES: This document may be obtained at the following link: *https://www.ntsb.gov/about/reports/Documents/FY26-30%20Strategic%20Plan.pdf*.

FOR FURTHER INFORMATION CONTACT: Warren Randolph, Chief Data Officer, *strategicplan@ntsb.gov*.

SUPPLEMENTARY INFORMATION: On June 10, 2026, the NTSB published a **Federal Register** notice [91 FR 35275] inviting public comments on the development of the NTSB's Strategic Plan for fiscal years 2026–2030. All comments received were reviewed and considered in finalizing the current document.

William T. McMurry, Jr.,

General Counsel.

[FR Doc. 2026–18577 Filed 9–10–26; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–008; NRC–2008–0476]

Virginia Electric and Power Company, (Doing Business as Dominion Energy Virginia); North Anna Site; Early Site Permit Renewal Application

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: License renewal application; acceptance for docketing; opportunity to request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application for the renewal of Early Site Permit (ESP) No. ESP–003, which allows Virginia Electric and Power Company (doing business as Dominion Energy Virginia) to reference ESP–003 in an application for a construction permit (CP) or combined license (COL) at the North Anna ESP site during the period ESP–003 remains valid. The renewed permit, if approved, would extend the expiration date by an additional 20 years beyond the period specified in the current permit. The location for the North Anna ESP site is in Louisa County, Virginia, and the current ESP–003 expires on November 27, 2027. This notice provides the public an opportunity to request a hearing and petition for leave to intervene with respect to the renewal application.

DATES: A request for a hearing or petition for leave to intervene must be filed by November 10, 2026.

ADDRESSES: Please refer to Docket ID NRC–2008–0476 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0476. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov*. The North Anna Early Site Permit Renewal application and request for exemption is available in ADAMS under Accession No. ML26195A323.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Public Website:* The ESP renewal application is available under the NRC's North Anna Early Site Permit public website *https://www.nrc.gov/reactors/new-reactors/large-lwr/esp*.

FOR FURTHER INFORMATION CONTACT: William (Billy) Gleaves, Office of Advanced Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Discussion

On July 14, 2026, Virginia Electric and Power Company, dba Dominion Energy Virginia (Dominion), filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application to request that the NRC renew ESP–003 for an additional 20 years beyond the current November 27, 2027, expiration date or from the date of issuance, whichever is later.

In the case of the North Anna site, Dominion holds COL NPF–103 for a reactor designated as North Anna, Unit 3. In the renewal application for ESP–003, Dominion notified the NRC of its decision to place COL NPF–103 in deferred status. Dominion also included in its renewal application for ESP–003 a request for an exemption from the subsumption requirements of 10 CFR 52.26(d), ''Duration of permit,'' to provide for the renewal of the ESP in its entirety, rather than renewal of only the portions of ESP–003 not subsumed into NPF–103. Consistent with the Atomic Energy Act of 1954, as amended, and NRC regulations, the NRC is not publishing a notice of opportunity for hearing on the exemption request. A notice of receipt and availability of this renewal application was previously published in the **Federal Register** on August 5, 2026 (91 FR 50560). Identical notices of receipt and availability were published for an additional 3 consecutive weeks thereafter.

The NRC staff has determined that Dominion has submitted sufficient information in accordance with 10 CFR 52.29(a), ''Application for Renewal,'' to bring up to date the information and data contained in the previous ESP application to enable the staff to undertake a review of the ESP renewal application, and that, therefore, the ESP renewal application is acceptable for docketing. The previous ESP application for the North Anna ESP site is available in ADAMS under package Accession No. ML062580096. The

current docket number, 52–008, for Early Site Permit No. ESP–003 will be retained. The renewal application was docketed on September 4, 2026. The NRC staff provided notice of the acceptance and docketing determination by letter dated September 4, 2026 (ADAMS Accession No. ML26215A405).

The NRC staff will perform a detailed technical review of the renewal application and document its findings in a safety evaluation. Docketing of the renewal application does not preclude the NRC staff from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the renewal application.

The NRC may grant the request to renew the permit only if the NRC makes the findings required by the Act and the Commission's rules and regulations. In accordance with 10 CFR 52.31, ''Criteria for renewal,'' the NRC shall grant the renewal only if it determines that: (1) the site complies with the Act, the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued, and (2) any new requirements the Commission may wish to impose that are necessary for adequate protection to public health and safety or common defense and security, necessary for compliance with the Commission's regulations, and orders applicable and in effect at the time the site permit was originally issued, or result in a substantial increase in overall protection of the public health and safety or the common defense and security, and the direct and indirect costs of implementation of those requirements are justified in view of this increased protection.

The NRC staff will also complete an environmental review of the renewal application and will document its findings in accordance with the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://www.nrc.gov/docs/ML2034/ML20340A053*) and the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions in adjudicatory proceedings is located in the ''Electronic Information Exchange System Adjudicatory User's Guide'' (ADAMS Accession No. ML23150A083) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html*.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov*, or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website *https://ehd.nrc.gov,* unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: September 8, 2026.

For the Nuclear Regulatory Commission.

Laurel Bauer,

Chief, Advanced Reactor Licensing Branch 5, Division of Advanced Reactor Licensing, Office of Advanced Reactors.

[FR Doc. 2026–18516 Filed 9–10–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–1817]

Information Collection: NRC Form 366, Licensee Event Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''NRC Form 366, Licensee Event Report.''

DATES: Submit comments by November 10, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by NRC–2026–1817, electronically through the Federal rulemaking website (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1817. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–1817 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1817. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2026–1817 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML26160A158, ML13083A107, and ML13083A108. The supporting statement is available in ADAMS under Accession No. ML26160A160.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–1817, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include

identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* NRC Form 366, Licensee Event Report.

2. *OMB approval number:* 3150–0104.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Forms 366, 366A, and 366B.

5. *How often the collection is required or requested:* On occasion (as needed per section 50.73 of title 10 of *the Code of Federal Regulations* (10 CFR), ''Licensee event report system'').

6. *Who will be required or asked to respond:* The holder of an operating license under 10 CFR part 50, or a combined license under 10 CFR part 52 (after the Commission has made the finding under 10 CFR 52.103(g)), or a combined license under 10 CFR part 53 (after the Commission has made the finding under 10 CFR 53.1452(g)).

7. *The estimated number of annual responses:* 344.

8. *The estimated number of annual respondents:* 94 (92 operating license under 10 CFR part 50 + 2 combined license holders under 10 CFR part 52).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* The total estimated burden for completing License Event Reports is 20,000 hours (16,000 reporting + 4,000 recordkeeping).

10. *Abstract:* Part of the NRC's function is to license and regulate the operation of commercial nuclear power plants to ensure protection of public health and safety and the environment in accordance with the Atomic Energy Act of 1954 as amended. In order for the NRC to carry out these responsibilities, licensees must report significant events in accordance with 10 CFR 50.73, so that the NRC can evaluate the events to determine what actions, if any, are warranted to ensure protection of public health and safety or the environment. Section 50.73 requires reporting on NRC Forms 366, 366A, and 366B.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Authority: 42 U.S.C. 2011 *et seq.*

Dated: September 8, 2026.

For the Nuclear Regulatory Commission.

Kristen Benney,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–18544 Filed 9–10–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–3169]

Information Collection: NRC Form 212, Qualifications Investigation Professional, Technical, and Administrative Positions

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 212, ''Qualifications Investigation Professional, Technical, and Administrative Positions.''

DATES: Submit comments by November 10, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by NRC–2026–3169, electronically through the *Federal rulemaking website*:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–3169. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–3169 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–3169. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2026–3169 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML26211A172. The supporting statement is available in ADAMS under Accession No. ML26211A182.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related

instructions may be obtained without charge by contacting the NRC's Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the *Federal rulemaking website* (*https://www.regulations.gov*). Please include Docket ID NRC–2026–3169, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* NRC Form 212, ''Qualifications Investigation Professional, Technical, and Administrative Positions.''

2. *OMB approval number:* 3150–0033.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 212.

5. *How often the collection is required or requested:* The form is collected for every new hire to the NRC.

6. *Who will be required or asked to respond:* Former employers, supervisors, and other references indicated on the job application are asked to complete the NRC Form 212.

7. *The estimated number of annual responses:* 500.

8. *The estimated number of annual respondents:* 500.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 250 hours.

10. *Abstract:* Information requested on NRC Form 212 is used to determine the qualifications and suitability of applicants for employment in professional, technical, and administrative positions with the NRC. The completed form may be used to examine, rate and/or assess the prospective employee's qualifications. The information regarding the qualifications of applicants for employment is reviewed by professional personnel in the Office of the Chief Human Capital Officer, in conjunction with other information in the NRC files, to determine the qualifications of the applicant for appointment to the position under consideration.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Authority: 42 U.S.C. 2011 *et seq.*

Dated: September 9, 2026.

For the Nuclear Regulatory Commission.

Kristen Benney,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–18550 Filed 9–10–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–1783]

Information Collection: IAEA Design Information Questionnaire Forms

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''IAEA Design Information Questionnaire Forms.''

DATES: Submit comments by November 10, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by NRC–2026–1783, electronically through the Federal rulemaking website.

- Federal rulemaking website: Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1783. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the ''For Further Information Contact'' section of this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–1783 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1783. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2026–1783 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to

PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–1783, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* IAEA Design Information Questionnaire Forms.
2. *OMB approval number:* 3150–0056.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* Licensees of facilities on the U.S. eligible list who have been notified in writing by the NRC to submit the form.
7. *The estimated number of annual responses:* 2.
8. *The estimated number of annual respondents:* 2.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 360.
10. *Abstract:* In order for the U.S. to fulfill its responsibilities as a participant in the U.S./International Atomic Energy Agency (IAEA) Safeguards Agreement, the NRC must collect information from licensees about their installations and provide it to the IAEA, if requested by the IAEA. Licensees of facilities that appear on the U.S. eligible list, and have been notified in writing by the NRC, are required to complete and submit a Design Information Questionnaire to provide information concerning their installation for use by the IAEA.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Supporting Statement	ML26182A179.
Form N–71, IAEA Design Information Questionnaire	ML26174A412.
Form N–72, IAEA Design Information Questionnaire, Research and Power Reactors	ML26174A413.
Form N–73, IAEA Design Information Questionnaire, Conversion and/or Fuel Fabrication Plants	ML26174A415.
Form N–74, IAEA Design Information Questionnaire, Reprocessing Plants	ML26174A416.
Form N–75, IAEA Design Information Questionnaire, Isotopic Enrichment Plants	ML26174A417.
Form N–76, IAEA Design Information Questionnaire, Geological Repositories	ML26174A418.
Form N–77, IAEA Design Information Questionnaire, Spent Fuel Encapsulation Plants	ML26174A419.
Form N–92, IAEA Design Information Questionnaire, Research and Development Facilities	ML26174A420.
Form N–93, IAEA Design Information Questionnaire, Critical (Sub-Critical) Facilities	ML26174A421.
Form N–94, IAEA Design Information Questionnaire, Separate Storage Installations	ML26174A422.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: September 8, 2026.

For the Nuclear Regulatory Commission.

Kristen Benney,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–18543 Filed 9–10–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–1531]

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 16, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are 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).:* K2025–1531; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 74, Which Includes an Extension of That Agreement; *Filing Acceptance Date:* September 8, 2026; *Filing Authority:* 39 CFR 3041.505, and 3041.515; *Public Representative:* Maxine Bradley; *Comments Due:* September 16, 2026.

III. Summary Proceeding(s)

None. *See* Section II for Public Proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–18588 Filed 9–10–26; 8:45 am]

BILLING CODE 7710–FW–P

[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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106292; File No. SR–TXSE–2026–008]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Exchange Rule 13.003 Related to Proxy Voting

September 8, 2026.

I. Introduction

On May 28, 2026, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to amend Exchange Rule 13.003 related to proxy voting. The proposed rule change was published for comment in the **Federal Register** on June 11, 2026.[4] On July 21, 2026, pursuant to Section 19(b)(2)(A) of the Act,[5] the Commission designated a longer period within which to take action on the proposed rule change.[6] The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

As described more fully in the Notice,[8] the Exchange proposes to amend Rule 13.003 to establish a mandatory process for the proportional allocation and voting of uninstructed shares held by Members[9] of the Exchange on behalf of beneficial owners of TXSE-listed equity securities.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 105623 (June 8, 2026), 91 FR 35593 (''Notice''). Comment letters received on the proposed rule change are available at: *https://www.sec.gov/rules-regulations/public-comments/sr-txse-2026-008.*

[5] 15 U.S.C. 78s(b)(2)(A).

[6] *See* Securities Exchange Act Release No. 105956, 91 FR 46817 (July 24, 2026). The Commission designated September 9, 2026, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Notice, *supra* note 4.

[9] ''Member'' is defined as any registered broker or dealer that has been admitted to membership in the Exchange. *See* Rule 1.005(q).

[10] According to the Exchange, as provided in proposed Rule 13.003(c), any reference to securities or companies listed on TXSE in this proposal is referring to securities or companies with their primary listing on TXSE and is not referring to a

Specifically, the proposed rule would require a Member to vote uninstructed shares at shareholder meetings and to allocate votes on each proposal in proportion to voting instructions received from beneficial owners for whom such Member holds shares in the applicable TXSE-listed security, subject to the exclusions and methodology set forth in the proposed rule.

Existing TXSE Rule 13.003

TXSE Rule 13.003(b) currently prohibits a Member from giving a proxy to vote stock registered in its name, unless: (i) the Member is the beneficial owner of such stock; (ii) the proxy is given pursuant to the written instructions of the beneficial owner; or (iii) the proxy is given pursuant to the rules of any national securities exchange or association of which it is a member provided that the records of the Member clearly indicate the procedure it is following. The Exchange states that the treatment of uninstructed shares under the current framework generally turns on the discretionary voting rules applicable to the Member, including NYSE Rule 452.[11] Existing Rule 13.003(c) separately prohibits a Member that is not the beneficial owner of a security registered under Section 12 of the Act from granting a proxy to vote the security in connection with a shareholder vote on the election of a member of the board of directors (other than for a vote with respect to uncontested election of a member of the board of directors of any investment company registered under the Investment Company Act of 1940), executive compensation, or any other significant matter unless the beneficial owner of the security has instructed the Member to vote the proxy in accordance with the voting instructions of the beneficial owner.

Description of the Proposed Rule

According to the Exchange, proposed Rule 13.003(c) would apply to a Member that holds shares of an equity security, with a primary listing on the Exchange, on behalf of a beneficial owner and has not received voting instructions from that beneficial owner as of the applicable instruction cutoff, referred to in the proposed rule as the ''Calculation Date,'' subject to the exclusions set forth in the proposed rule.[12] The Exchange states that the proposed rule would require the Covered Member (as defined below) to vote uninstructed shares at the shareholder meeting and to allocate votes on each proposal in the same proportion as the instructions received from participating beneficial owners for whom the Member holds shares in the applicable security.[13] Specifically, proposed Rule 13.003(c) provides that, notwithstanding Rule 13.003(b)(iii), a Member that carries an account for the beneficial owner of an equity security of an issuer with a primary listing on TXSE and holds such security in a name other than the name of the beneficial owner, other than accounts for which the Member of an affiliated person exercises voting authority in a fiduciary, advisory, or discretionary capacity pursuant to an agreement with the beneficial owner (''Covered Member'') shall, with respect to any shares of such security held for a beneficial owner from whom no voting instructions have been received as of the Calculation Date (as defined in proposed Rule 13.003, Interpretation and Policy .02) (the ''Uninstructed Shares''), comply with the obligations described below in connection with each shareholder meeting of such issuer.

Proposed Rule 13.003(c)(1) provides that the Covered Member shall submit a proxy designating the Uninstructed Shares as present at such meeting, regardless of whether any matter on the ballot for such meeting would otherwise qualify as a routine matter permitting discretionary voting under the rules of any other national securities exchange or association of which such Covered Member is a member. Submission of a proxy for purposes of representation at the meeting shall not be deemed the exercise of discretionary voting authority.

Proposed Rule 13.003(c)(2) provides that the Covered Member shall vote the Uninstructed Shares on each proposal submitted to shareholders at such meeting by casting votes FOR, AGAINST, and ABSTAINING, or such other voting categories as are available for the applicable proposal, in the same proportion as the aggregate voting instructions received by such Covered Member from beneficial owners of shares of such issuer held in the Covered Member's custody who have submitted voting instructions with respect to such proposal as of the Calculation Date, as defined below (the ''Instructed Vote Distribution''), calculated in accordance with proposed Rule 13.003, Interpretation and Policy .02.

Proposed Rule 13.003(c)(2)(A) provides that if the Covered Member has received no voting instructions from any beneficial owner with respect to a particular proposal as of the Calculation Date, the Covered Member shall vote all Uninstructed Shares as ABSTAINING on such proposal. Proposed Rule 13.003(c)(2)(B) provides that the proposed proportional allocation requirement shall not apply to shares held or voted by a Covered Member in any capacity described in proposed Rule 13.003(e), including shares voted by a Covered Member acting as an executor, administrator, guardian, trustee, or in a similar representative or fiduciary capacity. The proposed requirement also would not apply to shares voted by a named ERISA Plan investment manager or by a designated investment adviser pursuant to proposed Rule 13.003(e). Such shares also would be excluded from the calculation of the Instructed Vote Distribution.

Proposed Rule 13.003(c)(3) provides that the proportional allocation required under proposed Rule 13.003(c)(2) constitutes a mandatory ministerial obligation of the Covered Member. In executing such allocation, the Covered Member exercises no judgment, preference, or discretion as to how Uninstructed Shares are voted; the allocation is determined solely by application of the formula prescribed by such paragraph (c)(2) and proposed Rule 13.003, Interpretation and Policy .02 without modification or substitution by the Covered Member. The proportional allocation obligation under this paragraph (c) does not constitute the giving of a proxy to vote at the Member's discretion in violation of proposed Rule 13.003(b) or (d) or Section 6(b)(10) of the Act.

Proposed Rule 13.003(c)(4) provides that a Covered Member shall maintain records of the proportional allocation methodology applied pursuant to proposed Rule 13.003(c)(2) in accordance with Exchange Act Rule 17a–4.

The Exchange states that it proposes to retain the existing prohibition, as set forth in proposed Rule 13.003(d), on a Member that is not the beneficial owner of a Section 12 security granting a proxy to vote the security in connection with director elections, executive compensation, or any other significant matter determined by the Commission

dually-listed security with its primary listing on another national securities exchange. *See* Notice, *supra* note 4, at 35593 n. 3.

[11] The Exchange states that FINRA Rule 2251 similarly limits the circumstances under which FINRA members may vote proxies without instructions from beneficial owners and permits a member to give a proxy pursuant to the rules of a national securities exchange of which it is a member, and that Nasdaq General 9, Section 6 provides that Nasdaq members shall comply with FINRA Rule 2251 as if it were part of Nasdaq's rules. *See id.* at 35593 n. 8 (citing FINRA Rule 2251(b)(3); Nasdaq General 9, Section 6(a)).

[12] *See id.* at 35594.

[13] *See id.*

unless the beneficial owner has instructed the Member to vote the proxy in accordance with the beneficial owner's instructions.[14] The Exchange also states that this prohibition would continue to apply to securities and accounts outside the scope of proposed Rule 13.003(c), including securities not listed on the Exchange and shares otherwise excluded from the proposed proportional allocation requirement.[15]

In addition, proposed Rule 13.003(d) provides that the mandatory proportional allocation of Uninstructed Shares pursuant to proposed Rule 13.003(c)(2) does not constitute the giving of a proxy to vote at the Member's discretion in violation of proposed Rule 13.003(b) or (d) or Section 6(b)(10) of the Act because the Covered Member exercises no judgment, preference, or discretion in determining the votes cast for such shares, which would be determined solely by the formula prescribed by proposed Rule 13.003(c)(2) and proposed Rule 13.003, Interpretation and Policy .02.

Proposed Rule 13.003, Interpretation and Policy .02(a) would add the following definitions for purposes of proposed Rule 13.003, Interpretation and Policy .02 and proposed Rule 13.003(c): ''Calculation Date'' would mean the date and time by which the Covered Member customarily closes receipt of voting instructions from beneficial owners in connection with a shareholder meeting of the applicable issuer, in accordance with the Covered Member's standard proxy processing practices as applied to meetings of other issuers whose securities the Covered Member holds in the same capacity. The Calculation Date shall be no later than the date the Covered Member submits its final vote tally to the meeting tabulator. If a shareholder meeting is adjourned and reconvened, a new Calculation Date shall apply based on the reconvened meeting date in accordance with the same standard practices.[16] ''Category Percentage'' would mean, for each available voting category on a proposal, the quotient obtained by dividing the number of Total Instructed Shares allocated to such category by the Total Instructed Shares.[17] ''Covered Member'' would have the meaning set forth in proposed Rule 13.003(c).[18] ''Instructed Vote Distribution'' would have the meaning set forth in proposed Rule 13.003(c)(2).[19] ''Total Instructed Shares'' would mean, for a given proposal, the aggregate number of shares of the applicable issuer held in the Covered Member's custody for which voting instructions have been received and allocated to a voting category as of the Calculation Date, excluding shares described in proposed Rule 13.003(c)(2)(B).[20] ''Uninstructed Shares'' would have the meaning set forth in proposed Rule 13.003(c).[21]

Proposed Rule 13.003, Interpretation and Policy .02(b) would establish the methodology for calculating the proportional allocation of Uninstructed Shares.[22] The Exchange states that the calculation would be performed separately for each proposal on the ballot. A beneficial owner that provides voting instructions on one proposal but not another would be included in the instructed vote distribution only for the proposal on which instructions were received, and the shares would be treated as Uninstructed Shares for each proposal where voting instructions were not submitted. Any fractional allocation resulting from the allocation formula would be rounded down to the nearest whole share, and any remainder shares would be allocated to ABSTAINING.[23]

Proposed Rule 13.003, Interpretation and Policy .02(c) provides that the Instructed Vote Distribution and Total Instructed Shares shall be calculated separately for each proposal on the ballot. A beneficial owner who has submitted voting instructions with respect to one or more proposals but not all proposals shall be included in the Total Instructed Shares for each proposal on which instructions were received, and the shares held for such beneficial owner shall be treated as Uninstructed Shares for each proposal on which no instructions were received.

Proposed Rule 13.003, Interpretation and Policy .02(d) provides that where the voting options for a proposal include WITHHOLD AUTHORITY in lieu of, or in addition to, AGAINST, including in connection with director elections conducted under a plurality voting standard, the proportional allocation described in paragraph (b) of this Interpretation and Policy shall be applied to each available voting category in the same manner, substituting WITHHOLD AUTHORITY for AGAINST, where applicable. Any remainder shares shall be allocated to ABSTAINING, or to WITHHOLD AUTHORITY if ABSTAINING is not an available voting category for such proposal.

According to the Exchange, the proposed rule reflects the proportional voting principle that voting outcomes on matters up for a shareholders vote at companies with securities that have their primary listing on TXSE should be determined by the voting instructions of participating beneficial owners, with such instructions applied uniformly to the voting of uninstructed shares for every matter submitted to a shareholder vote. By replacing broker discretionary voting with a formula-driven allocation tied to instructions actually submitted, the Exchange believes that the proposed rule eliminates the exercise of broker discretion over shares in which the broker has no economic interest and also eliminates the inconsistent and proposal-dependent treatment of uninstructed shares produced by the framework currently in place in the market, while preserving all existing shareholder voting rights.[24]

III. Proceedings To Determine Whether To Approve or Disapprove SR–TXSE–2026–008 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [25] to determine whether the Exchange's proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and

[14] *See* Notice, *supra* note 4, at 35594. Under the proposal, existing Rule 13.003(c) and (d) would be re-lettered as proposed Rule 13.003(d) and (e), respectively.

[15] *See id.*

[16] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(1).

[17] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(2).

[18] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(3).

[19] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(4).

[20] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(5).

[21] *See* proposed Rule 13.003, Interpretation and Policy .02(a)(6).

[22] For each proposal at a shareholder meeting, the Covered Member shall determine the number of Uninstructed Shares to be voted in each available voting category as follows: (1) Determine the Total Instructed Shares for such proposal; (2) For each available voting category, calculate the Category Percentage for such category; (3) Multiply the total number of Uninstructed Shares by the Category Percentage for each voting category to produce an initial whole-and-fractional allocation for each category; (4) Round down each initial allocation to the nearest whole share; and (5) Allocate and vote any remainder shares, being the difference between the total number of Uninstructed Shares and the sum of the rounded allocations across all voting categories, to ABSTAINING. *See* proposed Rule 13.003, Interpretation and Policy .02(b).

[23] *See* Notice, *supra* note 4, at 35595.

[24] *See id.* at 35593.

[25] 15 U.S.C. 78s(b)(2)(B).

encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[26] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with the Act and, in particular, (1) Section 6(b)(5) of the Act,[27] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and (2) Section 6(b)(10) of the Act,[28] which requires that the rules of a national securities exchange must prohibit any member that is not the beneficial owner of a security registered under Section 12 of the Act from granting a proxy to vote the security in connection with a shareholder vote on the election of a member of the board of directors of an issuer (except for a vote with respect to the uncontested election of a member of the board of directors of any investment company registered under the Investment Company Act of 1940), executive compensation, or any other significant matter, as determined by the Commission, unless the beneficial owner of the security has instructed the member to vote the proxy in accordance with the voting instructions of the beneficial owner.

One commenter states that it supports the proposal without modification and that the current proxy system ''plainly is not working,'' citing the time and expense of proxy campaigns and the difficulties of reaching quorum.[29] Another commenter states that the proposal could result in more efficient and cost-effective exchange-traded fund proxy campaigns and that it would expect a similar impact for uncontested campaigns for closed-end funds.[30] However, this commenter states that the proposal's implications for contested matters involving closed-end funds are harder to assess and that the Exchange should clarify the scope of the rule to ensure that accounts voted by fiduciaries or other third parties are excluded in the proportional voting calculation.[31] Another commenter states that it supports the goal of proportional voting to improve quorum and retail representation but has significant concerns about the proposal's operational feasibility.[32] This commenter provides several recommendations, including requests for clarity on the proposal's interaction with NYSE Rule 452 and FINRA Rule 2251 to avoid conflicting broker-dealer obligations across exchanges and on the scope of the fiduciary, advisory, and ERISA exclusions from proportional voting.[33]

Several commenters oppose the proposal.[34] One commenter states that the proposal may be inconsistent with corporate governance best practices and may perpetuate distortions of proxy voting results or result in proxy voting abuses.[35] Another commenter states that the proposal would circumvent majority voting requirements in cases when few shareholders have cast votes.[36] A third commenter states that the proposal would weaken core investor-rights protections and distort corporate governance votes.[37]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to establish a mandatory process for the proportional allocation and voting of Uninstructed Shares held by Members of the Exchange on behalf of beneficial owners of TXSE-listed equity securities is designed to be consistent with the requirements of Section 6(b)(5) and Section 6(b)(10) of the Act.[38]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, including the issues raised by commenters, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with Sections 6(b)(5), 6(b)(10), or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[39] any request for an opportunity to make an oral presentation.[40]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by October 2, 2026. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 16, 2026.

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–TXSE–2026–008 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–TXSE–2026–008. This file number should be included on the subject line if email is used. To help the

[26] *See id.*

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78f(b)(10).

[29] *See* Letter from Neil J. Hennessy, Founder, Chairman and Chief Executive Officer, and Teresa M. Nilsen, President and Chief Operating Officer, Hennessey Advisors, Inc., dated June 22, 2026, at 1–2.

[30] *See* Letter from Paul G. Cellupica, General Counsel, and Matt Thornton, Deputy General Counsel, Investment Company Institute, dated July 2, 2026, at 7.

[31] *See id.* at 7–8.

[32] *See* Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, and Anthony Macchiarulo, Vice President, Financial Services Operations & Assistant General Counsel, SIFMA, dated July 13, 2026, at 1.

[33] *See id.*

[34] *See* Letters from Jeff Mahoney, General Counsel, Council of Institutional Investors, dated Aug. 13, 2026 (''CII Letter''); Liz Gordon, Executive Director of Corporate Governance, New York State Common Retirement Fund, dated Aug. 21, 2026 (''NY Fund Letter''); Mark D. Levine, New York City Comptroller, dated Aug. 31, 2026 (''NYC Comptroller Letter'').

[35] *See* CII Letter at 1, 2–5.

[36] *See* NY Fund Letter at 1.

[37] *See* NYC Comptroller Letter at 1.

[38] 15 U.S.C. 78f(b)(5) and (10).

[39] 17 CFR 240.19b–4.

[40] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

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–TXSE–2026–008 and should be submitted on or before October 2, 2026. Rebuttal comments should be submitted by October 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18536 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106295; File No. 10–252]

Acknowledgement of Receipt of Notice of Registration as a National Securities Exchange Pursuant to Section 6(g) of the Securities Exchange Act of 1934 by Coinbase Derivatives, LLC

September 8, 2026.

Section 6(g) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] provides that an exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products by filing a written notice with the Securities and Exchange Commission (''Commission'') if: (1) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (''CEA''),[2] that has been designated a contract market by the Commodity Futures Trading Commission (''CFTC'') and such designation is not suspended by order of the CFTC; and (2) such exchange does not serve as a market place for transactions in securities other than security futures products or futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under Section 2(a)(1)(C) of the CEA.[3] Rule 6a–4 under the Exchange Act[4] requires that such an exchange submit written notice of registration to the Commission on Form 1–N.[5] Under Exchange Act Section 6(g)(2)(B), an exchange's registration as a national securities exchange becomes effective contemporaneously with the submission of the written notice on Form 1–N.[6]

On September 1, 2026, Coinbase Derivatives, LLC (''Coinbase'') filed a Form 1–N with the Commission. Pursuant to Section 6(g)(3) of the Exchange Act,[7] the Commission hereby acknowledges receipt of the Form 1–N submitted by Coinbase. Copies of the Form 1–N, including all exhibits, are available on the Commission's internet website (*https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information*).

For further information about this Release, you may contact David Dimitrious, Senior Special Counsel; Jennifer Colihan, Special Counsel; Eugene Hsia, Special Counsel; Michou Nguyen, Special Counsel; and Alba Baze, Attorney-Adviser, Office of Market Supervision, Division of Trading and Markets, at (202) 551–5550, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18538 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0177]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 6e–2 and Form N–6EI–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information.

Rule 6e–2 (17 CFR 270.6e–2) under the Investment Company Act of 1940 (''Act'') (15 U.S.C. 80a) is an exemptive rule that provides separate accounts formed by life insurance companies to fund certain variable life insurance products, exemptions from certain provisions of the Act, subject to conditions set forth in the rule.

Rule 6e–2 provides a separate account with an exemption from the registration provisions of section 8(a) of the Act if the account files with the Commission Form N–6EI–1 (17 CFR 274.301), a notification of claim of exemption.

The rule also exempts a separate account from a number of other sections of the Act, provided that the separate account makes certain disclosure in its registration statements (in the case of those separate accounts that elect to register), reports to contract holders, proxy solicitations, and submissions to state regulatory authorities, as prescribed by the rule.

Since 2008, there have been no filings of Form N–6EI–1 by separate accounts. Therefore, there has been no cost or burden to the industry since that time. The Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202606-3235-008* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by October 13, 2026.

Dated: September 8, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18534 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

[41] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78f(g).

[2] 7 U.S.C. 1a(6).

[3] 7 U.S.C. 2(a)(1)(C).

[4] 17 CFR 240.6a–4.

[5] Under Rule 202.3(b)(3) of the Commission's Informal and Other Procedures, upon receipt of a Form 1–N, the Division of Trading and Markets examines the notice to determine whether all necessary information has been supplied and whether all other required documents have been furnished in proper form. 17 CFR 202.3(b)(3).

[6] 15 U.S.C. 78f(g)(2)(B).

[7] 15 U.S.C. 78f(g)(3).

[8] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106293; File No. SR–MEMX–2026–29]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.23(b)(2) Concerning the Resumption of Trading Following a Level 3 Market-Wide Circuit Breaker Halt

September 8, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 28, 2026, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend amend Rule 11.23(b)(2) concerning the resumption of trading following a Level 3 market-wide circuit breaker halt. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.23(b)(2) concerning the resumption of trading following a Level 3 market-wide circuit breaker (''MWCB'') halt in connection with the extension of exchange trading hours to 23 hours per day, 5 days per week.[5] As discussed herein, the proposed rule change would retain the Exchange's current 4 a.m. resumption time following a Level 3 Market Decline, notwithstanding the fact that the Exchange would normally begin trading at 9 p.m. once the Exchange has implemented 23/5 trading hours.

Background

The MWCB mechanism under Rule 11.23 provides an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when U.S. securities markets experience extreme broad-based declines. All U.S. equity exchanges and FINRA (collectively, the self-regulatory organizations or ''SROs'') adopted uniform rules relating to the MWCB mechanism in 2012, which are designed to slow the effects of extreme price movement through coordinated trading halts across U.S. securities markets when severe price declines reach levels that may exhaust market liquidity.[6] Currently, market-wide circuit breaker rules provide for trading halts in all U.S. cash equities and equity options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index during Regular Trading Hours.

Pursuant to Rule 11.23, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. If a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day and will resume the following trading day at 4 a.m. during the Pre-Market Session.

Proposal

The Exchange now proposes to amend Rule 11.23 to reflect extended trading hours, *i.e.,* 23/5 trading. Currently, the Exchange offers three trading sessions on each day it is open for trading: (1) the Pre-Market Session (4:00 a.m. to 9:30 a.m.); (2) Regular Trading Hours (9:30 a.m. to 4:00 p.m.); and (3) the Post-Market Session (4:00 p.m. to 8:00 p.m.). On December 6, 2026, the Exchange intends to offer a new Overnight Trading Session, which would be available from 9:00 p.m. to 4:00 a.m., significantly increasing the Exchange's hours of operation in response to customer demand.

As discussed, current Rule 11.23(b)(2) provides that if a Level 3 Market Decline occurs at any time during the trading day, trading in all stocks will halt on the Exchange for the remainder of the trading day. Currently, this means the Exchange would re-open at its normal time, *i.e.,* 4 a.m., following a Level 3 Market Decline. However, the Exchange intends to begin 23/5 trading on December 6, 2026.[7]

Unless amended, when the Exchange launches overnight trading, the current rule's reference to halting ''for the remainder of the trading day'' [8] would require that the Exchange re-open at an earlier time, *i.e.,* 9 p.m. on the same calendar day, when the Exchange's systems would generally become available for the Overnight Trading Session. The Exchange does not believe that this is an expected or desired result and is therefore amending this rule in coordination with the other SROs such that trading on the Exchange will not resume until 4 a.m. ET or later on the following trading day, consistent with current market practice. This proposed rule change is therefore not intended to make any substantive changes to the MWCB mechanism. Rather, the proposed rule change would *preserve* the resumption time following a Level 3 Market Decline, nothwistanding changes to the Exchange's rules that would otherwise allow the Exchange to

[5] The Exchange filed for immediate effectiveness a proposal to amend its rules to permit 23x5 trading on August 28, 2026. *See* SR–MEMX–2026–28, available on the Exchange's website at: *https://info.memxtrading.com/regulation/rules-and-filings/.*

[6] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''MWCB Approval Order'').

[7] *See* note 5 supra.

[8] *See* MEMX Rule 11.23(b)(2).

begin trading at 9 p.m. as it would on any other trading day.

To effect this change, the Exchange proposes to delete the language in Rule 11.23(b)(2) that provides that trading in all stocks will halt on the Exchange for the remainder of the trading day if a Level 3 Market Decline occurs at any time during the trading day and replace with new language that hard codes a 4 a.m. resumption whereby trading in all stocks will halt on the Exchange until 4 a.m. on the following trading day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The MWCB mechanism described in Rule 11.23 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when U.S. securities markets experience extreme broad-based declines. The proposed rule change would ensure that the Exchange's current 4 a.m. resumption time following a Level 3 halt continues to apply when the Exchange and various other U.S. equities exchanges begin trading on a 23/5 basis, notwithstanding current rule text implying that the resumption time would coincide with the start of overnight trading on the Exchange.

Rather than leave the rule in place as is, which would result in an earlier resumption time than originally contemplated when the rule was adopted, the Exchange, the other U.S. equity exchanges, and FINRA met alongside industry representatives to determine the appropriate resumption time. Following those discussions, the collective decision was made to retain the 4 a.m. resumption time, notwithstanding the fact that an earlier resumption time would be possible with the introduction of 23/5 trading. The proposed rule change codifies this decision into the Exchange's rules. The Exchange understands that the other SROs will also be filing similar proposed rule changes. As a result, the market as a whole, including on- and off-exchange, will continue to be subject to harmonized rules for the resumption of trading following a Level 3 Market Decline.

While the SROs had previously decided to tie the resumption time following a Level 3 halt to an SRO's normal hours of operation, the upcoming transition to 23/5 trading raises various concerns that warrant a change from the current approach.

First, the Exchange notes that the MWCB mechanism was designed to provide a cooling off period where market participants would be provided with additional time to evaluate the market events that led to the decline before determining how to position their trading activity for the next day. With the introduction of 23/5 trading and the start of the Overnight Trading Session at 9 p.m., however, this cooling off period could be materially shortened, reducing one of the key benefits that the MWCB mechanism was designed to provide in the first place. Rather than shorten the cooling off period and risk this benefit, the Exchange believes the market would be better served by a change to the length of the associated trading halt that mirrors current market practice. As is the case today, the Exchange would re-open for pre-market trading at 4 a.m., and would not offer an Overnight Trading Session starting on the day of a Level 3 halt.

Second, the new Overnight Trading Session may be subject to different liquidity and participation considerations than the current pre-market session. Notably, while retail investors have expressed interest in overnight trading, the Exchange expects that institutional investors will take more time to transition to a round the clock model. However, such institutional participation may be of heightened importance following a Level 3 halt as these investors are likely to have views on the underlying market events that led to the Level 3 Market Decline in the first place. The Exchange is concerned that opening during hours that such participants do not normally trade may impact the quality of price discovery at a time of significant market volatility. Waiting until 4 a.m. to resume trading would facilitate broader participation and therefore price discovery.

Finally, the Exhange notes that the Commission recently approved an amendment to the Plan to Address Extraordinary Market Volatility that would establish new price protections from 9 p.m. to 4 a.m.[11] While these price bands would help to assure a fair and orderly market during normal market conditions, it is possible that they would instead prevent normal price discovery following a Level 3 Market Decline. Rather than allowing trading to resume with such price bands in effect, which would represent a change from the current trade reopening following a Level 3 Market Decline, the Exchange believes that waiting until 4 a.m. to resume trading would ensure that price discovery can occur unimpeded during pre-market trading, as it does today, which may further inform prices going into the opening auction and regular market hours trading following a Level 3 halt.

Given the factors discussed above, the Exchange believes that trading in all securities on the Exchange should resume at 4 a.m. following a Level 3 halt. This decision, which will also be reflected in the rules of the other SROs that Exchange understands will be amended to provide that trading will resume on or after 4 a.m. depending on the Exchange's normal re-opening time, would promote a fair and orderly market at a time of significant market volatility, and thereby protect investors and the public interest. In addition, while the actual Level 3 resumption time would not be changing in practice—as proposed, the current resumption time and future resumption time on the Exchange would both be 4 a.m.—the Exchange believes that it is appropriate to amend its rules to ensure that its rules reflect the upcoming changes to the Exchange's hours of operation. Without this change, market particpiants may mistakenly believe that the Exchange's intention is to re-open the Exchange at 9 p.m. following a Level 3 halt. The proposed rule change would therefore facilitate operational transparency while providing for a fair and orderly market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across U.S. securities markets. Further, the Exchange understands that the other SROs intend to file proposed rule changes to ensure a consistent resumption time on or after 4 a.m.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (Order Granting Approval of the Twenty-Seventh Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

across all markets. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A)(iii) [12] of the Act and Rule 19b–4(f)(6) thereunder [13] in that it effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The MWCB mechanism under Rule 11.23 is an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when securities markets experience extreme broad-based declines as measured by a decline in the S&P 500 Index. This proposed rule change will not significantly affect the protection of investors or the public interest because, as noted above, it would continue the Exchange's current practice, which is to resume trading at 4 a.m. following a Level 3 halt, notwithstanding the fact that the Exchange may open earlier on other trading days once 23/5 trading is implemented. The proposed rule change would also not impose any significant burden on competition because the others SROs will be submitting similar proposals to amend their own rules, consistent with this proposed rule change, thereby ensuring consistency across market centers without implicating any competitive issues.

Furthermore, Rule 19b–4(f)(6)(iii) [14] requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2026–29 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–MEMX–2026–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing also will be available for inspection and copying at the principal office of 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–MEMX–2026–29 and should be submitted on or before October 2, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18537 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106296; File No. 10–253]

Acknowledgement of Receipt of Notice of Registration as a National Securities Exchange Pursuant to Section 6(g) of the Securities Exchange Act of 1934 by KalshiEX LLC

September 8, 2026.

Section 6(g) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] provides that an exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products by filing a written notice with the Securities and Exchange Commission (''Commission'') if: (1) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (''CEA''),[2] that has been designated a contract market by the Commodity Futures Trading Commission (''CFTC'') and such designation is not suspended by order of the CFTC; and (2) such exchange does not serve as a market place for transactions in securities other than security futures products or futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under Section 2(a)(1)(C) of the CEA.[3] Rule 6a–4 under the Exchange Act [4] requires that such an exchange submit written notice of registration to the Commission on Form 1–N.[5] Under Exchange Act Section 6(g)(2)(B), an exchange's registration as a national securities exchange becomes effective contemporaneously with the submission of the written notice on Form 1–N.[6]

On September 3, 2026, KalshiEX LLC (''KalshiEX'') filed a Form 1–N with the Commission. Pursuant to Section 6(g)(3) of the Exchange Act,[7] the Commission hereby acknowledges receipt of the Form 1–N submitted by KalshiEX. Copies of the Form 1–N, including all exhibits, are available on the Commission's internet website (*https://www.sec.gov/rules-regulations/commission-orders-notices/other-*

[1] 15 U.S.C. 78f(g).

[2] 7 U.S.C. 1a(6).

[3] 7 U.S.C. 2(a)(1)(C).

[4] 17 CFR 240.6a–4.

[5] Under Rule 202.3(b)(3) of the Commission's Informal and Other Procedures, upon receipt of a Form 1–N, the Division of Trading and Markets examines the notice to determine whether all necessary information has been supplied and whether all other required documents have been furnished in proper form. 17 CFR 202.3(b)(3).

[6] 15 U.S.C. 78f(g)(2)(B).

[7] 15 U.S.C. 78f(g)(3).

commission-orders-notices-information).

For further information about this Release, you may contact David Dimitrious, Senior Special Counsel; Jennifer Colihan, Special Counsel; Eugene Hsia, Special Counsel; Michou Nguyen, Special Counsel; and Alba Baze, Attorney-Adviser, Office of Market Supervision, Division of Trading and Markets, at (202) 551–5550, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18539 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0531]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 0–1 Under the Investment Company Act of 1940, Definition of Terms Used in This Part

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information described below.

The Investment Company Act of 1940 (the ''Investment Company Act'')[1] establishes a comprehensive framework for regulating the organization and operation of investment companies (''funds''). A principal objective of the Investment Company Act is to protect fund investors by addressing the conflicts of interest that exist between funds and their investment advisers and other affiliated persons. The Investment Company Act places significant responsibility on the fund board of directors in overseeing the operations of the fund and policing the relevant conflicts of interest.[2] Rule 0–1 (17 CFR 270.0–1), as amended, provides definitions for the terms used by the Commission in the rules and regulations it has adopted pursuant to the Investment Company Act. The rule also contains a number of rules of construction for terms that are defined either in the Investment Company Act itself or elsewhere in the Commission's rules and regulations. Finally, rule 0–1 defines terms that serve as conditions to the availability of certain of the Commission's exemptive rules. More specifically, the term ''independent legal counsel,'' as defined in paragraph (a)(6) of rule 0–1, sets out conditions that funds must meet in order to rely on any of ten exemptive rules (''exemptive rules'') under the Investment Company Act.[3]

If the board's counsel has represented the fund's investment adviser, principal underwriter, administrator (collectively, ''management organizations'') or their ''control persons''[4] during the past two years, rule 0–1 requires that the board's independent directors make a determination about the adequacy of the counsel's independence. A majority of the board's independent directors are required to reasonably determine, in the exercise of their judgment, that the counsel's prior or current representation of the management organizations or their control persons was sufficiently limited to conclude that it is unlikely to adversely affect the counsel's professional judgment and legal representation.[5] Rule 0–1 also requires that a record for the basis of this determination is made in the minutes of the directors' meeting. In addition, the independent directors must have obtained an undertaking from the counsel to provide them with the information necessary to make their determination and to update promptly that information when the person begins to represent a management organization or control person, or when he or she materially increases his or her representation.[6] Generally, the independent directors must re-evaluate their determination no less frequently than annually.

Under rule 0–1, if a majority of a fund's independent directors makes a determination that the counsel's representation of fund management organizations (or any of their control persons) is or was so limited that it will not adversely affect the counsel's ability to provide impartial advice to the independent directors, the basis for that determination must be recorded in the board's meeting minutes. The records maintained under the rule are not submitted to the Commission, but may be reviewed by the Commission staff upon request to ensure compliance with the rule. Compliance with rule 0–1 is required to obtain or retain benefits.

We estimate that approximately 920 funds would need to make the required determination in order for their counsel to meet the definition of independent legal counsel under rule 0–1. Based on conversations with fund representatives and the Commission's experience with the use of rule 0–1, we estimate that the recordkeeping burden of compliance with rule 0–1 is approximately 1 hour per respondent. This time is spent, for example, preparing the materials and minutes. Accordingly, we calculate the total estimated annual internal burden of complying with rule 0–1 to be approximately 920 hours. The total annual external cost is estimated to be $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.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202606-3235-020* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by October 13, 2026.

Dated: September 8, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18532 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(75).

[1] 15 U.S.C. 80a *et seq.*

[2] For example, fund directors must approve investment advisory and distribution contracts. See 15 U.S.C. 80a–15(a), (b), and (c).

[3] See 17 CFR 270.0–1(a)(7). The relevant exemptive rules are: rule 10f–3 (17 CFR 270.10f–3), rule 12b–1 (17 CFR 270.12b–1), rule 15a–4(b)(2) (17 CFR 270.15a–4(b)(2)), rule 17a–7 (17 CFR 270.17a–7), rule 17a–8 (17 CFR 270.17a–8), rule 17d–1(d)(7) (17 CFR 270.17d–1(d)(7)), rule 17e–1(c) (17 CFR 270.17e–1(c)), rule 17g–1 (17 CFR 270.17g–1), rule 18f–3 (17 CFR 270.18f–3), and rule 23c–3 (17 CFR 270.23c–3).

[4] A ''control person'' is any person—other than a fund—directly or indirectly controlling, controlled by, or under common control, with any of the fund's management organizations. See 17 CFR 270.01(a)(6)(iv)(B).

[5] 17 CFR 270.0–1(a)(6)(i)(A).

[6] 17 CFR 270.0–1(a)(6)(i)(B).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106297; File No. 10–254]

Acknowledgement of Receipt of Notice of Registration as a National Securities Exchange Pursuant to Section 6(g) of the Securities Exchange Act of 1934 by Bitnomial Exchange, LLC

September 8, 2026.

Section 6(g) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] provides that an exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products by filing a written notice with the Securities and Exchange Commission (''Commission'') if: (1) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (''CEA''),[2] that has been designated a contract market by the Commodity Futures Trading Commission (''CFTC'') and such designation is not suspended by order of the CFTC; and (2) such exchange does not serve as a market place for transactions in securities other than security futures products or futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under Section 2(a)(1)(C) of the CEA.[3] Rule 6a–4 under the Exchange Act [4] requires that such an exchange submit written notice of registration to the Commission on Form 1–N.[5] Under Exchange Act Section 6(g)(2)(B), an exchange's registration as a national securities exchange becomes effective contemporaneously with the submission of the written notice on Form 1–N.[6]

On September 4, 2026, Bitnomial Exchange, LLC (''Bitnomial'') filed a Form 1–N with the Commission. Pursuant to Section 6(g)(3) of the Exchange Act,[7] the Commission hereby acknowledges receipt of the Form 1–N submitted by Bitnomial. Copies of the Form 1–N, including all exhibits, are available on the Commission's internet website (*https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information*).

For further information about this Release, you may contact David Dimitrious, Senior Special Counsel; Jennifer Colihan, Special Counsel; Eugene Hsia, Special Counsel; Michou Nguyen, Special Counsel; and Alba Baze, Attorney-Adviser, Office of Market Supervision, Division of Trading and Markets, at (202) 551–5550, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18540 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78f(g).

[2] 7 U.S.C. 1a(6).

[3] 7 U.S.C. 2(a)(1)(C).

[4] 17 CFR 240.6a–4.

[5] Under Rule 202.3(b)(3) of the Commission's Informal and Other Procedures, upon receipt of a Form 1–N, the Division of Trading and Markets examines the notice to determine whether all necessary information has been supplied and whether all other required documents have been furnished in proper form. 17 CFR 202.3(b)(3).

[6] 15 U.S.C. 78f(g)(2)(B).

[7] 15 U.S.C. 78f(g)(3).

[8] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36324; File No. 812–16043]

The RBB Fund Trust and Millburn Ridgefield LLC

September 8, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

SUMMARY OF APPLICATION: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

APPLICANTS: The RBB Fund Trust and Millburn Ridgefield LLC.

FILING DATES: The application was filed on June 11, 2026, and amended on August 7, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time on October 5, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Jillian L. Bosmann, Esq., Faegre Drinker Biddle & Reath LLP, *jillian.bosmann@faegredrinker.com,* One Logan Square, Suite 2000, Philadelphia, Pennsylvania 19103–6996 with a copy to Steven M. Felsenthal, Millburn Ridgefield LLC, 55 West 46th Street, 31st Floor, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, dated August 7, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–18533 Filed 9–10–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21755 and #21756; MISSISSIPPI Disaster Number MS–20024]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4930–DR), dated August 3, 2026.

Incident: Tropical Storm Arthur.

DATES: Issued on September 8, 2026.

Incident Period: June 18, 2026 through June 20, 2026.

Physical Loan Application Deadline Date: October 3, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 3, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated August 3, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary County: Perry.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18603 Filed 9–10–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21793 and #21794; Pennsylvania Disaster Number PA–20040]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Correction.

SUMMARY: This is correction of the SBA Administrative declaration of a disaster for the commonwealth of Pennsylvania dated August 19, 2026.

Incident: Severe Storms and Flooding.

DATES: Issued on September 8, 2026.

Incident Period: July 28, 2026.

Physical Loan Application Deadline Date: October 19, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 19, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice of the Administrator's disaster declaration for the Commonwealth of Pennsylvania dated August 19, 2026 and published in the **Federal Register** on August 25, 2026 at 91 FR 54902 in the first column is hereby corrected. The interest rate for Homeowners without credit available elsewhere has changed from 3.000% to 2.875% and Homeowners with credit available elsewhere from 6.000% to 5.750%.

All other information in the notice remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18596 Filed 9–10–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Matching Program

AGENCY: U.S. Small Business Administration.

ACTION: Notice of a modified matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) guidance on computer matching, the U.S. Small Business Administration (SBA) is providing notice of a modified matching program. Pursuant to the Payment Integrity Information Act of 2019, SBA is modifying a matching program consisting of the computerized comparison of systems of records for benefits programs at SBA with the U.S. Department of Treasury's Do Not Pay (DNP) Working System, which is administered by Treasury's Bureau of the Fiscal Service. This modified matching program will enable the SBA programs listed in the appendix of this notice to compare records maintained in their respective systems of records with records maintained in the DNP Working System for the purposes of identifying and preventing improper payments and conducting any related recovery activities by verifying through DNP prepayment or pre-award eligibility.

DATES: Submit comments on or before October 8, 2026. This modified matching program will be effective 30 days after publication of this notice through September 10, 2029.

ADDRESSES: Written comments on this notice may be submitted electronically through the Federal government eRulemaking portal at *http://www.regulations.gov;* docket number SBA–2026–0298. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables SBA to make the comments available to the public. Please note that comments submitted through *https://www.regulations.gov* will be made available for viewing by the public.

Comments on this proposed matching program may also be addressed to Michael Post, Acting Chief Information Security Officer, Office of the Chief Information Officer, U.S. Small Business Administration, 409 3rd Street SW, Suite 4000, Washington, DC 20416, email address *CISO@sba.gov*, telephone 202–205–3645.

FOR FURTHER INFORMATION CONTACT: For Privacy Act related matters, contact Michael Post, Acting Chief Privacy Officer, Office of the Chief Information Officer, U.S. Small Business Administration, 409 3rd Street SW, Suite 4000, Washington, DC 20416, telephone 202–205–3645, or via email to *PrivacyOfficer@sba.gov*.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) amended the Privacy Act of 1974 (5 U.S.C. 552a) by establishing procedural safeguards related to agencies' use of records when performing certain types of computerized matching. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for individuals when agencies perform these functions. Additionally, the Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) provides the head of the agency operating the DNP Working System with the authority, in consultation with OMB, to waive the requirements in 5

U.S.C. 552a(o) in any case or class of cases for matching activities conducted under the DNP Initiative (31 U.S.C. 3354). Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement under 5 U.S.C. 552a(o) for the class of matching programs that meet all of the criteria defined in OMB Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy through Do Not Pay.*

SBA has determined that the DNP matching program described in this notice is eligible for the waiver described in OMB Memorandum M–25–32, which is effective from September 10, 2025, through September 10, 2029. For purposes of this notice, matching activities conducted between the Federal benefit programs listed in the appendix to this document and the DNP Working System constitute a single agency-wide matching program implementing DNP for SBA's listed programs.[1] On its effective date, this notice also rescinds and replaces the SBA notice of the establishment of a matching program for Do Not Pay that had been granted a waiver of the matching agreement requirement, which was published on October 10, 2023 (88 FR 69978).

PARTICIPATING AGENCIES:

The SBA programs listed in the appendix of this notice will match against the DNP Working System, which is maintained by the Bureau of the Fiscal Service at the U.S. Department of the Treasury.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, *Reducing Improper Payments* (74 FR 62201); Executive Order 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse* (90 FR 14011); and OMB Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay.* Additional information regarding the statutory authorities for the collection and maintenance of information for each of the SBA programs that will conduct matches with the DNP Working System are contained within the systems of records notices listed in the appendix below.

PURPOSE(S):

The purposes of the matching program are identifying and preventing improper payments and conducting any related recovery activities by verifying through Do Not Pay prepayment or pre-award eligibility. Data elements that are necessary for eligibility determinations for a relevant SBA program that are contained in records from SBA systems of records will be compared with records in the DNP Working System. When there is a match between a record provided by the SBA program and a record in the DNP Working System, the DNP Working System will provide to the submitting SBA program notice of a potentially matching record and will identify the database(s) that contain the potentially matching record(s).

The SBA program will then review the information to determine whether additional action is needed. If no matches are identified, the DNP Working System will provide a no match response to the submitting SBA program.

CATEGORIES OF INDIVIDUALS:

Applicants for, or recipients of, Federal funds from those SBA programs listed in the appendix below.

CATEGORIES OF RECORDS:

Categories of records include name, address, date of birth, Social Security or tax identification number, telephone number, personal history including education and employment history, personal or business financial statements, bank information, credit information, insurance information, FEMA registration number, SBA application number, SBA grant number, correspondence to and from applicants, recommendations regarding disaster applicant eligibility, authorizations of disaster loan advances, disaster grants, disaster home and business loans, loan term and rate, payment history, loan accounting information, collateral, Uniform Commercial Code (UCC) filings and re-filings, field visit reports, investigative reports, appraisers' reports, waivers of costs, obligations, or requirements, and settlements and compromises, SBA identifier, SBA non-disaster loan number, SBA non-disaster Participating Lender identifier, SBA non-disaster Participating Lender name, SBA non-disaster loan information, SBA non-disaster fees paid to third party agents as set forth in SBA Form 159, compliance and enforcement information on individuals named in any business loan and/or awardee files throughout the life of SBA's interest in any loan.

SYSTEM(S) OF RECORDS:

The records contained within the DNP Working System are maintained in the system of records known as Department of the Treasury, Bureau of the Fiscal Service .017—Do Not Pay Payment Verification Records (85 FR 11776). This system of records includes those databases designated to be included in the DNP Working System by the Payment Integrity Information Act of 2019 as well as other databases designated for inclusion by the Director of the Office of Management and Budget, or the designee of the Director, in consultation with executive agencies. The SBA records involved in the matching program are maintained in SBA systems of records listed in the appendix below.

Appendix

Below is a list of the SBA programs, including their associated Assistance Listing IDs, that will match records with the DNP Working System and the applicable system of records notice(s) for each SBA program. For purposes of this notice, matching activities conducted between the Federal benefit programs listed in the following appendix and the DNP Working System constitute a single agency-wide matching program implementing DNP for the agency. For more information about Assistance Listing IDs, see: *https://sam.gov/assistance-listings.*

The routine use from OMB Memorandum M–25–32 has been added to the systems of records identified in

Assistance listing ID	SBA program name	Systems of records number, name, and **Federal Register** notices
59.041	504 Certified Development Loans Approvals	SBA 21—Loan System (74 FR 14890).
59.041	504 Certified Development Loans Purchases	SBA 21—Loan System (74 FR 14890).
59.012	7(a) Loan Guarantees Approvals	SBA 21—Loan System (74 FR 14890).
59.012	7(a) Loan Guarantees Purchases	SBA 21—Loan System (74 FR 14890).
59.008	Disaster Assistance Loans	SBA 20—Disaster Loans Case Files (86 FR 64979) and (*74 FR 14889*).

Assistance listing ID	SBA program name	Systems of records number, name, and **Federal Register** notices
59.008	COVID–19 Economic Injury Disaster Loan (EIDL) Program	SBA 20—Disaster Loans Case Files (86 FR 64979) and (*74 FR 14889*).
59.072	Economic Injury Disaster Loan Emergency Advance	SBA 20—Disaster Loans Case Files (86 FR 64979) and (*74 FR 14889*).
59.072	Targeted EIDL Advances	SBA 20—Disaster Loans Case Files (86 FR 64979) and (*74 FR 14889*).
59.072	Supplemental Targeted Advances	SBA 20—Disaster Loans Case Files (86 FR 64979) and (*74 FR 14889*).
59.062	Intermediary Loan Program	SBA 21—Loan System (74 FR 14890).
59.046	Microloan Program	SBA 21—Loan System (74 FR 14890).
59.073	Paycheck Protection Program (PPP) Loan Forgiveness	SBA 21—Loan System (74 FR 14890).
59.073	Paycheck Protection Program (PPP) Loan Guaranty Purchases	SBA 21—Loan System (74 FR 14890).
59.050	Prime Technical Assistance	SBA 21—Loan System (74 FR 14890).
59.078	Restaurant Revitalization Fund	SBA 21—Loan System (74 FR 14890).
59.075	Shuttered Venue Operators Grant Program	SBA 20—Disaster Loans Case Files (86 FR 64979) and (74 FR 14889).
59.011	Small Business Investment Companies Approvals	SBA 21—Loan System (74 FR 14890).
59.011	Small Business Investment Companies Purchases	SBA 21—Loan System (74 FR 14890).
59.016	Surety Bond Guarantees (SBG)	SBA 21—Loan System (74 FR 14890).

Douglas Robertson,

Deputy Chief Information Officer (Alternate Authorizing Official), Office of the Chief Information Officer, U.S. Small Business Administration.

Endnotes

[1] The statutory definition of the term ''matching program'' means ''any computerized comparison of—(i) two *or more* automated systems of records or a system of records with non-Federal records'' for certain enumerated purposes. 5 U.S.C. 552a(a)(8) (emphasis added). There is a separate statutory definition for ''Federal benefit program.'' See OMB Memorandum M–25–32 at Appendix II, page 2, sec. a.3.iii.1 (recognizing that a single agency matching program may consist of multiple systems of records). Thus, this notice applies to the DNP matching program for multiple Federal benefits programs and associated systems of records within SBA.

[FR Doc. 2026–18527 Filed 9–10–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21853 and #21854; COLORADO Disaster Number CO–20034]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Colorado

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Colorado (FEMA–4944–DR), dated September 1, 2026.

Incident: Wildfires, Flooding, and Mudslides.

DATES: Issued on September 1, 2026.

Incident Period: June 27, 2026 through July 29, 2026.

Physical Loan Application Deadline Date: November 1, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the President's major disaster declaration on September 1, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Custer, Dolores, Ouray, Pueblo.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 218535 and for economic injury is 218540.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–18519 Filed 9–10–26; 8:45 am]

BILLING CODE 8026–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36951]

Fortress Investment Group LLC, et al.—Intra-Corporate Family Transaction Exemption

Fortress Investment Group LLC (Fortress), a noncarrier, for the benefit of FTAI Infrastructure Inc. (FTAI), which directly or indirectly controls Percy Acquisition LLC, which has changed its name to Transtar Holdings LLC (Transtar Holdings), FIP RR Holding Company LLC (FIPRR HoldCo), FIP RR Holdings LLC (FIPRR Holdings), FIP RR 1 LLC, and FIP RR 2 LLC (FIPRR2) (collectively, Fortress Parties), has filed a verified notice of exemption for an

intra-corporate family transaction under 49 CFR 1180.2(d)(3).

According to the verified notice, FIPRR2 currently has direct control of The Wheeling Corporation (Wheeling Corp.), a noncarrier that has two rail carrier subsidiaries: Wheeling & Lake Erie Railway (W&LE), a Class II carrier, and Akron Barberton Cluster Railway Company (ABC), a Class III carrier. Further, FIPRR2 currently has direct control of Transtar, LLC, which has changed its name to The Wheeling Holding Company LLC (Wheeling HoldCo), and which controls six Class III rail carriers: (1) Union Railroad Company, LLC; (2) Gary Railway Company, LLC; (3) Delray Connecting Railroad Company; (4) Texas & Northern Railway Company, LLC; (5) The Lake Terminal Railroad Company, LLC; and (6) East Ohio Valley Railway LLC.[1]

According to the verified notice, the proposed transaction will transfer direct control of Wheeling Corp. (which owns and control W&LE and ABC) from FIPRR2 to Wheeling HoldCo. Fortress will continue to manage FTAI, which will continue to indirectly control FIPRR2 as follows: FTAI will continue to control Transtar Holdings, which will continue to control FIPRR HoldCo, which will continue to control FIPRR Holdings, which will continue to control FIPRR2, which will continue to control Wheeling HoldCo, which will then control Wheeling Corp. Fortress Parties state that the proposed transfer will promote management and operational efficiencies by placing all of the operating railroads within the corporate family under the direct control of Wheeling HoldCo. A draft copy of the resolution governing the proposed transaction was submitted with the verified notice as Exhibit B.

Fortress Parties state that the proposed transaction does not include an interchange commitment under 49 CFR 1180.4(g). The verified notice states that the proposed transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(3).

Unless stayed, the exemption will be effective on September 27, 2026 (30 days after the verified notice was filed). The verified notice states that Fortress Parties intend to consummate the proposed transaction on or after the effective date of the exemption.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves the control of one Class II and one or more Class III rail carriers, the transaction is subject to the labor protection requirements of 49 U.S.C. 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 18, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36951, must be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Fortress Parties' representative, Williams A. Mullins, Mullins Law Group PLLC, 2001 L Street NW, Suite 720, Washington, DC 20036.

According to Fortress Parties, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: September 8, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2026–18530 Filed 9–10–26; 8:45 am]

BILLING CODE 4915–01–P

[1] Wheeling HoldCo also controls a private switching railroad, Fairfield Southern Company LLC, and an equipment leasing corporation, Birmingham Southern Railroad.

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: August 1–31, 2026.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.gov.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (f) for the time period specified above.

Approvals by Rule—Issued Under 18 CFR 806.22(f)

1. RENEWAL—Beech Resources, LLC; Pad ID: ISA Well Site; ABR–202103003.R1; Lycoming Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 7, 2026.

2. RENEWAL—Coterra Energy Inc.; Pad ID: GreenwoodR P2; ABR–201605002.R2; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 7, 2026.

3. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 357 Pad A; ABR–201007075.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 7, 2026.

4. RENEWAL—EQT ARO LLC; Pad ID: COP Tract 027B Pad A; ABR–201107030.R3; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 7, 2026.

5. RENEWAL—EQT ARO LLC; Pad ID: Larrys Creek F&G Pad C; ABR–201105014.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 7, 2026.

6. RENEWAL—Expand Operating LLC; Pad ID: SGL–12 M NORTH UNIT PAD B; ABR–202105002.R1; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 7, 2026.

7. RENEWAL—Pin Oak Energy Partners LLC; Pad ID: Wolfinger Pad A—Beechwood; ABR–202101002.R1; Saint Mary's City, Elk County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 7, 2026.

8. RENEWAL—Seneca Resources Company, LLC; Pad ID: Weiner 882; ABR–201103045.R3; Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 7, 2026.

9. RENEWAL—Diversified Oil & Gas, LLC; Pad ID: Lundy Well Pad; ABR–201103010.R3; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.6000 mgd; Approval Date: August 19, 2026.

10. RENEWAL—Expand Operating LLC; Pad ID: Colcam; ABR–201108019.R3; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 19, 2026.

11. RENEWAL—Expand Operating LLC; Pad ID: Dewolf; ABR–201608002.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 19, 2026.

12. RENEWAL—Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 726 Pad C; ABR–202108001.R1; Plunketts Creek Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: August 19, 2026.

13. RENEWAL—XTO Energy Inc.; Pad ID: Buck Unit A; ABR–201107041.R3; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2026.

14. RENEWAL—EQT ARO LLC; Pad ID: COP Tract 728 Pad H; ABR–201105006.R3; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2026.

15. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: SENN (05 253) W; ABR–201106001.R3; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 24, 2026.

16. RENEWAL—Seneca Resources Company, LLC; Pad ID: DCNR 100 PAD E; ABR–201105009.R3; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2026.

17. RENEWAL—Seneca Resources Company, LLC; Pad ID: Sanchis 1129; ABR–201105017.R3; Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 24, 2026.

18. RENEWAL—Expand Operating LLC; Pad ID: Adams; ABR–201108038.R3; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 28, 2026.

19. RENEWAL—Expand Operating LLC; Pad ID: Alexander; ABR–201108031.R3; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 28, 2026.

20. RENEWAL—Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 729 Pad E; ABR–201107046.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: August 28, 2026.

21. RENEWAL—VEC Energy LLC; Pad ID: NorthFork 1H; ABR–20100158.R3; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 28, 2026.

22. RENEWAL—XTO Energy Inc.; Pad ID: PA Tract Unit E; ABR–201108041.R3; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 28, 2026.

23. RENEWAL—XTO Energy Inc.; Pad ID: PA Tract Unit G; ABR–201109018.R3; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 28, 2026.

24. RENEWAL—Coterra Energy Inc.; Pad ID: LopatofskyJ P1; ABR–201105015.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 31, 2026.

25. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 285 Pad C; ABR–201007062.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 31, 2026.

26. RENEWAL—Expand Operating LLC; Pad ID: A&M Pad; ABR–202107002.R1; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

27. RENEWAL—Expand Operating LLC; Pad ID: Albertson; ABR–201108048.R3; Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

28. RENEWAL—Expand Operating LLC; Pad ID: Hemlock Hunting Club B Drilling Pad #1; ABR–201607001.R2; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

29. RENEWAL—Expand Operating LLC; Pad ID: Jacobson Unit Pad; ABR–201607002.R2; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

30. RENEWAL—Expand Operating LLC; Pad ID: Kuziak Drilling Pad #1; ABR–201107028.R3; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

31. RENEWAL—Expand Operating LLC; Pad ID: Yonkin B Drilling Pad; ABR–201607003.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 31, 2026.

32. RENEWAL—VEC Energy LLC; Pad ID: Brookfield #1 Pad; ABR–201601003.R2; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 31, 2026.

33. RENEWAL—VEC Energy LLC; Pad ID: Sylvester 1H; ABR–20100155.R3; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 31, 2026.

34. Seneca Resources Company, LLC; Pad ID: Bower 758; ABR–202608002; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 31, 2026.

35. Seneca Resources Company, LLC; Pad ID: Schmoyer 756; ABR–202608001; Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 31, 2026.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: September 9, 2026.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–18592 Filed 9–10–26; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Minor Modification Approval

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for previously approved projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: August 1–31, 2026

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax (717) 238–2436; email: *joyler@srbc.gov.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modification or a corrective modification, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013–11 and 2015–06, for the time period specified above.

1. Huntsinger Farms, Inc.—Deep Creek 3, Docket No. 20250312, Hegins Township, Schuylkill County, Pa.;

correction in Section 3 of withdrawal location; Correction Issue Date: August 6, 2026.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: September 9, 2026,

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–18593 Filed 9–10–26; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Property Release at the Mobile Regional Airport Mobile, Alabama

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: The FAA is considering a request from the Mobile Airport Authority (MAA) to waive the requirement that 0.4034± acres of airport property located in the northern area of the Mobile Regional Airport and along the northeast corner of Foster Road and Tanner Williams Road in Mobile, Alabama, be used for aeronautical purposes.

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

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA to the following address: Jackson Airports District Office, Attn: Brian Hendry, Community Planner, Jackson Airports District Office, 10 Canebrake Blvd., Suite 100, Flowood, MS 39232.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mobile Airport Authority, Attn: Mr. Don Shepley, Business Development Manager, Post Office Box 88004, Mobile, AL 36608.

FOR FURTHER INFORMATION CONTACT: Brian Hendry, Community Planner, Jackson Airports District Office, 10 Canebrake Blvd., Suite 100, Flowood, MS 39232, (769) 268–6979. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Mobile Airport Authority to release approximately 0.4034± acres of airport property at Mobile Regional Airport (MOB) under the provisions of Title 49, U.S.C. 47153(c). The FAA determined that the request to release property at Mobile Regional Airport (MOB) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. The property will be purchased by the County of Mobile which is purchasing the land for a roadway widening project at the northeast corner of the intersection of Foster Road and Tanner Williams Road. The property is located north of the main airport property and due north of Runway 18 end. In accordance with 49 U.S.C. 47107(c)(2)(B)(i), the airport will receive fair market value for the property, and the net proceeds from the sale of this property will be used for maintenance and improvements at the Mobile Regional Airport (MOB).

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Mobile Airport Authority (MAA).

Issued in Jackson, Mississippi on September 8, 2023.

William Schuller,

Acting Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2026–18566 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Petition for Authorization To Exceed Mach 1

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of decision to grant an authorization to exceed Mach 1.

SUMMARY: This notice summarizes the petition Hermeus Corporation submitted to FAA requesting a special flight authorization as provided for in FAA regulations. The notice also provides for public awareness of FAA's decision to grant Hermeus Corporation's request. FAA is not requesting comments on the petition or FAA's decision regarding the petition because a special flight authorization petition to exceed Mach 1 follows a separate regulatory process.

DATES: The grant of the special flight authorization to exceed Mach 1 is effective August 20, 2026.

FOR FURTHER INFORMATION CONTACT: David Senzig, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 781–238–7034, *david.a.senzig@faa.gov.*

SUPPLEMENTARY INFORMATION:

Petitioner: Hermeus Corporation.

Applicable Sections of 14 CFR: Sections 91.817 and 91.818.

Description of Relief Sought: Hermeus Corporation seeks relief to allow certain flight tests to exceed Mach 1.

On May 22, 2026, Hermeus Corporation, Atlanta, GA (Hermeus), petitioned FAA to allow Hermeus to operate a civil aircraft that is expected to exceed Mach 1 speeds during flight testing. Hermeus submitted subsequent revisions to this petition with the final revision received on August 20, 2026. Specifically, Hermeus requested to conduct developmental flight test operations of an experimental aircraft, the Quarterhorse Mark 2.2 (Mk 2.2) Unmanned Aircraft System (UAS), over the White Sand Missile Range (WSMR) inside Restricted Areas R–5111 A–D and R–5107 located in New Mexico. The petitioner requested authorization for up to six supersonic test flights by August 20, 2027. The proposed operations would occur at or above 24,000 ft Mean Sea Level during daytime hours.

To satisfy its environmental requirements, in a decision dated August 20, 2026, FAA relied on and adopted the Department of the Army's categorical exclusion determination which was based on the Army's Record of Environmental Consideration (REC) for the petitioner's request for the special flight authorization for the Quarterhorse Program Aircraft at WSMR. FAA determined that proposed supersonic test flights would not significantly affect the quality of the human environment.

FAA finds the request by the petitioner is well within the intent of 14 CFR 91.818. As such, FAA granted Hermeus' petition for this special flight authorization to exceed Mach 1. Authority to exceed Mach 1 during the testing of the Hermeus Mk 2.2 experimental aircraft is limited to the conditions and limitations stated in the special flight authorization.

FAA's decision to grant a special flight authorization in response to Hermeus' petition and the applicable FAA environmental review document is available on FAA's website. FAA is posting grants of special flight

authorizations and applicable FAA environmental review documents on this website. These documents may be found at: *https://www.faa.gov/about/office_org/headquarters_offices/apl/aee/env_policy/sfa_supersonic.*

Issued in Washington, DC, on September 8, 2026.

Julie Marks,

Executive Director, Office of Environment and Energy (AEE–1).

[FR Doc. 2026–18523 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–11158]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Federal Aviation Regulation Part 119—Certification: Air Carriers and Commercial Operators

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 information collected reflects requirements necessary under parts 135, 121, and 125 to comply with Federal Aviation Regulation part 119—Certification: Air Carriers and Commercial Operators. The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, to take enforcement action on violators of the regulations.

DATES: Written comments should be submitted by November 10, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Sandra L. Ray, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108.

By fax: 412–239–3063.

FOR FURTHER INFORMATION CONTACT: Sandra L. Ray by email at: *Sandra.ray@faa.gov;* phone: 412–546–7344

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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0593.

Title: Federal Aviation Regulation part 119—Certification: Air Carriers and Commercial Operators.

Form Numbers: 8400–6.

Type of Review: Renewal of an information collection.

Background: The request for clearance reflects requirements necessary under parts 135, 121, and 125 to comply with part 119. 49. 49 U.S.C. 44702 is the FAA's general certificate-issuance authority. It says the Administrator may issue numerous types of certificates—including airman, type, production, airworthiness, airport, air agency, and air carrier operating certificates—and establishes general requirements for applications and certificate issuance.

Title 49 U.S.C. 44705 is the specific statute governing air carrier operating certificates. It tells the FAA when an air carrier certificate shall be issued: after investigation, when the applicant is properly and adequately equipped and capable of operating safely. It also specifies what the certificate must contain.

The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, to take enforcement action on violators of the regulations.

Respondents: 38 New Entrant Air Carrier and Commercial Operators.

Frequency: Once.

Estimated Average Burden per Response: 3 hour per response.

Estimated Total Annual Burden: $191,212.16.

Issued in Washington, DC, on September 9, 2026.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2026–18598 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to announce actions taken by Caltrans that are final agency actions. These actions relate to the proposed Interstate 505 Vaca Valley Parkway Corridor Multimodal Improvement Project in Solano County, California. Caltrans in partnership with the City of Vacaville is proposing to provide interchange and local roadway improvements along Interstate 505 at the Vaca Valley Parkway on and off ramps. The Project would replace three intersections with roundabouts and introduce new bicycle and pedestrian connections across the corridor to help improve traffic, pedestrian and bicycle operations.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before February 8, 2027. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment with a Finding of No Significant Impact and additional project documents can be viewed and downloaded from the project website at: *https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs#solano* or by contacting Caltrans District 4 Environmental, 111 Grand Avenue, Oakland, CA 94612, during normal business hours from 8 a.m. to 5 p.m. (Pacific Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: Nathan Roberts, Environmental Scientist, (510) 418–3347, *Nathan.roberts@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, and as subsequently renewed on May 27, 2022, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327.

Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the proposed improvement highway project. The actions by Caltrans and other Federal agencies on the project, and the laws under which such actions were taken are described in the Environmental Assessment with Finding of No Significant Impact approved on March 12, 2026, and in other project records for the listed project. The Environmental Assessment with Finding of No Significant Impact and other documents for the listed project are available by contacting Caltrans at the address provided above.

The project subject to this notice is:

Project Location: The project limits include I–505 between postmiles R1.2 and R1.7 at Vaca Valley Parkway between East Monte Vista Ave/Crocker Drive and the I–505 northbound and southbound on and off ramps.

Project Actions: This notice applies to the Environmental Assessment with Finding of No Significant Impact and all other Federal agency licenses, permits, or approvals for the listed project as of the issuance date of this notice including but not limited to the Section 4(f) Resource Programmatic Approval and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128]; 23 CFR part 771.

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671q], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918]; 23 CFR part 772.

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; 23 CFR part 774; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200302–200310].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757a–757f]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d], with Essential Fish Habitat requirements [16 U.S.C. 1855(b)(2)].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101 *et seq.*]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470aa–470mm]; Preservation of Historical and Archeological Data [54 U.S.C. 312501–312508]; Native American Graves Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–1]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j–26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4001–4130].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992k].

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1)).

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2026–18549 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0048; Notice 1]

General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC (GM) has determined that certain model year (MY) 2024 Cadillac XT4, Chevrolet Colorado, and GMC Canyon motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* GM filed a noncompliance report dated April 25, 2024, and subsequently petitioned NHTSA (the ''Agency'') on May 17, 2024, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of GM's petition.

DATES: Send comments on or before October 13, 2026.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If

comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kelley Adams-Campos, Safety Compliance Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7479.

SUPPLEMENTARY INFORMATION:

I. Overview: GM determined that certain MY 2024 Cadillac XT4, Chevrolet Colorado, and GMC Canyon motor vehicles do not fully comply with paragraphs S7.2.5, S7.4.4, and S7.7.5 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108) and filed a noncompliance report on April 25, 2024, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* GM petitioned NHTSA on May 17, 2024, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 10,241 MY 2024 Cadillac XT4, Chevrolet Colorado, and GMC Canyon motor vehicles, manufactured between November 16, 2023, and March 19, 2024, were reported by the manufacturer.

III. Rule Requirements: Paragraphs S7.2.5, S7.4.5, and S7.7.5 of FMVSS No. 108 include the requirements relevant to this petition. Paragraphs S7.2.5, S7.4.5, and S7.7.5 require that taillamps, side marker lamps, and license plate lamps, respectively, meet the activation requirements outlined in Table 1–a. Specifically, taillamps, side marker lamps, and license plate lamps on all passenger cars, Multipurpose Passenger Vehicles (MPV), trucks, and buses, less than 2,032 millimeters (mm) (80 inches) in overall width must be activated when the parking lamps are activated.[1]

IV. Noncompliance: GM explains that, under specific conditions, when the parking lamps are activated, the taillamps, side marker lamps and license plate lamp are not activated as required by Table I–a of FMVSS No. 108. GM describes the conditions as having the master lighting control switched from ''AUTO'' to ''OFF,'' while the ambient lighting conditions are dark, and the vehicle's transmission is not in the ''PARK'' position.

V. Summary of GM's Petition: The following views and arguments presented in this section, ''V. Summary of GM's Petition,'' are the views and arguments provided by GM. They have not been evaluated by the Agency and do not reflect the views of the Agency. GM describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

GM states that the subject noncompliance would be apparent to a driver of a subject vehicle because the parking lamps will remain ''on,'' *i.e.,* activated, and be visible in dark conditions, and that the noncompliance, *i.e.,* the deactivation of the taillamps, side marker lamps, and license plate lamp, will persist only as long as all three of the conditions stated in section IV, above, are met exactly as described. For example, GM states that if the driver turns the master lighting control to ''OFF'' while the vehicle's transmission is in the ''PARK'' position, the subject noncompliance will not occur. Next, GM states that if the master lighting switch is set to positions other than ''OFF,'' the parking lamps will activate and deactivate simultaneously with the taillamps, side marker lamps and license plate lamp. Finally, GM states that if the driver shifts the subject vehicles' transmission into the ''PARK'' position, after triggering the subject noncompliance to occur, and while the master lighting control is set to ''OFF,'' the parking lamps will deactivate and remain deactivated if the vehicle is subsequently put into a transmission state other than ''PARK.''

GM outlines several reasons why the subject noncompliance is inconsequential to motor vehicle safety.

A. *This noncompliance does not adversely impact the safety function of the parking lamps.*

GM states that because the noncompliance cannot arise when a subject vehicle's transmission is in ''PARK,'' or is immediately corrected if the transmission is subsequently put into ''PARK,'' the parking lamps' function ''to mark the vehicle *when parked* or serve as a reserve front position indicating system in the event of headlamp failure'' is unaffected.

B. *The parking lamps remaining activated while a vehicle with the subject noncompliance is operated in a propulsion gear in the dark has no negative impact and may improve vehicle safety.*

GM states that the noncompliance ''can only occur at night'' and with a subject vehicle's transmission in a gear other than ''PARK.'' GM asserts that under these operating conditions, having parking lamps activated[2] has no adverse safety impact, suggesting that safety will be improved by illuminating the vehicle to other roadway users, and providing some visibility for the driver in very dark conditions.

C. *The noncompliance is highly detectible and corrected through routine vehicle operations.*

Further, GM states that because the noncompliance ''can only occur when it is dark,'' the driver will be ''immediately'' aware that the parking lamps did not deactivate, and that their continued illumination will be readily apparent as shown in Figure 1 of its petition.[3] GM adds that the noncompliance can be corrected in multiple ways, by changing the position

[1] FMVSS No. 108 does not require parking lamps on vehicles with an overall width equal to or greater than 2,032 mm.

[2] Parking lamps are activated without the required taillamps, side marker lamps or license plate lamp activated.

[3] Figure 1 of GM's petition is a photograph showing the surface reflection from a vehicle's parking lamps only.

of the master lighting control or the vehicle's transmission. See Item C. in Section II. of GM's petition for details.

D. *The noncompliance only occurs after a unique set of circumstances that do not reflect typical driver behavior in the field.*

GM claims that a driver adjusting the master lighting control from ''AUTO'' to ''OFF'' while driving in dark conditions are not reflective of expected driver behavior in the field. GM states that it expects most drivers to utilize automatic light operation, particularly while driving at night, and that either in response to the noncompliance occurring, or a desire to turn off all exterior lighting, a driver would be expected to stop the vehicle and put the transmission in the ''PARK'' position to adjust the lighting control.

E. *GM is not aware of any related field reports.*

GM is not aware of any customer or warranty complaints associated with this noncompliance.

F. *NHTSA has granted similar petitions.*

GM believes that the following inconsequential noncompliance petitions granted by NHTSA support the granting of the current petition.

- General Motors LLC, Grant of Petition for Decision of Inconsequential Noncompliance; 83 FR 7848 (Feb. 22, 2018). The noncompliance in GM's 2018 petition concerned parking lamps that were not activated as required by Table 1–a of FMVSS No. 108 while taillamps, side marker lamps, license plate lamps and headlamps continued to operate.
- Daimler Trucks North America (DTNA), Grant of Petition for Decision of Inconsequential Noncompliance; 87 FR 14325 (Mar. 14, 2022). The noncompliance in DTNA's petition concerned automatic illumination of the stop lamps in the absence of brake activation when the low air brake pressure warning indicator light illuminated.

GM contends that the activation of the parking lamps provides a safety benefit, even if the taillamps, side marker lamps, and license plate lamp are not activated, compared to operating the subject vehicle in the dark without any lamps. GM maintains that the subject noncompliance is inconsequential to motor vehicle safety because it only occurs when the parking lamps are not required under a unique set of circumstances, is not reflective of typical driver behavior, and will correct itself through normal vehicle operations.

GM adds that the subject noncompliance was addressed in production for all applicable vehicles manufactured on or after March 19, 2024.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that GM no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–18546 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No.: DOT–OST–2026–3269]

America's Great Corridors of Commerce; Request for Information

AGENCY: Office of the Under Secretary of Transportation for Policy, U.S. Department of Transportation.

ACTION: Request for Information (RFI).

SUMMARY: Significant and immediate investment in linear utility infrastructure is essential to meet the surging energy needs of critical manufacturing and emerging technologies that drive America's security, prosperity, and global leadership. Highway and rail transportation assets represent significant linear rights-of-way (ROWs) that have traditionally been reserved solely for transportation needs. The U.S. Department of Transportation (DOT or the Department), through the Build America Bureau, created the America's Great Corridors of Commerce (AGCC) initiative to unleash opportunities for both highway and rail ROW owners to generate revenue streams through utility colocation that can fund transportation improvement projects, while simultaneously delivering significant economic development to these areas. AGCC is a voluntary, applicant-driven process in which ROW owners propose corridors for strategic colocation of utility infrastructure in the transportation ROW through an innovative public-private partnership (P3) model. Selected corridors receive concierge technical assistance and enhanced collaboration from a team of experts from relevant Federal agencies. In this RFI, DOT seeks comments from the public and interested parties on the AGCC model and the proposed elements of DOT's anticipated AGCC designation process.

DATES: Written comments are due by October 2, 2026. DOT will consider comments filed after this date to the extent practicable.

ADDRESSES: Written comments may be submitted electronically or by email or U.S. mail. Respondents are encouraged to submit comments electronically to ensure timely receipt. Please include your name, title, organization, postal address, telephone number, and email address.

- *Electronic Submission:* Go to *http://www.regulations.gov.* Search using the docket number provided above. Follow the instructions for sending comments.
- *Email: AGCC@dot.gov.* Include the docket number provided above in the subject line of the message. Please include the full body of your comments in the text of the electronic message and as an attachment.
- *Mail:* U.S. Department of Transportation, Docket Operations, West Building 5th Floor, Room W58–213, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Instructions:* All submissions must include the agency name and docket number.

FOR FURTHER INFORMATION CONTACT: Morteza Farajian, Ph.D., Executive Director, Build America Bureau, 202–366–0797, *AGCC@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Significant and immediate investment in longitudinal utility infrastructure is essential to meet the surging energy and power needs of critical manufacturing and emerging technologies that drive America's security, prosperity, and global leadership. Similarly, transportation agencies and companies require additional resources to fund capital improvements and address deferred maintenance. Through AGCC, DOT seeks to leverage existing highway and rail ROWs in a safe and strategic manner by facilitating meaningful

colocation of multiple utility assets, including electric and communications infrastructure. This initiative will build, in record time, a new backbone for the world's strongest economy while maintaining operational flexibility for ROW owners and enabling revenue generation. AGCC directly addresses the national emergency established by Executive Order 14156 regarding the inadequate U.S. power grid and energy supply and need for a more reliable, diversified, and affordable supply of energy.

While utility colocation within the ROW is technically feasible and has been implemented to some degree in the United States, installations are typically assessed and executed on a case-by-case basis without a comprehensive and strategic commercial, technical, and financial plan. This fragmented process increases time and resource demands, creates inefficiencies, and restricts the ability to scale efforts effectively. In contrast, through the Build America Bureau's AGCC initiative, the Department will unleash the full power of America's transportation corridors by harnessing the Administration's decisive leadership to unite Federal, State, and private partners.

As a part of AGCC, the U.S. Secretary of Transportation will lead an interagency Federal task force aimed at marshaling Federal resources and relevant permitting agencies and authorities to expedite and scale colocation in AGCC corridors. The task force will provide technical assistance and coordination for designated AGCCs.

Key goals of AGCC are to:

- Drastically accelerate the siting, permitting, and financing of linear utility infrastructure projects, including electrical transmission lines, water pipelines along highways, pipelines along railways, fiber optic, and rural broadband along corridors where colocation is safe, technically and operationally feasible, and in demand through an innovative P3 model and leasing concept.
- Incentivize data centers, manufacturing facilities, and distribution hubs to locate close to AGCC corridors to leverage a ''plug and play'' model for easy connectivity to new utility corridors, maximizing underused transportation assets and spurring significant economic benefits to States and regions in record time.
- Provide a new opportunity for utility and telecommunication companies in addition to the existing siting options.
- Provide the backbone needed by State DOTs and railroads to deploy technology projects, safety equipment, signs, Intelligent Transportation Systems (ITS), autonomous capabilities, Wi-Fi, and potentially electricity.
- Enhance the value of highway and rail ROWs by creating financial incentives to allow for installation of these valuable utility corridors.
- Simplify the National Environmental Policy Act (NEPA) review processes for colocation of utility infrastructure within transportation ROWs by helping project developers identify and leverage existing Federal tools. Categorical Exclusions (CEs) generally have the shortest analysis and review timeline and are reserved for actions that Federal agencies have determined will not have a significant impact based upon previous projects and analyses. Projects within the AGCC program will most likely fall under one or multiple CEs, as they will largely take place within the transportation ROW and environmental disturbance will be limited. Information on AGCC concierge services and broader permitting efficiencies, including applicable CEs and environmental review resources available to both AGCC program participants and independent developers is available on the AGCC web page.
- Coordinate financial tools and resources to reduce deployment costs or increase revenue opportunities from value creation.
- Assist State DOTs and railroads in effectively managing their ROW by eliminating administrative and operational burdens of utility coordination. The AGCC model establishes a single point of responsibility for negotiating access to ROWs and coordinating between various players. This saves time and resources for ROW owners, enabling them to focus on their core responsibilities.

Key benefits of supporting the coordinated and efficient development of linear utility infrastructure in the transportation ROW include:

- Cost Reduction and Efficiency Gains: In contrast to conventional colocation initiatives, AGCC enables macro-level cost savings and expedited project delivery leading to lower costs and increased utility deployment to meet the needs of both the public and industry. The program minimizes the need for new ROW acquisition and reduces development costs.
- Strategic Industrial Land Use: Land adjacent to highways and railways outside of the ROW, often undervalued due to environmental factors like noise, can be repositioned for high value uses such as data centers, advanced manufacturing facilities, or distribution hubs, leading to increased economic activity and tax revenues for states and localities. It also frees up higher value land situated further from highways and railroads for residential or mixed-use development.
- Achieving Economies of Scale: AGCC seeks to enable value creation by encouraging technical efficiencies, such as shared trenching or tunneling, standardized engineering protocols, and consolidated procurement, that provide a faster and less expensive alternative to existing development options.
- Generation of Revenue: ROW leasing and utility hosting arrangements can open new, recurring revenue channels. Revenues can be reinvested in upgrades along the 160,000 centerline miles of the National Highway System and the 140,000 route miles of the U.S. freight rail network.
- Reducing Utility Rates: Colocating businesses and activities that use significant utilities along one line prevents the need for extensive, scattered grid transmission upgrades and the need to coordinate with too many landowners. This strategic utilization of ROWs and clustering can minimize the total capital investment required to provide reliable power, ultimately lowering transmission costs and creating downward pressure on residential user rates.
- Utilization of Previously Developed Land: By focusing on existing transportation ROWs, AGCC projects will be treated as brownfield developments, rather than greenfield expansions. This approach reduces environmental disturbance, leverages existing infrastructure (roads, utilities, grading), and lowers remediation and construction costs.

AGCC is a P3 initiative in which a private entity (concessionaire) is procured by a highway or rail ROW owner to act as their Corridor Manager. The Corridor Manager activities will include but not be limited to: design, build, finance, operate and maintain dedicated sub-surface channels (*e.g.,* via boring or tunneling) and associated infrastructure along highway and rail ROWs for a period of time (typically 30–50 years) under certain terms and conditions specified by the ROW owner. The concessionaire will also act as business developer for the corridor, providing utility companies access to the space under a lease agreement and annual lease payments.

Discover more about the AGCC initiative in the sections below or by visiting the AGCC web page.

II. P3 Approach to Delivering Utility Colocation Projects

The AGCC model seeks to engage multi-industry P3s to promote broader use of the transportation ROW to generate commercial and public benefits while protecting ROW owners' control. Under the AGCC P3 model, the ROW owner may negotiate a contractual agreement with a private entity to serve as a Corridor Manager. The Corridor Manager may act as the central project leader and take on responsibilities such as business development, design, construction, finance, and long-term operation and maintenance. U.S. DOT seeks to maximize optionality for State departments of transportation and railroad ROW owners in selecting the delivery and construction method that is the best fit for their specific state or regions and will provide technical assistance, tools and resources to assist delivery of the project.

One likely delivery method for AGCC projects on either highway or rail corridors will be developing an underground utility tunnel capable of colocating multiple infrastructure items. Benefits of undergrounding vary by geography but can include economies of scale from digging once, greater reliability and resiliency of utilities, improved public safety risks and making efficient use within corridors located in high population areas. For underground AGCC projects, the Corridor Manager can be responsible for building the underground utility tunnel and leasing space to the utility and telecommunication companies. The Corridor Manager can also manage those leases and collect/share revenue with the ROW owners based on pre-negotiated contractual terms or resource sharing agreements. In some cases, these underground utility tunnels or conduits may be eligible for financing by the Build America Bureau's TIFIA or RRIF loans or Department of Energy (DOE)'s Energy Dominance Financing (EDF). While the utility items themselves may be financed in part by federal loan programs such as EDF, or the Environmental Protection Agency (EPA), they could also be financed directly by private sector or utility companies to avoid requiring compliance with certain federal regulations. U.S. DOT will bring to bear sufficient resources and prioritization to expedite environmental review (NEPA) while also working in concert with federal permitting agencies to provide the necessary permits for these projects for all utilities up front. Operating in this way can provide certainty to the ROW owner and businesses looking to access these corridors that all environmental and permitting is completed.

For AGCC highway projects that choose above ground utilities in the ROW, the Corridor Manager can be involved in any development of utility infrastructure working directly with the utility and telecommunications companies, the details of which will be negotiated by those private parties. The Corridor Manager can also be responsible for the same lease negotiation, revenue collection or resource sharing activities listed above. Project sponsors who choose above ground—or a hybrid approach—electric transmission and colocation of related infrastructure items may receive the same concierge environmental and permitting expedition by U.S. DOT and other federal agencies. Regardless of the building method employed by project sponsors, U.S. DOT may favor applications for AGCC designation in states and regions that have state-level environmental policies, utility accommodation policies and permitting policies that are in sync with the environmental and permitting streamlining at the federal level.

III. AGCC Designation

The Department will establish a process to designate and prioritize AGCC candidates to receive technical assistance and concierge services with a focus on planning, siting, permitting, and financing. DOT intends to designate up to five AGCCs per year. The broad AGCC colocation and P3 concept may be utilized by any ROW owners, regardless of official AGCC designation, and the Department will provide informational resources to support broader application of the concept. However, only designated AGCCs would receive specialized Federal concierge services. To maximize these benefits, ROW owners should align their state and utility accommodation policies with the concierge services being introduced by Federal partners.

It is envisioned that the Department will establish an interagency Federal task force to provide technical assistance and coordination for the designated AGCCs. Each designated AGCC would have dedicated Federal points of contact to provide concierge services aimed at reducing administrative delays, minimizing interagency conflicts, maximizing available financial resources, and lowering compliance costs. The Federal task force efforts would focus on two primary areas:

1. Streamlining and Expediting NEPA Review and Permitting Processes: Each designated corridor's Federal point of contact will be responsible for convening and coordinating resource agencies to ensure compliance with NEPA and other related environmental laws and regulatory requirements. This will include reviewing potential project impacts and recommending a NEPA class of action, with an emphasis on utilizing available categorical exclusions (CEs). This permitting concierge service will also include convening relevant Federal permitting agencies to prioritize and coordinate the necessary Federal permits in an expedited manner and to the fullest extent of the law allowed under One Federal Decision.

2. Streamlining and Unifying Access to Federal Funding and Financing Programs: Designated corridors would receive technical assistance to apply for planning grants, use technology tools, and navigate state level environmental reviews and utility accommodation policies.

While the availability of the Federal task force concierge services would be limited to designated AGCCs, the broader transportation community will benefit from the resources, best practices, and lessons learned developed through this effort.

IV. Key Elements of AGCC Designation Process

DOT intends to solicit proposals from ROW owners through an annual Request for Expressions of Interest (RFEI). The AGCC Federal task force would screen proposals for alignment with AGCC goals related to market demand, corridor readiness, financial feasibility, streamlining efforts, and stakeholder support, and may provide geospatial resources to support the identification of corridors that are good AGCC candidates. The task force would also consider State and local commitments to streamline and expedite permits and environmental reviews and provide funding and financing incentives while evaluating AGCC proposals. The Federal task force intends to prioritize longer multi-state corridors with regional significance.

V. Request for Information

DOT seeks comments and recommendations from all interested stakeholders regarding the AGCC model and the proposed elements of DOT's anticipated approach to implementing the voluntary, applicant-driven AGCC designation process as described above. In addition, DOT seeks comments and recommendations on the following specific questions:

1. What are the most critical challenges and barriers to deploying the

AGCC concept as described in the RFI? How can these challenges and barriers be mitigated? What actions and resources can the Federal government provide to help mitigate these barriers? Please consider factors such as:

a. Technical feasibility, including proximity, construction, and other technical feasibility considerations and/or limitations of colocating utilities in the transportation ROW and/or of colocating multiple utilities within an underground tunnel (channel) or above ground in the outer limits of the ROW.

b. Safety during construction, operations, and maintenance.

c. Siting, planning, and permitting.

d. Funding and financing, design, development, construction, operations, and maintenance.

e. Construction timeliness.

f. Federal and State regulations and policies.

g. Community engagement and acceptance.

h. Market limitations.

2. What can be done to minimize challenges and complexities or maximize opportunities for projects that cross jurisdictional borders? Please consider factors such as:

a. Revenue sharing across transportation and utility jurisdictions.

b. Financial and operational liability across transportation and utility jurisdictions.

c. Utility service across transportation utility jurisdictions.

d. Interstate cooperation and coordination.

e. Laws, regulation, and utility accommodation policies.

3. What are challenges, complexities, opportunities, and recommendations related to the proposed voluntary AGCC P3 model described in this RFI? How can the Federal government support procurement in this context? In your response, consider the template P3 Term Sheet developed by the Build America Bureau [*https://www.transportation.gov/grants/agcc/p3-term-sheet-example*]. This document is intended solely for illustrative purposes and does not constitute prescriptive guidance or requirements from the U.S. Department of Transportation.

4. What forms of technical assistance or support would help ROW owners, utilities, and project developers more effectively deploy AGCC corridors? Specifically consider the types of support that would be most helpful from the Federal interagency task force, considering the anticipated support described in this RFI.

5. Please comment on the approach to designate AGCCs described in this RFI. What are the potential positive and negative impacts of such an approach? How could this process be altered or improved?

6. Would the AGCC model accelerate deployment of power and communications infrastructure versus traditional greenfield projects? What are the potential regional economic and industrial development impacts of the AGCC model compared to traditional greenfield projects?

7. A goal of AGCC is to leverage opportunities to co-develop utility projects in support of increased affordability for utility ratepayers. AGCC seeks to catalyze opportunities for diverse, least-cost, least-risk resources which will not unnecessarily increase utility rates. Are there design elements of AGCC that are important to consider to ensure success of this goal?

VI. Disclaimer

This is solely a request for information; DOT is not accepting expressions of interest in response to this RFI. DOT may or may not elect to issue an RFEI in the future based on or related to the content and responses to this RFI. Respondents may respond to as many or as few questions or topics as they wish. DOT will not respond to individual submissions or publish a compendium of responses. DOT may request clarification of responses to this RFI through direct contact with respondents. Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development. Responses to this RFI will be treated as information only. Responses to this RFI do not bind DOT to any further actions related to these topics.

VII. Confidential Business Information

Because information received in response to this RFI may be used to structure future programs and/or be made available to the public, respondents are strongly advised NOT to include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

Signed in Washington, DC, on September 8, 2026.

Morteza Farajian,

Executive Director, Build America Bureau.

[FR Doc. 2026–18521 Filed 9–10–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing updates to the identifying information of one or more persons currently included in OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). OFAC is also publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Actions

A. On June 11, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

BILLING CODE 4810–AL–P

1. MALTSEV, Sergey Aleksandrovich (Cyrillic: МАЛЬЦЕВ, Сергей Александрович), Russia; DOB 28 Feb 1973; POB Solikamsk, Perm, Russia; nationality Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA).

2. RAYKES, Olga Borisovna (a.k.a. RAIKES, Olga Borisovna), 13/38 sTarmav Street, Rishon Lezion 7529025, Israel; Austria; Singapore; Pokrovka 35-17-1-17, Moscow 105062, Russia; DOB 25 Apr 1984; POB Ekaterinburg, Russia; nationality Russia; alt. nationality Israel; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport 759916267 (Russia) expires 28 Jan 2029; alt. Passport 32392042 (Israel) issued 16 May 2018 expires 15 May 2023 (individual) [RUSSIA-EO14024].

B. On June 11, 2026, OFAC updated the SDN List entry for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked.

1. VEND ORE GMBH, Novaragasse 55/4B, Vienna 1020, Austria; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 26 Sep 2019 [RUSSIA-EO14024] (Linked To: RAYKES, Olga Borisovna; Linked To: SAVELOV, Marat Maratovich). — TO — VEND ORE GMBH, Novaragasse 55/4B, Vienna 1020, Austria; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 26 Sep 2019 [RUSSIA-EO14024] (Linked To: SAVELOV, Marat Maratovich).

C. On June 23, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

1. KRUGOVOV, Anton Alekseevich (Cyrillic: КРУГОВОВ, Антон Алексеевич) (a.k.a. KRUGOVOV, Anton Alekseyevich), Russia; DOB 08 Aug 1981; POB Kurchatov, Russia; nationality Russia; citizen Russia; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport 718255951 (Russia); National ID No. 2006744304 (Russia) (individual) [RUSSIA-EO14024] (Linked To: MAJORY LLP; Linked To: OOO SERNIYA INZHINIRING).

2. TOPCHI, Tamara Aleksandrovna, Russia; DOB 04 Mar 1979; POB Voronezh, Russia; nationality Russia; citizen Russia; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024.; National ID No. 2003490198 (Russia) (individual) [RUSSIA-EO14024] (Linked To: INVENTION BRIDGE SL).

3. PUZYRNIKOVA, Natalya Vladislavovna, Moscow, Russia; DOB 1979; nationality Russia; Gender Female; Secondary sanctions risk: See Section 11 of Executive Order 14024. (individual) [RUSSIA-EO14024].

D. On June 29, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

1. AYDIN, Gurhan, Konya, Turkey; DOB 20 Jan 1964; POB Konya, Turkey; nationality Turkey; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; National ID No. 30481753270 (Turkey) (individual) [RUSSIA-EO14024] (Linked To: AYTT CNC TAKIM TEZGAHLARI MAKINE SANAYI VE TICARET LIMITED SIRKETI).

2. AYDIN, Recep Cetin, Konya, Turkey; DOB 14 Nov 1996; POB Selcuklu, Turkey; nationality Turkey; Gender Male; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Passport U14618486 (Turkey) expires 05 Jun 2027; National ID No. 30442754582 (Turkey) (individual) [RUSSIA-EO14024].

3. AYTT CNC TAKIM TEZGAHLARI MAKINE SANAYI VE TICARET LIMITED SIRKETI (a.k.a. AYTT CNC MACHINE TOOLS SAN TRADE LTD STI), Ahmet Petekci Caddesi No. 17, P, Fevzicakmak Mahallesi, Karatay, Konya 42050, Turkey; Website www.aytcnc.com; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 13 Sep 2011; Tax ID No. 1250359686 (Turkey); Trade License No. 39813 (Turkey); Central Registration System Number 0125035968600016 (Turkey) [RUSSIA-EO14024].

4. SSGCTM CNC TAKIM TEZGAHLARI MAKINE SANAYI VE TICARET LIMITED SIRKETI, 17 P Fevzicakmak Mahallesi, Konya, Turkey; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 30 Dec 2022; Tax ID No. 7811027471 (Turkey); Business Registration Number 66182 (Turkey) [RUSSIA-EO14024].

5. MINYON KESICI TAKIMLAR MAKINE SANAYI VE TICARET LIMITED SIRKETI, 17/P Fevzi Cakmak Mahallesi, Konya 42050, Turkey; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 11 Jan 2017; Tax ID No. 1230499319 (Turkey); Business Registration Number 50623 (Turkey) [RUSSIA-EO14024].

6. HIDROPARK HIDROLIK PNOMATIK SAN VE TIC LTD STI, Mescit Mah. Ataturk Cad. Birmes San Sit B 10 Blok No. 12, Istanbul 34956, Turkey; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 16 Dec 2009; Business Registration Number 718052 (Turkey) [RUSSIA-EO14024].

7. MEGASAN ELEKTRONIK TICARET VE SANAYI ANONIM SIRKETI, One Block Umraniye Blok, No:16-72 Fatih Sultan Mahallesi, Istanbul 34771, Turkey; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 6130759760 (Turkey); Business Registration Number 361943 (Turkey) [RUSSIA-EO14024].

E. On June 30, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

1. RRG ENGINEERING TECHNOLOGIES PRIVATE LIMITED, No. 8, Prajay Meadows, No. 12, Banjara Hills, Hyderabad 500034, India; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 23 Apr 2008; Tax ID No. AAECR0362B (India); Registration Number U29219TG2008PTC058777 (India) [RUSSIA-EO14024].

2. GALAXY BEARINGS LTD, Pariseema Complex, A-53/54, C.G. Road, Ellisbridge, Ahmedabad 380009, India; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. AAACG5617Q (India); Registration Number L29120GJ1990PLC014385 (India) [RUSSIA-EO14024].

3. SHAURYA AERONAUTICS PRIVATE LIMITED, T-15, 2nd Floor, Green Park Main, Delhi 110016, India; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. AAFSC3675P (India); Registration Number U74899DL2000PTC108725 (India) [RUSSIA-EO14024].

4. LOKESH MACHINES LIMITED, B-29, EEIE, Stage II, Hyderabad, Telangana 500037, India; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 17 Dec 1983; Tax ID No. AAACL4244L (India); Registration Number L29219TG1983PLC004319 (India) [RUSSIA-EO14024].

F. On July 20, 2026, OFAC updated the SDN List entry for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked.

1. LIMITED LIABILITY COMPANY PITERSNAB, Ul. Ordinarnaya D. 20, Lit. A, Pomeshch. 15-N, Rabochee Mesto #2, Saint Petersburg 197136, Russia; St. Repishcheva 14R, Saint Petersburg, Russia; 13 Moskovskoe Highway, Saint Petersburg, Russia; Parnas, 5th Upper Lane, 15, Saint Petersburg, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Tax ID No. 7813660013 (Russia); Registration Number 1227800000614 (Russia) [RUSSIA-EO14024]. — TO — LIMITED LIABILITY COMPANY PITERSNAB (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ПИТЕРСНАБ), St. Repishcheva 14R, Saint Petersburg, Russia; 13 Moskovskoe Highway, Saint Petersburg, Russia; Parnas, 5th Upper Lane, 15, Saint Petersburg, Russia; Per. 5-1 Verkhnii D. 15, Lit. A, Pomeshch. 5-N, Kom. 103, Saint Petersburg 194292, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 01 Jun 2021; Tax ID No. 7802894972 (Russia); Registration Number 1217800085470 (Russia) [RUSSIA-EO14024].

2. A T S HEAVY EQUIPMENT AND MACHINERY SPARE PARTS TRADING LLC (a.k.a. "ATS HEAVY EQUIPMENT"), Office 02, Span Precast, DIP 2, Dubai, United Arab Emirates; Secondary sanctions risk: See Section 11 of Executive Order 14024.; License 770917 (United Arab Emirates); Economic Register Number (CBLS) 10948598 (United Arab Emirates) [RUSSIA-EO14024]. — TO — A T S HEAVY EQUIPMENT AND MACHINERY SPARE PARTS TRADING LLC (a.k.a. ALWAHA ALSAFRA GENERAL TRADING L.L.C. (Arabic: الواحة الصفراء للتجارة العامة ش.ذ.م.م.); a.k.a. "ATS HEAVY EQUIPMENT"), Office 02, Span Precast, DIP 2, Dubai, United Arab Emirates; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 23 Nov 2016; License 770917 (United Arab Emirates); Economic Register Number (CBLS) 10948598 (United Arab Emirates) [RUSSIA-EO14024].

F. On July 23, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

1. BEL-KAP-STEEL LLC, Miami, FL 33130, United States; Organization Established Date 1998; Tax ID No. 52-2083095 (United States); Business Registration Number 0582030 (Connecticut) (United States); alt. Business Registration Number M99000000961 (Florida) (United States) [BELARUS-EO14038] (Linked To: OPEN JOINT STOCK COMPANY BYELORUSSIAN STEEL WORKS MANAGEMENT COMPANY OF HOLDING BYELORUSSIAN METALLURGICAL COMPANY).

(Authority: 31 CFR chapter V.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–18610 Filed 9–10–26; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF TREASURY

Office of Inspector General

Senior Executive Service Performance Review Board Membership

AGENCY: Office of Inspector General, Department of the Treasury (TOIG).

ACTION: Notice.

SUMMARY: The Treasury Office of Inspector General (TOIG) announces the appointment of persons to serve as members of its Performance Review Board (PRB). The purpose of the PRB is to provide fair and impartial review of annual SES performance appraisals; to make recommendations to appointing officials regarding acceptance or modification of performance ratings; and to make recommendations for performance-based awards and performance-based pay increases.

ADDRESSES: Treasury Office of Inspector General, 850 15th Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Anthony Cameron, Human Resources Specialist at 202.961.1040.

SUPPLEMENTARY INFORMATION: The membership of the TOIG's PRB is as follows:

Francine Hines
Rob Johnston
Nancy LaMana
Jason Williams

(Authority: 5 U.S.C. 4314(c)(4).)

Nancy N. Osborn,

Human Resources Director, TOIG, Federal Register Certifying Officer.

[FR Doc. 2026–18614 Filed 9–10–26; 8:45 am]

BILLING CODE 4810–YV–P

FEDERAL REGISTER

Vol. 91 Friday,

No. 175 September 11, 2026

Part II

Department of the Treasury

Internal Revenue Service

26 CFR Parts 1 and 301

Information Reporting Regarding Qualified Opportunity Zones and Updated Qualified Opportunity Fund Certification and Decertification Procedures; Proposed Rule

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–116506–25]

RIN 1545–BR82

Information Reporting Regarding Qualified Opportunity Zones and Updated Qualified Opportunity Fund Certification and Decertification Procedures

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that would implement new statutory requirements for qualified opportunity funds to file information returns with the IRS and furnish statements to investors who dispose of investments in those entities and for qualified opportunity zone businesses to furnish statements to qualified opportunity funds that hold interests in them. These proposed regulations would also clarify the applicability of penalties for the failure to file or furnish these information returns and statements. Finally, these proposed regulations would clarify the qualified opportunity fund self-certification rules and provide procedures for qualified opportunity funds to revoke inadvertent certifications or voluntarily decertify.

DATES: Written or electronic comments must be received by October 16, 2026. A telephonic public hearing on this proposed regulation has been scheduled for November 5, 2026, at 10:00 a.m. ET. Requests to speak and outlines of topics to be discussed at the public hearing must be received by October 13, 2026. If no outlines are received by October 13, 2026, the public hearing will be cancelled. Requests to attend the public hearing must be received by 5 p.m. ET on November 3, 2026.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate IRS and REG–116506–25) by following the online instructions for submitting comments. The public hearing will be conducted by telephone only. Requests to participate in the public hearing must be submitted as prescribed in the ''Comments and Public Hearing'' section of this preamble. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish any comments submitted electronically or on paper to the public docket. *Send paper submissions to:* CC:PA:01:PR (REG–116506–25), Room 5503, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations under section 1400Z–2, Dominic DiMattia of the Office of the Associate Chief Counsel (Income Tax and Accounting) at (202) 317–7009 (not a toll-free number); concerning the remainder of the proposed regulations under sections 6011, 6037, 6039K, 6039L, 6045, 6722, 6724, and 6726, Roseann Cutrone of the Office of the Associate Chief Counsel (Procedure and Administration) at (202) 317–6844 (not a toll-free number); and concerning submissions of comments or the public hearing, the Publications and Regulations Section at (202) 317–6901 (not a toll-free number) or by sending an email to *publichearings@irs.gov* (preferred).

SUPPLEMENTARY INFORMATION:

Authority

This notice of proposed rulemaking contains proposed amendments to the Income Tax Regulations (26 CFR part 1) that would revise existing regulations under sections 1400Z–2 and 6045 of the Internal Revenue Code (Code) and add new regulations under sections 6039K and 6039L of the Code, as enacted by section 70421(d)(1) of Public Law 119–21, 139 Stat. 72 (July 4, 2025), commonly known as the One, Big, Beautiful Bill Act, (OBBBA). This notice of proposed rulemaking also contains proposed amendments to the Procedure and Administration Regulations (26 CFR part 301) that would revise existing regulations under sections 6011, 6037, 6722, and 6724 of the Code and add new regulations under section 6726 of the Code as enacted by section 70421(d)(2) of the OBBBA.

Section 1400Z–2(e)(4) expressly delegates authority to the Secretary of the Treasury or the Secretary's delegate (Secretary) to prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 1400Z–2, including rules for the certification of qualified opportunity funds (QOFs) and rules to prevent abuse.

Section 6039K(a), which requires every QOF to file an annual return, expressly delegates authority to the Secretary to prescribe the time and manner for the filing of the annual return and, as provided in section 6039K(b)(9), to require the inclusion in such annual return of ''such other information as the Secretary may require.'' Section 6039K(c), which requires every QOF to furnish statements (investor statements) to every person holding a qualifying or non-qualifying investment in the QOF (investor) who disposed of some or all of that investment in the QOF during the year, expressly delegates authority to the Secretary to prescribe the time and manner for the furnishing of such investor statements.

Section 6039L(a), which requires every applicable qualified opportunity zone business (QOZB) to furnish statements (QOZB statements) to certain QOFs, expressly delegates authority to the Secretary to prescribe not only the time and manner for the furnishing of such QOZB statements, but the information such QOZB statements must set forth as the Secretary prescribes by regulations for purposes of enabling QOFs to meet the information reporting requirements of section 6039K(b)(5).

Section 6045(a) expressly delegates authority to the Secretary to require every person doing business as a broker to file an information return in accordance with such regulations as the Secretary may prescribe. Section 6045(a) further provides that such information return must show the name and address of each customer, and details regarding gross proceeds and such other information as the Secretary may by forms or regulations require with respect to such business.

Lastly, these proposed regulations are also issued under the express delegation of authority under section 7805 of the Code, which directs the Secretary to prescribe all needful rules and regulations for the enforcement of the Code, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue. Accordingly, given the changes in law made by the OBBBA, the proposed regulations are also issued pursuant to the authority under section 7805 in conjunction with sections 1400Z–2, 6011, 6039K, 6039L, 6724 and 6726.

Background

I. Sections 1400Z–1 and 1400Z–2

Section 13823 of Public Law 115–97, 131 Stat. 2054 (December 22, 2017), commonly referred to as the Tax Cuts and Jobs Act (TCJA), added sections 1400Z–1 and 1400Z–2 as part of a new

subchapter Z of chapter 1 of the Code (subchapter Z).

A. Qualified Opportunity Zones

Section 1400Z–1(a) defines the term ''qualified opportunity zone'' (QOZ) for purposes of subchapter Z, and section 1400Z–1(b) and (d) address the process by which certain population census tracts located in the 50 states, U.S. territories, and the District of Columbia may be nominated, certified, and designated as QOZs. The list of population census tracts designated as QOZs pursuant to section 1400Z–1(b) prior to amendment by the OBBBA are set forth in Notice 2018–48, 2018–28 I.R.B. 9, as amplified by Notice 2019–42, 2019–29 I.R.B. 352. Section 70421 of the OBBBA amended section 1400Z–1 to provide for recurring nomination, certification, and designation cycles for QOZs every 10 years beginning July 1, 2026. *See* Rev. Proc. 2026–14, 2026–02 I.R.B. 910 for more information.

B. Section 1400Z–2 and Regulations Under the TCJA

1. Overview

Section 1400Z–2 provides rules regarding the two main Federal income tax benefits to eligible taxpayers who make certain investments in QOFs, rules authorizing the certification of eligible entities as QOFs, and the requirements such entities must satisfy to be certified as QOFs.

As enacted under the TCJA, the first specified opportunity zone tax benefit provided by section 1400Z–2(a) and (b) was the deferral of certain gains from gross income until as late as December 31, 2026, if a taxpayer invests a corresponding amount of such gain in a qualifying investment in a QOF within 180 days of the date of the sale or exchange giving rise to the gain. Additionally, section 1400Z–2(b) provided an upward basis adjustment of 10 percent of the amount of deferred gain if the taxpayer held the qualifying investment in the QOF for at least 5 years and an upward basis adjustment of an additional 5 percent of the amount of deferred gain if the taxpayer held the qualifying investment for at least 7 years.

The second specified opportunity zone tax benefit was provided by section 1400Z–2(c), under which an eligible taxpayer, upon the making of a second valid election, may also exclude any appreciation on the qualifying investment if the eligible taxpayer held the qualifying investment for at least 10 years.

On October 29, 2018, the Treasury Department and the IRS published in the **Federal Register** (83 FR 54279) a notice of proposed rulemaking (REG–115420–18) providing guidance under section 1400Z–2 for investing in QOFs (October 2018 proposed regulations). A second notice of proposed rulemaking (REG–120186–18) was published in the **Federal Register** (84 FR 18652) on May 1, 2019, containing additional proposed regulations under section 1400Z–2 (May 2019 proposed regulations). The May 2019 proposed regulations also updated portions of the October 2018 proposed regulations.

On January 13, 2020, final regulations (TD 9889) under section 1400Z–2 were published in the **Federal Register** (85 FR 1866, as corrected on April 6, 2020, at 85 FR 19082), effective for taxable years beginning after March 13, 2020 (section 1400Z–2 regulations). Under § 1.1400Z2(a)–1(c)(5), a taxpayer's gain qualifies for deferral under section 1400Z–2(a) to the extent the taxpayer makes or acquires a qualifying investment in a QOF. Section 1.1400Z2(a)–1(b)(34) defines a ''qualifying investment'' as an eligible interest, or portion thereof, in a QOF to the extent that a deferral election is made and applies with respect to such eligible interest and that the IRS has been timely notified of the deferral election. Section 1.1400Z2(a)–1(b)(12) defines an ''eligible interest'' in a QOF as an equity interest issued by a QOF, which includes stock or a partnership interest but excludes any debt instrument. Pursuant to § 1.1400Z2(a)–1(b)(34), an eligible interest ceases to be a qualifying interest upon, and to the extent of, the occurrence of an inclusion event regarding that eligible interest, or portion thereof. Under § 1.1400Z2(b)–1(c)(15), the decertification of a QOF is an inclusion event.

2. Qualified Opportunity Funds

a. In General

Section 1400Z–2(d)(1) provides that a QOF is a partnership or corporation that (i) is organized for the purpose of investing in qualified opportunity zone property (QOZ property) (other than another QOF), and (ii) must hold at least 90 percent of its assets in QOZ property, determined by the average of the percentage of QOZ property held by the entity as measured on two semiannual testing dates (90-percent investment standard).

Section 1.1400Z2(d)–1(a)(1)(i) and (ii) require that a QOF be an entity that is classified as a corporation or partnership for Federal income tax purposes and be formed under the laws of the United States, one of the 50 states, the District of Columbia, a Federally recognized Tribal government, or a U.S. territory.

Section 1400Z–2(d)(1)(A) and (B) provide that the 90-percent investment standard is measured by determining the average of the percentage of QOZ property held on the last day of the 6-month mark of the QOF's taxable year and on the last day of the QOF's taxable year. Section 1.1400Z2(d)–1(b)(1) requires the QOF to include all assets owned or leased by the QOF in determining the 90-percent investment standard. Section 1.1400Z2(d)–1(b)(2) requires that the QOF value its assets using an applicable financial statement valuation method or an alternative valuation method promulgated under the regulations.

b. Certification and Decertification of QOFs

The section 1400Z–2 regulations provide the requirements for an eligible entity to self-certify as a QOF. To be eligible to be a QOF, § 1.1400Z2(d)–1(a)(1) provides that an entity must be classified as either a corporation or partnership for Federal income tax purposes. Under § 1.1400Z2(d)–1(a) through (c), the eligible entity must self-certify that it satisfies the 90-percent investment standard. The self-certification must be made in the form and manner as prescribed by the Commissioner of Internal Revenue (Commissioner) in the forms and instructions, or in publications or guidance published in the Internal Revenue Bulletin (IRB) and must identify the taxable year for which the self-certification takes effect. *See* § 1.1400Z2(d)–1(a)(2).

Section 1.1400Z2(d)–1(a)(3) provides that a QOF may voluntarily decertify in the form and manner as may be prescribed in forms and instructions, or in publications or guidance published in the IRB. In August 2021, § 1.1400Z2(d)–1(a)(3) and the preamble to TD 9889 were corrected (86 FR 42716) to remove a reference to a timing requirement for voluntary decertification.

3. QOZ Property

Both Section 1400Z–2(d)(2)(A) and § 1.1400Z2(d)–1(c)(1) define QOZ property as: (i) QOZ stock, (ii) QOZ partnership interest, or (iii) QOZ business property. Section 1.1400Z2(d)–1(c)(1) provides further guidance on whether these assets will qualify for inclusion in the determination of the 90-percent investment standard (or the 70-percent tangible property standard in the case of QOZBs and QOZ business property).

a. QOZ Stock

Pursuant to § 1.1400Z2(d)–1(c)(2)(i), QOZ stock is stock in an eligible corporation where: (i) the stock was acquired by a QOF at its original issue from the corporation solely in exchange for cash after December 31, 2017; (ii) the corporation was a QOZB (or newly organized for such purpose) at the time the stock was issued; and (iii) for 90 percent of the QOF's holding period of such stock, the corporation qualified as a QOZB.

b. QOZ Partnership Interest

Under § 1.1400Z2(d)–1(c)(3)(i), qualified opportunity zone partnership interest is any capital or profits interest in an eligible partnership where: (i) the capital or profits interest was acquired by a QOF from the partnership solely in exchange for cash after December 31, 2017; (ii) the partnership was a QOZB (or newly formed for such purpose) at the time the capital or profits interest was issued; and (iii) for 90 percent of the QOF's holding period of such interest, the partnership qualified as a QOZB.

c. QOZ Business Property

Section 1400Z–2(d)(2)(D) defines ''QOZ business property'' as property: (i) acquired by purchase after December 31, 2017; (ii) the original use of which commences in the QOZ with the QOF or the QOZB (or that the QOF or QOZB substantially improves the property); and (iii) substantially all of the use was in a QOZ during substantially all of the QOF's or QOZB's holding period of such property. *See also* § 1.1400Z2(d)-2(a)(2). Section 1.1400Z2(d)-2(c) permits a QOF or QOZB to treat leased property as QOZ business property subject to certain requirements. Section 1400Z–2(d)(2)(D)(ii) also provides that a QOF or QOZB must substantially improve the property within a 30-month period if the property will not meet the original use requirement. Section 1.1400Z2(d)-2(b)(4) clarifies these rules by providing additional guidance on the 30-month substantial improvement period.

4. QOZBs

Section 1400Z–2(d)(3)(A) defines a QOZB as a trade or business (other than one specified in the statutory list of businesses in section 144(c)(6)(B)) that meets each of the following two requirements. First, substantially all of the tangible property owned or leased in connection with the trade or business must be QOZ business property. *See* section 1400Z–2(d)(3)(A)(i). Second, the trade or business must satisfy the following requirements provided in section 1397C(b)(2), (4), and (8): (i) at least 50 percent of the gross income of such business is derived from an active trade or business in the QOZ; (ii) a substantial portion of the intangible property of such entity is used in the active conduct of a trade or business in the QOZ; and (iii) less than five percent of the average of the aggregate adjusted bases of the entity's property must be attributable to nonqualified financial property. *See* section 1400Z–2(d)(3)(A)(ii); § 1.1400Z2(d)–1(d)(3).

Under § 1.1400Z2(d)–1(d)(1)(i), which clarifies the ''substantially all'' requirement provided in section 1400Z–2(d)(3)(A)(i), an entity must satisfy the 70-percent tangible property standard with respect to its tangible property, meaning that at least 70-percent of the tangible property owned or leased by the entity is QOZ business property. To determine satisfaction of the 70-percent tangible property standard, under § 1.1400Z2(d)–1(d)(2)(ii)(A), the entity uses a fraction, the numerator of which is the total value of all QOZ business property owned or leased by the entity and the denominator of which is the total value of all tangible property owned or leased by the entity, whether located inside or outside a QOZ. Pursuant to § 1.1400Z2(d)–1(d)(2)(ii)(B), an entity must value its assets using either the applicable financial statement valuation method (if it has an applicable financial statement) or the alternative valuation method.

The section 1400Z–2 regulations provide further guidance on the other statutory requirements of section 1400Z–2(d)(3). To meet the gross income requirement of section 1400Z–2(d)(3)(A)(ii), § 1.1400Z2(d)–1(d)(3)(i) provides three separate safe harbors that a business can rely upon and, if none of those apply, a general facts and circumstances test. These safe harbors look to where the tangible property, business activities or the business's employees are located. To meet the intangible property requirement of section 1400Z–2(d)(3), § 1.1400Z2(d)–1(d)(3)(ii) provides that at least 40 percent of the business's intangible property must be used in the active conduct of a trade or business in a QOZ. Finally, § 1.1400Z2(d)–1(d)(3)(v) provides a safe harbor for QOZBs to treat the amount of working capital assets held by the business as reasonable if certain requirements are met. Under § 1.1400Z2(d)–1(d)(3)(vi), the use of the working capital safe harbor permits the QOZB to utilize other safe harbors to meet the requirements of section 1397C(b).

Notably, for purposes of these proposed regulations, the statutory and regulatory requirements to treat a business as a QOZB are met on two different testing dates. To satisfy the 70-percent tangible property standard, a QOZB must measure compliance between two semiannual testing dates. To satisfy the other section 1397C(b) requirements, the QOZB measures compliance on the last day of its taxable year.

As previously noted, a QOF must test compliance with the 90-percent investment standard on its two testing dates (the last day of the first 6-month period of its taxable year and the last day of its taxable year, respectively). The section 1400Z–2 regulations recognize that a QOF's taxable year and testing dates may not match up with a QOZB's taxable year and testing dates, making it difficult to determine whether the entity qualifies as a QOZB of the QOF on a semiannual basis based on the QOF's taxable year. Accordingly, § 1.1400Z2(d)–1(b)(2)(i)(C) provides a safe harbor for determining on the two semiannual testing dates of a QOF whether an entity is a QOZB and whether the QOF may treat the equity in that entity as QOZ property. Under the safe harbor, the QOF may limit the period tested to the period that starts with the beginning of the QOF's status as a QOF and lasts until the last day of the entity's latest taxable year that ends on or before the relevant testing date. If an entity satisfies all of the requirements of a QOZB determined as of the end of the entity's taxable year, the entity qualifies as a QOZB for the entire taxable year of the entity.

Section 1.1400Z2(d)–1(b)(2)(i)(C)(*2*) also provides that if an entity would not be treated as a QOZB as of the last day of its taxable year ending on or before a semiannual testing date of the QOF it may be treated as a QOZB with respect to that QOF for that taxable year of the entity if a cure is achieved for the entity under § 1.1400Z2(d)–1(d)(6) and the QOF timely files its Federal tax return [1] for the taxable year of the QOF containing the testing date on a date that is timely and that is not earlier than when that cure is achieved. Pursuant to § 1.1400Z2(d)–1(d)(6)(iii), each QOF is permitted only one correction for a trade or business.

[1] References in this preamble and these proposed regulations to a Federal tax return are to the individual income tax return (Form 1040) for a person that is an individual, to the applicable Federal income tax return (Form 1120 series) for a person that is a corporation, to the Federal return of partnership income (Form 1065) for a person that is a partnership, and to the income tax return for estates and trusts (Form 1041) for a person that is an estate or trust.

C. Section 1400Z–2 as Amended by the OBBBA

The OBBBA amended subchapter Z, in part, to make section 1400Z–2 permanent with the modifications described in this part I.C.

1. QOZ Property

Section 70421(c)(4) of the OBBBA modifies the statutory definitions of QOZ business property, QOZ stock, and QOZ partnership interests applicable to property acquired after December 31, 2026, to conform to the recurring decennial designation of QOZs introduced by the OBBBA. Section 70421(c)(4)(A) of the OBBBA modifies the acquisition date for QOZ business property in section 1400Z–2(d)(2)(D)(i)(I) from ''after December 31, 2017'' to ''after the applicable start date (as defined in section 1400Z–1(e)(2)) with respect to the [QOZ] described in [section 1400Z–2(d)(2)(D)(i)(III)].'' Section 70421(c)(4)(B) of the OBBBA modifies section 1400Z–2(d)(2)(B)(i)(I) and (d)(2)(C)(i) by replacing ''December 31, 2017,'' with ''the applicable date'', which section 1400Z–2(d)(2)(E) defines, with respect to any corporation or partnership that is a QOZB, as the earliest date described in section 1400Z–2(d)(2)(D)(i)(I) with respect to the QOZ business property held by such QOZB.

2. Specified Opportunity Zone Tax Benefits

Section 70421(c)(2) of the OBBBA replaced the fixed deferred gain recognition date of the earlier of either the date of sale or exchange of the qualifying investment or December 31, 2026, with a rolling deferred gain recognition date occurring on the earlier of either the date of sale or exchange of the qualifying investment or five years from the date the taxpayer makes the qualifying investment.

The OBBBA also modified the specified opportunity zone tax benefits available to an eligible taxpayer. Although section 70421(c)(2) of the OBBBA retained the basis adjustments of 10 percent of the amount of deferred gain with respect to qualifying investments held for at least 5 years, the additional basis adjustment of 5 percent for qualifying investments held for at least 7 years was not retained. In addition, section 70421(c)(3) of the OBBBA modified the basis adjustments for investments held for at least 10 years by capping the fair market value basis adjustment to the fair market value on the date that is 30 years after the date of investment.

3. Enhanced Incentives for Investing in Rural Areas

The OBBBA created enhanced incentives for investment in rural areas, including incentives for certain types of QOFs that invest in QOZs comprised entirely of a rural area. Generally, pursuant to section 70421(c)(2) of the OBBBA, a qualified rural opportunity fund is a QOF for which substantially all the use of its QOZ business property during substantially all of the holding period of such property was in a QOZ comprised entirely of a rural area (rural QOZ).

The OBBBA codified a definition of ''rural area'' applicable to amounts invested in QOFs after December 31, 2026. Under such definition, a rural area is defined as any area other than a city or town that has a population of greater than 50,000 inhabitants, and any urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. Section 70421(c)(4)(C) of the OBBBA also amended the general substantial improvement threshold for improvements to property located in a rural QOZ and reduced the substantial improvement threshold for required additions to the basis for such property from 100 percent to 50 percent. Pursuant to section 70421(c)(5)(C) of the OBBBA, the amendment to the substantial improvement threshold took effect on July 4, 2025.

On September 30, 2025, the Treasury Department and the IRS issued Notice 2025–50, 2025–43 I.R.B. 542, which provides guidance with respect to the definition of a ''rural area'' for purposes of applying the substantial improvement provision under section 1400Z–2(d)(2)(D)(ii) and provides a list of census tracts designated prior to the enactments of the OBBBA as QOZs that will be considered rural QOZs.

II. Information Reporting Rules

The OBBBA enacted information reporting requirements under new sections 6039K and 6039L for QOFs and QOZBs, as well as a new penalty provision under section 6726.

A. Information Reporting Requirements Before the OBBBA

Prior to the enactment of the OBBBA, the Code did not mandate information reporting from QOFs or QOZBs. Section 1400Z–2(e)(4), however, authorized the Secretary to prescribe such regulations as necessary to carry out the purposes of section 1400Z–2, including (i) rules for the certification of QOFs; (ii) rules to ensure a QOF has a reasonable period of time to reinvest the return of capital from investments in QOZ stock and QOZ partnership interests, and to reinvest proceeds received from the sale or disposition of QOZ property; and (iii) rules to prevent abuse.

Pursuant to this authority, § 1.1400Z2(d)–1(a)(2) requires entities to self-certify as QOFs pursuant to forms and instructions, or in publications or guidance published in the IRB. An entity self-certifying as a QOF does so through the filing of Form 8996, *Qualified Opportunity Fund,*[2] on which the entity attests that it is organized to invest in QOZ property. Form 8996 also requires the QOF to report that it meets the required investment standards of section 1400Z–2(d), or if it does not, to calculate and report the penalty imposed by section 1400Z–2(f). In addition, Form 8996 requires a QOF to report certain information about the QOF's investments and operations as well as the investments and operations of any QOZBs in which the QOF has an interest. Finally, for any investor in the QOF that disposed of the investor's equity interest in the QOF, Form 8996 requires the QOF to attach a statement with each investor's name, date of disposition, and the interest disposed of during the QOFs taxable year. Form 8996 is required to be attached to the QOF's annual tax return by the due date (including extensions) for the QOF's annual tax return.

A penalty applies to QOFs that do not meet certain investments standards, but under the section 1400Z–2 regulations, no information reporting penalty applies to QOFs that do not file Form 8996.

In order for a QOF to report the information required by Form 8996 regarding the QOZ businesses property and operations of any QOZBs in which the QOF has an interest, the QOF must obtain information from every QOZB in which it holds a stock or partnership interest. The section 1400Z–2 regulations, however, do not include a penalty for QOZBs that fail to provide this necessary information to their QOF investors.

In addition to the reporting of dispositions by QOF investors on Form 8996, the IRS also requires each QOF to file Form 1099–B, *Proceeds From Broker and Barter Exchange Transactions,* (or Form 1099–DA, *Digital Asset Proceeds From Broker Transactions,* if the QOF interest is a dual classification asset under § 1.6045–1(c)(8)) on dispositions made by each QOF investor in the QOF during the calendar year. Each QOF is

[2] References to Form 8996 in these proposed regulations are to the current iteration of the form, which was last revised in December 2021.

also required to furnish statements to each of these investors, including the information required to be reported to the IRS on Form 1099–B (or Form 1099–DA). No information reporting or information furnishing penalty applies, however, to a QOF that does not file these Forms 1099–B (or Forms 1099–DA) with the IRS or furnish these associated statements to disposing investors.

B. Information Reporting Requirements Under the OBBBA

Section 70421(d)(1) of the OBBBA added section 6039K to the Code to require every QOF to file an annual return (at such time and in such manner as the Secretary may prescribe) containing certain information described in section 6039K(b)(1) through (8). The information described in section 6039K(b)(1) through (8) generally includes most of the information that is currently required to be reported on Form 8996 as well as certain new items of information.[3] In addition, section 6039K(b)(9) provides authority for the Secretary to require reporting of additional information not listed in section 6039K(b)(1) through (8). Section 6039K(c) also requires QOFs to furnish investor statements to investors who dispose of their interests in the QOF. The investor statement must generally include the investor's name, address, and taxpayer identification number (TIN), the date or dates on which the disposed of investment was acquired, the date or dates on which any such investment was disposed of, and the amount of the investment.

Section 70421(d)(1) of the OBBBA also added new section 6039L to the Code. Under section 6039L, every applicable QOZB must furnish a written statement to each QOF that holds an interest in the applicable QOZB at such time, in such manner, and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such QOFs to meet the reporting requirements of section 6039K. Section 6039L(b) defines ''applicable QOZB'' for this purpose as any QOZB: (1) which is a trade or business of a QOF, (2) in which a QOF holds QOZ stock, or (3) in which a QOF holds a QOZ partnership interest.

Section 70421(d)(2)(A) of the OBBBA added a new information reporting penalty under section 6726 of the Code applicable to QOFs that fail to meet their information reporting requirements under section 6039K. Section 6726(a) provides that if any QOF required to file an information return under section 6039K fails to file a complete and correct return under such section in the time and in the manner prescribed therefor, then the QOF must pay a penalty of $500 for each day during which such failure continues. Under section 6726(b), this penalty is generally subject to an annual cap of $10,000 per return, but for large QOFs with gross assets exceeding $10 million at the close of the QOF's taxable year, the cap for the failure rises from $10,000 to $50,000. Additionally, under section 6726(c), in the case of a failure that is due to intentional disregard, the daily penalty is increased from $500 to $2,500 and the annual cap is increased to $50,000, or $250,000 for a large QOF, per return. Finally, under section 6726(d), the penalty amounts are all subject to a cost-of-living inflation adjustment.

Prior to the enactment of the OBBBA, section 6724, which provides that ''[n]o penalty shall be imposed under this part [II] with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect,'' applied to penalties under section 6721 (failure to file correct information returns), section 6722 (failure to furnish correct payee statements), and section 6723 (failure to comply with other information reporting requirements). All of these penalties are contained in part II (Failure to Comply with Certain Information Reporting Requirements) of subchapter B (Assessable Penalties) of chapter 68 of the Code. Because the OBBBA added the information reporting penalty under section 6726 to part II of subchapter B of chapter 68 of the Code, the reasonable cause waiver provisions under section 6724 also apply to penalties imposed under section 6726.

The OBBBA also provides for the imposition of penalties for QOFs that fail to furnish the investor statements required by section 6039K(c) and for QOZBs that fail to provide QOFs the QOZB statement required by section 6039L. Section 70421(d)(2)(B)(iii) of the OBBBA added investor statements and QOZB statements to the definition of ''payee statements'' under section 6724(d)(2), which are subject to the failure to furnish penalty under section 6722. Section 6722 generally provides that for each failure to furnish a complete and correct payee statement on or before the date prescribed, the person required to furnish the statement must pay a penalty equal to $250 (adjusted for inflation) for each statement with respect to which the failure occurs. The penalty is limited by an annual cap that is generally equal to $3 million (adjusted for inflation). Reduced penalties apply in certain circumstances if the statement is furnished late (section 6722(b)) and for filers with gross receipts below a specified threshold (section 6722(d)). However, the penalty does not apply to de minimis failures (section 6722(c)) and for any failure that is an intentional disregard of the furnishing requirement, the per-return penalty is increased to $500 (adjusted for inflation) and the $3 million annual cap is removed (section 6722(e)). Finally, the reasonable cause waiver under section 6724 applies to penalties otherwise applicable under section 6722.

C. Public Reporting Requirements

Section 70421(e)(1) of the OBBBA appropriates funds through September 30, 2028, for necessary expenses of the IRS to make annual reports to the public with information on QOFs. Section 70421(e)(2) of the OBBBA directs the Secretary to make the report publicly available as soon as practical after the date of enactment of the OBBBA, and then annually thereafter. Under section 70421(e)(3) of the OBBBA, the report must include, to the extent available, the following information: (i) the total amount of money invested in opportunity zones and QOFs; (ii) the percentage of eligible census tracts receiving opportunity zone investment (and how much has been invested in each one); (iii) the approximate number of employees in opportunity zone-financed businesses for each census tract; (iv) the number of residential units resulting from QOF projects; (v) information on investment sectors using North American Industry Classification System (NAICS) codes; and (vi) breakdowns of real estate versus business equity investments.

Section 70421(e)(4)(A) of the OBBBA also requires the Secretary to include in the annual reports beginning in 2031 (the sixth year following enactment of the OBBBA) information on the impacts and outcomes resulting from designating a census tract as an opportunity zone, as measured by economic indicators, such as job creation, poverty reduction, new business starts, and other metrics. Additionally, section 70421(e)(4)(B) of the OBBBA requires the Secretary to include in the annual reports provided in 2031 and 2036 certain comparative data for QOZs. Section 70421(e)(4)(B)(i)(I) of the OBBBA requires these reports provided in 2031 and 2036 to include longitudinal comparisons (based on aggregate

[3] The Treasury Department and the IRS anticipate updating Form 8996 to reflect the necessary changes to such reporting under section 6039K and these regulations once published as final regulations in the **Federal Register**.

information) of specific factors for population census tracts designated as a QOZ during the 5-year period ending on the date of the enactment of the OBBBA and the most recent 5-year period for which data is available. These specific factors in section 70421(e)(4)(B)(iii) of the OBBBA include: (i) the unemployment rate; (ii) the number of persons working in the population census tract, including the percentage of such persons who were not residents in the population census tract in the preceding year; (iii) individual, family, and household poverty rates; (iv) median family income of residents of the population census tract; (v) demographic information on residents of the population census tract, including age, income, education, race, and employment; (vi) the average percentage of income of residents of the population census tract spent on rent annually; (vii) the number of residences in the population census tract; (viii) the rate of home ownership in the population census tract; (ix) the average value of residential property in the population census tract; (x) the number of affordable housing units in the population census tract; (xi) the number of new business starts in the population census tract; and (xii) the distribution of employees in the population census tract by NAICS code. In addition, section 70421(e)(4)(B)(i)(II) of the OBBBA requires the 2031 and 2036 reports to provide, for the most recent 5-year period for which data is available, a cross-sectional comparison of these specific factors, comparing population census tracts designated as a QOZ with similar population census tracts that were not designated as a QOZ. For purposes of making these comparisons, section 70421(e)(4)(B)(ii) of the OBBBA permits the Secretary to combine population census tracts into such groups as the Secretary determines appropriate.

To ensure that taxpayer return information is protected in making any of the reports required by section 70421(e) of the OBBBA, section 70421(e)(5) of the OBBBA requires the Secretary to establish appropriate procedures to ensure that any amounts reported do not disclose taxpayer return information that can be associated with any particular taxpayer or competitive or proprietary information. Section 70421(e)(5) also permits the Secretary to combine information required with respect to individual population census tracts into larger geographic areas if necessary to protect taxpayer return information. Finally, section 70421(e)(7) of the OBBBA requires the Secretary to prepare similar reports with respect to rural QOZs.

Explanation of Provisions

I. Proposed § 1.1400Z2(d)–1

A. QOF Self-Certification and Annual Reporting Procedures

1. Overview

Section 1.1400Z2(d)–1(a)(2)(i) provides that an entity's self-certification as a QOF must be timely filed and effected annually in such form and manner as may be prescribed in forms and instructions, or in publications or guidance published in the IRB. Form 8996 provides instructions for entities to self-certify as a QOF.

The Treasury Department and the IRS have received several questions regarding the meaning and scope of § 1.1400Z2(d)–1(a)(2)(i), as well as Form 8996 and its instructions. For example, stakeholders have questioned whether an entity's self-certification as a QOF must be renewed annually through the filing of Form 8996, which would then create an annual option for voluntary decertification. Others have questioned whether failure to file Form 8996 would give rise to penalties. Lastly, stakeholders have questioned whether a failure to file Form 8996 could, or should, result in the decertification of a QOF.

In response, the Treasury Department and the IRS have proposed revisions to the QOF self-certification and annual reporting procedures (including as imposed by section 6039K) that are intended to clarify these procedures and facilitate taxpayer compliance with the QOF self-certification and annual reporting procedures. Furthermore, the proposed regulations would further enhance the ability of the IRS to administer and enforce the specified opportunity zone tax benefits provided by section 1400Z–2. The QOF self-certification and annual reporting procedures serve as the foundation for the voluntary decertification procedures proposed by these proposed regulations, which underscores the importance for clarity and certainty.

The Treasury Department and the IRS encourage comments on these proposed rules, with particular emphasis on recommendations to further achieve those intended objectives.

2. Provisions Clarifying Beginning Date of Certification

The QOF self-certification and annual reporting requirements require clear rules on when self-certification becomes effective and when an entity self-certifying as a QOF must provide required information to the IRS. Accordingly, the proposed regulations would revise § 1.1400Z2(d)–1(a)(2)(i) to clarify the beginning of an entity's self-certification as a QOF. Proposed § 1.1400Z2(d)–1(a)(2)(i) would clarify that an entity that satisfies the initial requirements to self-certify as a QOF would be treated as a QOF from the date the self-certification is effective (self-certification date).

3. Clarification of First Taxable Year Requirements and Subsequent Annual Requirements

a. First Taxable Year Requirements

Proposed § 1.1400Z2(d)–1(a)(2)(ii)(A) would provide that self-certification of an eligible entity as a QOF would not be valid unless that self-certification is timely filed and effected in the entity's first taxable year by filing with the IRS a Form 8996 (or any successor form) by the due date for the eligible entity's original Federal tax return (including extensions) and in accordance with instructions to that form. In the view of the Treasury Department and the IRS, Form 8996 (or any successor form) would provide the most responsive and efficient form of guidance to address specific self-certification procedures. Comments are requested on the procedures set forth herein.

The proposed regulations would retain the existing rules in the section 1400Z–2 regulations for determining the first taxable year and month of the certification (*see* proposed § 1.1400Z2(d)–1(a)(2)(ii)(B)) and for applying the section 1400Z–2(f) penalty for that first taxable year of certification (*see* proposed § 1.1400Z2(d)–1(a)(2)(ii)(C)).

Additionally, proposed § 1.1400Z2(d)–1(a)(2)(ii)(D) would provide that the self-certification must include an affirmative statement that the entity is organized for the purpose of investing in QOZ property as required by section 1400Z–2(d)(1).

b. Annual Requirements

With regard to an entity that has validly self-certified as a QOF, the proposed regulations would set forth annual reporting requirements that the entity would be required to satisfy for the second and each subsequent taxable year of the QOF. Proposed § 1.1400Z2(d)–1(a)(2)(iii) would require an entity certified as a QOF, for the second and each subsequent taxable year of the QOF to file an annual information return on Form 8996 (or any successor form) consistent with the instructions provided for that IRS form

and consistent with the annual reporting requirements under section 6039K. These annual information returns for taxable years after the initial self-certification taxable year would not require the QOF to provide an annual self-certification.

B. Revocation of an Election To Self-Certify

The Treasury Department and the IRS have received requests from stakeholders for a revocation process for inadvertent elections to self-certify as a QOF. These comments have stated that certain entities, such as a QOZB, may have unintentionally self-certified as QOFs by mistakenly filing Form 8996 with the IRS. These comments also have indicated that owners of entities inadvertently self-certifying as QOFs have not held a qualifying investment in the entity. Therefore, according to the comments, no owner of such entity would have derived any specified opportunity zone tax benefit at any time since the entity's inadvertent self-certification as a QOF.

Based on these comments from stakeholders, the Treasury Department and the IRS have proposed a revocation process for inadvertent QOF elections. In addition to the concern expressed by stakeholders, permitting the revocation of an unintentional QOF self-certification for entities that have no qualifying investments would help facilitate effective tax administration and enforcement of the opportunity zone tax incentives. Permitting these entities to revoke their self-certifications would remove them from audit consideration due to their noncompliance with the statutory and regulatory requirements under section 1400Z–2(d)(2), while permitting the IRS to consider whether the entities met the other requirements of section 1400Z–2(d)(3), if applicable. In addition, a revocation process for these inadvertent QOF elections would eliminate unnecessary compliance obligations for investors in these entities who never had any intention to achieve a specified opportunity zone tax benefit. However, to assist in enforcement and compliance, as well as to provide certainty for investors who make a qualifying investment in QOFs, the proposed regulations would provide that the election to self-certify as a QOF is not revocable in any situation other than the specific situation outlined in proposed § 1.1400Z2(d)–1(a)(2)(iv). For entities that do not qualify for a revocation of their initial self-certification, the proposed voluntary decertification procedures described in part I.C. of this Explanation of Provisions would provide a procedure to terminate QOF certification.

Consistent with the foregoing, the proposed regulations would provide that an entity inadvertently self-certified as a QOF may revoke that election only if the entity satisfies the eligibility requirement set forth in proposed § 1.1400Z2(d)–1(a)(2)(iv)(B) and files the revocation in accordance with the procedures set forth in proposed § 1.1400Z2(d)–1(a)(2)(iv)(C). Proposed § 1.1400Z2(d)–1(a)(2)(iv)(B) would permit an entity that had inadvertently self-certified as a QOF to revoke its election to self-certify as a QOF only if no qualifying investment in the QOF was made. In other words, an entity is only eligible to revoke its election to self-certify if no qualifying investment by an investor was made between the self-certification date throughout the entire period in which the entity was certified. Proposed § 1.1400Z2(d)–1(a)(2)(iv)(C) would provide that an inadvertent election to self-certify as a QOF may be revoked only with the consent of the Commissioner in accordance with forms and instructions, or in publications or guidance published in the IRB. Finally, proposed § 1.1400Z2(d)–1(a)(2)(iv)(D) would provide that an entity that has revoked its inadvertent election to self-certify may not again self-certify as a QOF at any future date, and the TIN assigned to that entity may not be used by another entity to self-certify as a QOF in the future. The Treasury Department and the IRS regard these proposed rules as necessary for the administration of section 1400Z–2 and to prevent abuse of section 1400Z–2.

C. Voluntary Decertification

1. Overview

Proposed § 1.1400Z2(d)–1(a)(3) would provide the exclusive procedures by which an entity that self-certified as a QOF may voluntarily decertify as a QOF. In addition, the proposed regulations would set forth the Federal income tax consequences resulting from voluntary decertification with regard to each person that held a qualifying investment in the QOF as of the last day the entity was certified as a QOF (voluntary decertification date). To facilitate reinvestment in other QOFs by persons who held investments in the QOF on the QOF's voluntary decertification date, the proposed regulations also would require the entity to notify all investors who hold an investment in the QOF of its decertification as a QOF no later than 15 days after the QOF's voluntary decertification date (15-day notification). This proposed notification is separate from the notification required under section 6039K(c) discussed in part II.C. of this Explanation of Provisions, that is required to be provided on or before March 1 of the calendar year following the calendar year of the voluntary decertification date. Lastly, the proposed regulations would provide rules to clarify the effective date of the voluntary decertification of the entity (that is, the voluntary decertification date).

2. Contemporaneous Written Documentation

Proposed § 1.1400Z2(d)–1(a)(3)(i) would require that an entity certified as a QOF that wants to voluntarily decertify as a QOF may do so only if the certified entity maintains contemporaneous written documentation of the intent to decertify in accordance with proposed § 1.1400Z2(d)–1(a)(3)(iii). Such contemporaneous written documentation must memorialize the entity's intent to terminate its certification and identify the last month for which the entity is certified as a QOF. Proposed § 1.1400Z2(d)–1(a)(3)(iii) would clarify the contemporaneous written documentation requirement in proposed § 1.1400Z2(d)–1(a)(3)(i) and would provide an example of contemporaneous written documentation that would satisfy this requirement. Proposed § 1.1400Z2(d)–1(a)(3)(iii)(A) would define ''contemporaneous written documentation'' to mean written documentation that is created at the same time the QOF makes the determination that it wishes to voluntarily decertify as a QOF. Proposed § 1.1400Z2(d)–1(a)(3)(iii)(B) would provide that such documentation would include, but is not limited to, contemporaneous meeting minutes demonstrating the wish to decertify. The Treasury Department and the IRS view the requirement to maintain contemporaneous written documentation as necessary because it demonstrates the entity's intent to self-decertify as of a certain date and that the entity is not acting with inappropriate hindsight.

Under proposed § 1.1400Z2(d)–1(a)(3)(v)(A), a failure to fulfill this contemporaneous written documentation requirement would invalidate the entity's voluntary decertification and would result in the continued certification of the entity as a QOF for the period beginning on the date the entity self-certified as a QOF

until the occurrence of an event that results in the revocation or decertification of the entity as a QOF. Proposed § 1.1400Z2(d)–1(a)(3)(v)(B) would also clarify that such entity would continue to be subject to the requirements of section 1400Z–2 and the section 1400Z–2 regulations (including the statutory penalty under section 1400Z–2(f) for failure to maintain the 90-percent investment standard) until the entity decertifies or revokes its election.

To provide flexibility and facilitate compliance with the proposed voluntary decertification procedures, proposed § 1.1400Z2(d)–1(a)(3)(vi)(A) would provide that the voluntary decertification is effective on the last day of the month that the entity identifies in its contemporaneous written documentation as the last month for which the entity is certified as a QOF. For example, an entity that indicates in its contemporaneous written documentation that it voluntarily decertifies in July would have its last day of QOF certification as July 31st under this proposed rule and would not be certified as a QOF starting on August 1st.

3. Required Form and Manner

Under the proposed regulations, a QOF that voluntarily decertifies would be required to report to the IRS in the form and manner set forth in proposed § 1.1400Z2(d)–1(a)(3)(ii). Those proposed rules would provide that an entity certified as a QOF that voluntarily decertifies must file a Form 8996 (or any successor form) (final information return) in the manner set forth in the instructions to Form 8996 by the due date for the entity's original Federal tax return (including extensions) for the taxable year including the last month in which the entity seeks to be certified as a QOF, referred to as the entity's ''voluntary decertification year.'' Under proposed § 1.1400Z2(d)–1(a)(3)(ii), the entity's final information return would be required to indicate that it is voluntarily decertifying and the last month for which the entity is intended to be certified as a QOF. *See also* proposed § 1.6039K–1(c). *See* parts III.B.3. and B.4. of this Explanation of Provisions for an explanation of the investor information that would be required to be reported to the IRS if a QOF voluntarily decertifies and the requirement that the information return containing this information must be attached to the QOF's annual tax return.

4. Requirement of Entity To Notify Investors Within 15 Days of Decertification

Proposed § 1.1400Z2(d)–1(a)(3)(iv) would require that the QOF provide the 15-day notification of the voluntary decertification to its investors with both qualifying and non-qualifying investments. This 15-day notification would be separate from the later notification proposed in the proposed regulations under section 6039K that would require the entity to provide a timely notification of the voluntary decertification by the entity (formerly certified as a QOF) to its investors on or before March 1 of the calendar year following the calendar year during which the voluntary decertification occurred. The Treasury Department and the IRS view these two timely notifications as necessary to facilitate the ability of those investors with investments resulting in eligible gain to reinvest their gains under section 1400Z–2(a), if applicable, and to properly and timely report any Federal income tax consequences arising as a result of the decertification. *See* part II.C. of this Explanation of Provisions for an explanation of the notification that would be required under section 6039K(c).

Proposed § 1.1400Z2(d)–1(a)(3)(iv)(B) would require the entity formerly certified as a QOF to provide the 15-day notification of the voluntary decertification to each investor that holds a qualifying or non-qualifying investment in the QOF by the earlier of 15 days after the QOF's voluntary decertification date or by the date contracted upon by the parties for the receipt of such written notification by the investors. Proposed § 1.1400Z2(d)–1(a)(3)(iv)(C) would require the notification to be made in writing and furnished to the investors using any reasonable manner. The Treasury Department and the IRS anticipate that it may be difficult for entities to know which, if any, of their investors has an investment that is a qualifying investment in the entity, and so the proposed regulations' requirement that the entity send a voluntary decertification notice to each of its investors is intended to facilitate compliance and tax administration. Additionally, because the modifications by the OBBBA to section 1400Z–2 provide that the last day of deferral is dependent upon the date the investor invests in the QOF, rather than December 31, 2026, as the TCJA required, the Treasury Department and the IRS view it as necessary that this notice be sent to all investors because an investor may be able to reinvest the gain in another QOF to receive the benefits of section 1400Z–2. This requirement would accord with the reporting requirements in section 6039K(b)(8) and proposed § 1.6039K–1(f) with respect to each reportable investor on the final Form 8996 in the event of a voluntary decertification.

The proposed regulations set forth two items that would be required to be contained in the 15-day notification. First, pursuant to proposed § 1.1400Z2(d)–1(a)(3)(iv)(A)(*1*), the notification would be required to contain a statement that informs each investor that they may no longer make an election under section 1400Z–2(c) with regard to the investor's qualifying investment in the QOF because the certification of the entity as a QOF has terminated. Second, pursuant to proposed § 1.1400Z2(d)–1(a)(3)(iv)(A)(*2*), the notification would be required to contain information sufficient for the investors to report an inclusion event on the QOF's voluntary decertification date, if the effective date of voluntary decertification occurs prior to the date specified in section 1400Z–2(b)(1)(B). Section 1.1400Z2(b)–1(c)(15) provides (and proposed § 1.1400Z2(b)–1(c)(15) would provide) that the decertification of a QOF is an inclusion event. The Treasury Department and the IRS view the 15-day notification that informs the investors that the ability to make an election under section 1400Z–2(c) is no longer available and that the investors may have an inclusion event as critical for tax compliance purposes and to ensure that investors are fully aware of the decertification, which may carry Federal income tax consequences. In addition, notification by the entity to its investors of the voluntary decertification within 15 days of the QOF's effective date of voluntary decertification would more readily permit these investors to reinvest in another QOF before the expiration of the 180-day period, as provided in section 1400Z–2(a)(1).

5. Federal Income Tax Consequences to Qualifying Investors

A QOF's decertification is binding on the investors in the QOF. The decertification may have Federal income tax consequences to investors in that QOF, especially for an investor that is a QOF owner. Under § 1.1400Z2(a)–1(b)(23), a ''QOF owner'' means a QOF shareholder or a QOF partner. Sections 1.1400Z2(a)–1(b)(24) and (27) provide that a QOF partner or QOF shareholder are persons that directly or indirectly own a qualifying investment in a QOF

that is organized as a corporation or as a partnership, respectively.

Proposed § 1.1400Z2(d)–1(a)(3)(vi) would outline the consequences of decertification for the investors in the entity that was formerly certified as a QOF. First, proposed § 1.1400Z2(d)–1(a)(3)(vi)(B)(*1*) would provide that voluntary decertification is an inclusion event with respect to the entire qualifying investment of a QOF owner. This result is already provided in § 1.1400Z2(b)–1(c)(15), but proposed § 1.1400Z2(b)–1(c)(15) would include updated language to mirror the language of § 1.1400Z2(d)–1(a)(3), which uses the phrase ''voluntary decertification'' instead of ''self-decertification.'' The date of the inclusion event would be the QOF's voluntary decertification date, as provided in proposed § 1.1400Z2(d)–1(a)(3)(vi)(A). Additionally, proposed § 1.1400Z2(d)–1(a)(3)(vi)(B)(*2*) would provide that gain that is otherwise required to be included in gross income by a final investor that is a QOF owner is eligible for continued deferral if the gain is reinvested in a QOF with a TIN that is different from the decertified QOF and all requirements to elect to defer eligible gain under section 1400Z–2(a)(1)(A) are satisfied.

Second, proposed § 1.1400Z2(d)–1(a)(3)(vi)(C) would provide that each QOF owner of a QOF that voluntarily decertifies is not eligible to make an election under section 1400Z–2(c) with regard to the sale or exchange of that investment on any date on or after the QOF's voluntary decertification date. Such disallowance would also apply to QOFs that voluntarily decertify after the inclusion date provided in section 1400Z–2(b)(1)(B) but before the QOF owner makes an election under section 1400Z–2(c).

II. Proposed § 1.6039K–1

A. Overview

As discussed in part II.B. of the Background, section 6039K(a) requires every QOF to file an annual return (at such time and in such manner as the Secretary may prescribe) containing certain information. These regulations propose the time and manner by which QOFs would have to file these annual information returns, as well as the information that would be required to be reported on these returns.

For consistency with the regulations in § 1.1400Z2(d)–1(a), including proposed § 1.1400Z2(d)–1(a)(2)(i), which treats as a QOF any entity that makes an election to self-certify as a QOF, proposed § 1.6039K–1(a)(5) would define a ''QOF'' for this purpose with respect to an entity's taxable year or portion thereof as any entity that files a self-certification under § 1.1400Z2(d)–1(a)(2)(i) for that taxable year or a portion thereof. To ensure that this definition will treat an entity as a QOF for its first taxable year (or the portion of that taxable year that begins on the effective date for the election identified in the entity's self-certification), the definition also provides that an entity that files a self-certification under § 1.1400Z2(d)–1(a)(2) for its taxable year will be treated as certified as a QOF for the portion of the taxable year beginning on the effective date identified in that self-certification. Proposed § 1.6039K–1(b) would set forth the requirement that every QOF must file an annual return of information on Form 8996 (or any successor form) to report the information set forth in proposed § 1.6039K–1(c) through (f). *See* parts III.B.1. through 3. of this Explanation of Provisions for an explanation of the information that would be required to be reported on this annual information return. Proposed § 1.6039K–1(e), however, is reserved for future use for when the specific information reporting rules for qualified rural opportunity funds and rural QOZBs are promulgated. Proposed § 1.6039K–1(g) would set forth the due date for the annual information return and the manner by which a QOF must file it. *See* part II.B.4. of this Explanation of Provisions for an explanation of these proposed rules. Finally, proposed § 1.6039K–1(j)(1) would cross reference to the penalty for QOFs that fail to comply with these information reporting requirements as well as to the penalty waiver rules for failures due to reasonable cause and not due to willful neglect.

As discussed in part II.B. of the Background, section 6039K(c) requires every QOF to furnish an investor statement to each person who disposed of an investment in the QOF (reportable investor) during the year (at such time and in such manner as the Secretary may prescribe). These proposed regulations also propose the time and manner that QOFs must furnish these investor statements as well as the information required to be reported on these statements. Proposed § 1.6039K–1(h) would set forth the requirement that every QOF must furnish to each reportable investor an investor statement for each calendar year containing the information set forth in proposed § 1.6039K–1(h)(1)(i) though (iv). *See* part II.C.1 of this Explanation of Provisions for an explanation of the information that would be required to be reported on the investor statements, as well as the rationale for requiring the information to be furnished on a calendar year basis. Proposed § 1.6039K–1(h)(2) would set forth the due date for the investor statements. In addition, proposed § 1.6039K–1(h)(3) would set forth the manner by which these statements must be furnished. *See* part II.C.2 of this Explanation of Provisions. Proposed § 1.6039K–1(j)(2) would cross reference to the penalty for failure to furnish timely a correct payee statement as well as to the penalty waiver rules for failures due to reasonable cause and not due to willful neglect.

Finally, proposed § 1.6039K–1(k) would apply the proposed rules under § 1.6039K–1 regarding information returns and investor statements to information returns and investor statements originally due (without extensions) on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

B. Information Returns Required To Be Filed Under Section 6039K(a)

As discussed in part II.A. of this Explanation of Provisions, proposed § 1.6039K–1(b) would set forth the requirement that every QOF file an annual return of information on Form 8996 (or any successor form) to report the information set forth in proposed § 1.6039K–1(c) through (f). Proposed § 1.6039K–1(c) would set forth the information to be included on this return with respect to the QOF itself, proposed § 1.6039K–1(d) would set forth the information to be included on this return with respect to each applicable QOZB in which the QOF owns an interest, and proposed § 1.6039K–1(f) would set forth the information to be included on this return with respect to each reportable investor that disposed of an investment in the QOF during the calendar year. *See* parts III.B.2. and III.B.3.a. in this Explanation of Provisions for explanations of the terms applicable QOZB and reportable investor, respectively, as used for these purposes.

1. Proposed § 1.6039K–1(c): Information About the QOF

Proposed § 1.6039K–1(c) lists the information that QOFs would be required to report with respect to the QOF itself. This information generally falls within three categories.

a. Information Currently Required

First, much of the information that would be required by proposed § 1.6039K–1(c) is information that QOFs are currently required to report on Parts

I through V of the December 2021 revision of Form 8996 (current Form 8996). For example, as currently required to be reported on Part I of the current Form 8996, proposed § 1.6039K–1(c)(2) and (3) would require the QOF to indicate whether it is organized as a corporation or a partnership and whether it is organized for the purpose of investing in QOZ business property (other than another QOF). In addition, as currently required to be reported on Parts II through IV of the current Form 8996, proposed § 1.6039K–1(c)(4) and (5) would require the QOF to calculate the 90-percent investment standard and, if applicable, the penalty under section 1400Z–2(f)(1) if the QOF fails to meet that investment standard. Proposed § 1.6039K–1(a)(1) would define the term ''90-percent investment standard'' as having the same meaning as in section 1400Z–2(d)(1) and § 1.1400Z2(a)–1(b)(4). Finally, as currently required to be reported on Part V of the current Form 8996, proposed § 1.6039K–1(c)(7) would require the QOF to report each population census tract number in which QOZ business property is directly owned or leased by the QOF, and, for each of these tracts, proposed § 1.6039K–1(c)(7)(iii) would require the QOF to report the total value of QOZ business property directly owned by the QOF and the total value of QOZ business property directly leased by the QOF for the QOF testing dates. The information that would be required to be reported by the QOFs in this section would ensure compliance with section 1400Z–2(d), and in particular, with the 90-percent investment standard.

b. Information for Public Reporting

Second, some of the information that would be required by proposed § 1.6039K–1(c) is information that would enable the Secretary to comply with the public reporting requirements under section 70421(e)(3) of the OBBBA. For example, under proposed § 1.6039K–1(c)(6) and (c)(7)(vi), QOFs would be required to report the approximate average monthly number of total full-time equivalent employees of the QOF working in all locations as well as the approximate average monthly number of full-time equivalent employees of the QOF that work within the population census tract for the calendar year ending with or within the QOF's taxable year. Section 6039K requires this information be reported ''within numerical ranges identified by the Secretary.'' The Treasury Department and the IRS anticipate that updated instructions to Form 8996 will provide these numerical ranges.

The proposed regulations would base the definition of full-time equivalent employees on the definition of that term section 6039K. Section 6039K(d)(2) defines full-time equivalent employees with respect to any month as the sum of: (A) the number full-time employees as defined in section 4980H(c)(4) for the month; plus (B) the number of other employees determined (under rules similar to the rules of section 4980H(c)(2)(E)) by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 120. A full-time employee is defined in section 4980H(c)(4)(A), with respect to any month, as an employee who is employed on average at least 30 hours of service per week. Section 4980H(c)(4)(B) authorizes the Secretary, in consultation with the Secretary of Labor, to prescribe regulations addressing how to calculate an employee's hours of service for this purpose, including for employees who are not compensated on an hourly basis.

Consistent with the rules and definitions set forth in section 4980H(c), as required by section 6039K(d)(2), proposed § 1.6039K–1(a)(4)(i) would define ''full-time equivalent employees'' of the QOF with respect to a calendar month as the sum of the number of employees who are employed on average at least 30 hours per week (full-time employees) plus the number of other employees who are not full-time employees. The number of employees who are not full-time employees would be determined for this purpose by dividing the aggregated number of hours of service of all employees who are not classified as full-time by 120.

The regulations defining full-time employees under section 4980H(c)(4) provide a rule for converting an employee's monthly service hours into weekly service hours for purposes of determining if the employee is a full-time employee. Specifically, under § 54.4980H–1(a)(21)(ii) of the Pension Excise Tax Regulations (26 CFR part 54), 130 hours of service in a calendar month is treated as the monthly equivalent of at least 30 hours of service per week. Section 54.4980H–1(a)(21)(iii) also provides an optional rule that allows employers to treat as a full-time employee any employee who performs 120 service hours during months with four weekly periods and any employee who performs 150 service hours during months with five weekly periods.

For these proposed rules on section 6039K reporting requirements, the Treasury Department and the IRS considered whether and how the rules from the section 4980H regulations should apply to the calculation of full-time employees. In determining the number of full-time employees under section 6039K(d)(2)(A), the Treasury Department and the IRS considered whether the QOFs should use the monthly equivalent rule that treats 130 hours of service as the monthly equivalent of at least 30 hours of service per week consistent with § 54.4980H–1(a)(21)(ii) or whether the QOFs should use a monthly equivalent rule that is consistent with the 120-hour divisor used to calculate the number of other employees under section 6039K(d)(2)(B). Because using the more restrictive (130 hours of service) monthly equivalent rule merely converts employees that would be full-time employees under section 6039K(d)(2)(A) into other employees under section 6039K(d)(2)(B), proposed § 1.6039K–1(a)(4)(ii)(A) would use a monthly equivalent rule that is consistent with the 120-hour divisor used to calculate the number of other employees under section 6039K(d)(2)(B). Using this less restrictive (120 hours of service) monthly equivalent rule should also be easier for QOFs to apply because they are already required to use the 120 hours as a divisor in calculating other employees under section 6039K(d)(2)(B).

The Treasury Department and the IRS also considered whether the QOFs should be permitted to use the optional monthly equivalent rule under § 54.4980H–1(a)(21)(iii) that allows employers to treat as a full-time employee any employee who performs 120 service hours during months with four weekly periods and any employee who performs 150 service hours during months with five weekly periods. For the same reasons that the Treasury Department and the IRS chose to propose requiring QOFs to use a monthly equivalent rule that is consistent with the 120-hour divisor used to calculate the number of other employees under section 6039K(d)(2)(B), the proposed regulations do not adopt this optional weekly period rule. Accordingly, proposed § 1.6039K–1(a)(4)(ii)(A) would provide that a QOF may treat an employee who performs at least 120 total hours of service in a calendar month as the equivalent of an employee who performs an average of at least 30 hours of service per week (that is, as a full-time employee) for that month. This alternative definition would reflect the application of a 30-hour work week to the shortest month possible and therefore would promote consistency by

ensuring the same employee would not be categorized differently in months of different lengths. No inference is intended with respect to the definition of these terms for purposes of section 4980H. Comments are specifically requested regarding this more simplified definition of full-time employee for purposes of this reporting requirement.

Finally, the regulations defining full-time equivalent employees under section 4980H(c)(2)(E) permit employers to round to the nearest one hundredth when the calculation under that section results in a fraction. To simplify the reporting under section 6039K in the event that the calculation in proposed § 1.6039K–1(a)(4)(i) results in a fraction, proposed § 1.6039K–1(a)(4)(ii)(B) would require QOFs to round the total calculated number to the nearest whole employee. This rule is also proposed because whole numbers are more easily understood for purposes of public reporting and will be sufficient to track the employment impact resulting from QOFs and QOZBs as long as this rounding is applied consistently. Comments are requested addressing whether these changes would help make reporting full-time equivalent employees less burdensome. Comments are also requested addressing whether any other changes to the definition would make reporting less burdensome without losing data on the employment impact of the QOZ regime.

Proposed § 1.6039K–1(c)(7)(ii), (iv), and (v) would also require reporting of information that would enable the Secretary to comply with the public reporting requirements under the OBBBA. Proposed § 1.6039K–1(c)(7)(ii) would require the QOF to report the NAICS code that applies to the QOF's business activity within each census tract. In addition, proposed § 1.6039K–1(c)(7)(iv) and (v) would require the QOF to report, for each census tract, the total value of QOZ business property directly owned or leased by the QOF that is real property and the total number of residential units for the calendar year ending with or within the QOF's taxable year.

Proposed § 1.6039K–1(a)(11) would define ''real property'' for this purpose as land and any improvements thereto, such as buildings or other inherently permanent structures (including items that are structural components of the buildings or structures) that are not tangible personal property as defined in § 1.48–1(c). *See* proposed § 1.6039K–1(a)(14). In addition, proposed § 1.6039K–1(a)(13) would define ''residential units'' for this purpose as any building or structure for use as a dwelling unit or as a residence (including a house, apartment, condominium, mobile home or similar property) and for which a certificate of occupancy, or similar document indicating that the unit is available for use, has been received. A dwelling unit has basic living accommodations, such as a sleeping space, a toilet, and cooking facilities. A residential unit does not include property used as a hotel, motel, inn, or similar establishment if it is regularly available for occupancy by paying customers on a transient basis. Although the standards applicable to certificates of occupancy may vary by jurisdiction, these certificates likely provide the best measure of the impact that the opportunity zone rules have on the housing market.

Proposed § 1.6039K–1(c)(7)(iv) and (v) would require certain information collected for the public report to be reported as of December 31 of the calendar year ending with or within the QOF's taxable year for several reasons. First, reporting the information as of December 31 would facilitate consistent reporting from the greatest number of QOFs because the overwhelming majority of all QOFs file their Federal tax returns using a calendar year (calendar year QOFs). Additionally, from a standpoint of data analysis and investment review, calendar year reporting is beneficial to stakeholders and Congress as it better reflects investment cycles and development plans. Finally, requiring applicable QOZBs to furnish this information to QOFs as of the end of a QOF's taxable year could impose unnecessary burdens on applicable QOZBs with multiple QOF investors to keep track of their QOF investors' taxable years and to collect this information as of multiple dates. Comments are requested regarding whether reporting this information on a calendar year basis would create any undue burdens for QOFs.

c. Information Regarding Compliance

Third, the remainder of the information that would be required by proposed § 1.6039K–1(c) is information regarding the QOFs compliance with the section 1400Z–2 statutory and regulatory requirements and with the information furnishing requirements under section 6039K(c). To enable the IRS to enforce the section 1400Z–2 requirements, proposed § 1.6039K–1(c)(7)(i) would require the QOF to report a physical address for the QOF's business activity within each census tract in which the business operates. To enable the IRS to know which decennial designation period is applicable to the QOF, proposed § 1.6039K–1(c)(7)(vii) would require the QOF to report the first date that any such QOZ business property was acquired by purchase or leased by the QOF. Proposed § 1.6039K–1(c)(7)(viii) would require the QOF to report whether there is any QOZ business property that the QOF is substantially improving and the date on which that improvement began. This information would help the IRS to determine which QOFs are substantially improving QOZ business property and whether the improvements are completed within the time required by section 1400Z–2(d)(2)(D)(ii).

Proposed § 1.6039K–1(c)(8) would require the QOF to report whether it was using the applicable financial statement valuation method or the alternative valuation method, as defined in § 1.1400Z2(d)–1(b)(3) and (4), respectively, in providing the information that would be required under proposed § 1.6039K–1(c)(1) through (10). This information is already requested on Parts VI and VII of the current Form 8996 with respect to the QOZBs and would provide information to the IRS that is important for tax administration purposes. Additionally, for a QOF that is voluntarily decertifying in the taxable year to which the return relates, as would be permitted by proposed § 1.1400Z2(d)–1(a)(3), proposed § 1.6039K–1(c)(9) would require the QOF to report that it is voluntarily decertifying and would require the QOF to provide the last month for which it was certified as a QOF. Finally, proposed § 1.6039K–1(c)(10) would require the QOF to report such other information as required by the form or instructions.

2. Proposed § 1.6039K–1(d): Information About Applicable QOZBs

In addition to information about the QOF itself, proposed § 1.6039K–1(d) would require the QOF to report certain information with respect to each applicable QOZB in which the QOF has an ownership interest. Proposed § 1.6039K–1(a)(2) would define ''applicable QOZB'' for this purpose as any entity that meets, intends to meet, or was organized for the purposes of meeting, the requirements to be a QOZB, as defined in section 1400Z–2(d)(3)(A) and § 1.1400Z2(d)–1(d)(1), which is either a corporation in which a QOF holds QOZ stock or a partnership in which a QOF holds a QOZ partnership interest. *See* part IV.A. of this Explanation of Provisions for an explanation of the rationale for using a narrower definition of the applicable QOZB than the statutory definition of

applicable QOZB under section 6039L(b).

Akin to the reporting under proposed § 1.6039K–1(c), the information that would be reported with respect to each applicable QOZB also generally falls within three categories.

a. Information Currently Required

First, some of the information that would be required by proposed § 1.6039K–1(d) is information that QOFs are currently required to be reported on Parts VI and VII of the current Form 8996. For example, proposed § 1.6039K–1(d)(1) would require the QOF to report the TIN of each applicable QOZB. Additionally, proposed § 1.6039K–1(d)(6) would require the QOF to report the population census tract number(s) in which the QOZ business property directly owned or leased by the applicable QOZB is used. In addition, proposed § 1.6039K–1(d)(3) would require the QOF to report, as of the QOF testing dates, the value of the QOF's investment in the QOZ stock or QOZ partnership interest of the applicable QOZB. Further, proposed § 1.6039K–1(d)(6)(iii)(A) and (B) would require the QOF to report, as of the QOF testing dates, the value of the QOZ business property directly owned by the applicable QOZB and the value of the QOZ business property directly leased by the applicable QOZB. Finally, proposed § 1.6039K–1(d)(7) would require the QOF to report whether the QOZB used the applicable financial statement valuation method or the alternative valuation method, as defined in § 1.1400Z2(d)–1(b)(3) and (4), respectively, in providing any valuation information that would be required under proposed § 1.6039K–1(d)(1) through (8).

Proposed § 1.6039K–1(a)(6) would define the ''QOF testing dates'' as the QOF's 6-month testing date and year-end testing date used for determining if the 90-percent investment standard has been met. Proposed § 1.6039K–1(a)(9) would define a ''QOZ partnership interest'' as having the same meaning as in section 1400Z–2(d)(2)(C) and § 1.1400Z2(d)–1(c)(3), and proposed § 1.6039K–1(a)(10) would define ''QOZ stock'' as having the same meaning as in section 1400Z–2(d)(2)(B) and § 1.1400Z2(d)–1(c)(2). *See* part IV.B.1 of this Explanation of Provisions for an explanation of the testing dates that these proposed regulations would require applicable QOZBs to use for purposes of reporting this information to QOFs and the safe harbor rules that detail how a QOF can use information provided by an applicable QOZB with a different taxable year than the QOF in calculating the 90-percent investment standard.

b. Information for Public Reporting

Second, some of the information that would be required under proposed § 1.6039K–1(d) is information that would enable the Secretary to comply with the public reporting requirements under sections 70421(c)(2) and (3) of the OBBBA. For example, proposed § 1.6039K–1(d)(6)(ii) would require the QOF to report the NAICS code that applies to each applicable QOZB's business activity within each census tract. Proposed § 1.6039K–1(d)(6)(iv) and (v) would require the QOF to report for each census tract as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year, the total value of QOZ business property directly owned or leased by the applicable QOZB that is real property and the total number of residential units. *See* part II.B.1. of this Explanation of Provisions for the rationale behind requesting this information as of December 31 of the year for which the return is required. Comments are requested regarding whether this uniform December 31 valuation date creates any undue burdens for applicable QOZBs.

In addition, proposed § 1.6039K–1(d)(6)(vi) would require the QOF to report the approximate average monthly number of full-time equivalent employees of the QOZB who work within the population census tract during the calendar year. Finally, although not included in the specific information required under section 6039K(b)(5) with respect to the QOF's investments in QOZ stock or QOZ partnership interests, proposed § 1.6039K–1(d)(2) would have the QOF report the percent of equity ownership by the QOF in the applicable QOZB (or in the case of an applicable QOZB that is a partnership, the capital or profits interest in the applicable QOZB owned by the QOF) as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year dates. This information is requested pursuant to the Secretary's authority to request additional information under section 6039K(b)(9) to ensure that the information reported with respect to applicable QOZBs with multiple investors is not double-counted in the public report.

c. Information Regarding Compliance

Third, the remainder of the information that would be required under proposed § 1.6039K–1(d) relates to overall compliance with section 1400Z–2(d). As such, this information would provide certainty to the QOF that it may treat its stock or partnership interest in the QOZB as QOZ property.

Proposed § 1.6039K–1(d)(1) would have the QOF report the name and address of each applicable QOZB in which the QOF owns an interest. Proposed § 1.6039K–1(d)(6)(i) would require the QOF to report a physical address for a QOZB's business activity within each census tract in which the business operates to ensure compliance with the requirements of section 1400Z–2(d)(3).

To inform the IRS of which decennial designation period applies to the applicable QOZB, proposed § 1.6039K–1(d)(6)(vii) would require the QOF to report the first date that any such QOZ business property was acquired by purchase or leased by the applicable QOZB. Proposed § 1.6039K–1(d)(6)(viii) would require the QOF to report whether there is any QOZ business property within each census tract that the applicable QOZB is substantially improving and (if applicable) the date on which that improvement began. This information would help the QOF and the IRS to determine which applicable QOZBs are substantially improving QOZ business property and whether these improvements are completed within the time required by section 1400Z–2(d)(2)(D)(ii) as well as which applicable QOZBs have property that satisfies the original use requirement of section 1400Z–2(d)(2)(D)(i)(II).

Proposed § 1.6039K–1(d)(6)(ix) would require the QOF to report for each census tract whether the applicable QOZB is utilizing a working capital safe harbor, as provided in § 1.1400Z2(d)–1(d)(3)(v), and (if so) the date that the working capital safe harbor is expected to end. This information would assist the QOF in determining whether the QOZB's tangible property, required to be reported under section 6039K(b)(5)(E) and (F), is QOZ business property during the safe harbor period. Such information would also assist the IRS in enforcing the requirements of section 1400Z–2(d)(3) by ensuring that the property being substantially improved under a working capital safe harbor eventually becomes QOZ business property used in the QOZB's trade or business.

In addition, proposed § 1.6039K–1(d)(5) would require the QOF to report the total value of tangible property of the applicable QOZB (including tangible property that is both QOZ business property and not QOZ business property) held by the applicable QOZB as of the 6-month and year-end testing dates. This information would assist the QOF in determining whether 70 percent

of the underlying value of the tangible property owned or leased by the QOZB is QOZ business property under § 1.1400Z2(a)–1(b)(2).

Proposed § 1.6039K–1(d)(4) would require the QOF to indicate whether it received an attestation from the applicable QOZB that the applicable QOZB meets all the requirements of § 1.1400Z2(d)–1(d)(1)(i) through (iii) or (if applicable) is utilizing the cure period, as defined in § 1.1400Z2(d)–1(d)(6). Under § 1.1400Z2(d)–1(d)(6)(iii), a QOZB is only permitted to avail itself of the cure period once and may require the QOF to request an extension of time to file a Federal tax return. A QOF may need to calculate a penalty under section 1400Z–2(f) if the QOZB fails to correct the error in the required time under § 1.1400Z2(d)–1(d)(6). By requesting this information from the applicable QOZB, the QOF would gain a better understanding of its Federal income tax obligations, such as whether it must request an extension of time to file a Federal tax return and whether it may need to calculate a penalty under section 1400Z–2(f). This information would also help the IRS ensure that QOFs and QOZBs are complying with the requirements under section 1400Z–2(d) and ensure that each QOZB is only receiving one cure period. Finally, proposed § 1.6039K–1(d)(8) would also require the QOF to report such other information as required by the form or instructions.

3. Information About Reportable Investors Disposing of QOF Investments

a. Disposition Events and Reportable Investors

In addition to information about the QOF and the applicable QOZBs, proposed § 1.6039K–1(f) would require the QOF to report certain information about each reportable investor that has a disposition event during the calendar year in which the QOF's taxable year began. Proposed § 1.6039K–1(a)(3) would define a ''disposition event'' for this purpose as any inclusion event under § 1.1400Z2(b)–1(c). Under § 1.1400Z2(b)–1(c), an event generally is an inclusion event if and to the extent that: (i) the event reduces an eligible taxpayer's direct equity interest for Federal income tax purposes in the qualifying investment; (ii) an eligible taxpayer receives property in the event with respect to its qualifying investment and the event is treated as a distribution for Federal income tax purposes, whether or not the receipt reduces the eligible taxpayer's ownership of the QOF; (iii) an eligible taxpayer claims a loss for worthless stock under section 165(g) of the Code, or otherwise claims a worthlessness deduction, with respect to its qualifying investment; or (iv) a QOF in which an eligible taxpayer holds a qualifying investment loses its status as a QOF.

Thus, for example, a disposition event for purposes of proposed § 1.6039K–1(a)(3) would include: (i) taxable sales or exchanges of QOF interests; (ii) the termination or liquidation of a QOF for Federal income tax purposes (for example, the conversion of a QOF C corporation to an entity disregarded from its owner for Federal income tax purposes), the voluntary decertification of a QOF, or the QOF's failure to qualify as a QOF for any other reason; (iii) certain distributions of property by a QOF partnership, a partnership that directly or indirectly owns a QOF, a QOF S corporation, or a QOF C corporation with respect to a qualifying investment; (iv) stock redemptions by QOF C corporations or QOF S corporations; (v) the receipt of boot by QOF shareholders in certain corporate transactions involving QOF corporations; and (vi) certain distributions of stock or securities of a controlled corporation by a QOF corporation to a QOF shareholder with respect to a qualifying investment in a transaction to which section 355 of the Code applies. *See* § 1.1400Z2(b)–1(c) for a more detailed list of inclusion events and exceptions.

Treating investors that have had an inclusion event as ''person[s] who disposed of an investment'' in the QOF under section 6039K(b)(8) is appropriate for several reasons. First, either the QOF no longer qualifies as such or these investors have reduced or eliminated their qualifying investment in the QOF (for example, through a sale or transfer of QOF interests or the receipt of certain distributions). Second, providing the IRS with the names and TINs of these investors and informing these investors that they may have Federal income tax consequences with respect to their qualifying investment in the QOF, is important to ensure taxpayer awareness of, and compliance with, their obligations under section 1400Z–2. The Treasury Department and the IRS anticipate that reporting on these disposition events would improve taxpayer compliance because QOFs would provide the information necessary for investors to accurately prepare their Federal tax returns and reduce the number of errors or intentional omissions or misstatements shown on those returns.

Proposed § 1.6039K–1(a)(12)(i) would define a ''reportable investor'' as any person that held a stock or partnership interest in the QOF for which a disposition event with respect to such stock or partnership interest occurred during the QOF's taxable year. To ensure that investors in publicly traded QOFs also receive this information about disposition events, proposed § 1.6039K–1(a)(12)(ii) would include in the definition of reportable investor any broker, as defined in § 1.6045–1(a)(1), that holds a QOF interest on behalf of a customer, as defined in § 1.6045–1(a)(2), for which a disposition event occurred. Brokers would be included in the definition of reportable investor, however, only to the extent the QOF does not otherwise know the identity of the person for whom the broker holds the QOF stock or partnership interest. In cases where the QOF knows the identity of the underlying owner of the QOF stock or partnership interest, such as where the owner holds a significant portion of the QOF stock or partnership interests, that underlying owner would be the reportable investor. In contrast, in cases where the QOF does not know the identity of the underlying owner of the QOF stock or partnership interest, the QOF would be required to inform brokers that are the registered holders of the QOF investment of a voluntary decertification. To ensure that brokers holding QOF interests on behalf of customers for which a disposition event occurred report on such events under the section 6045 broker reporting rules, proposed § 1.6045–1(d)(2)(i)(A) would expand the information that a broker would be required to report to the IRS with respect to a sale of a QOF investment to include whether the sale constitutes a disposition of an ownership interest in a QOF or an inclusion event associated with a voluntary decertification of a QOF. Finally, proposed § 1.6045–1(a)(9)(i) would expand the definition of a ''sale'' that a broker is required to report to the IRS to include an ''inclusion event'' as defined in § 1.1400Z2(b)–1(c)(1)(iv) caused by the voluntary decertification of a QOF as defined in § 1.1400Z2(d)–1(a)(3). These proposed changes are intended to ensure that both the IRS and investors in publicly traded QOFs are made aware of these taxable transactions.

b. Reporting Period

As discussed in part II.B. of the Background, before the OBBBA was enacted, Form 8996 required QOFs to report on each investor that disposed their QOF investment during the QOF's taxable year. In addition, each QOF was also required to file Form 1099–B (or Form 1099–DA, if the QOF interest is a dual classification asset under § 1.6045–

1(c)(8)) with the IRS (and furnish a written statement to the investor) to report on each investor that disposed of their QOF investment during the calendar year.

Section 6039K(b)(8) does not address whether the dispositions to be reported by QOFs ''during the year'' should be based on investor dispositions during the QOF's taxable year or should be based on investor dispositions during the calendar year. These proposed regulations would require QOFs to report and furnish information on disposition events occurring during each calendar year for several reasons. First, IRS information reporting generally is required on a calendar year basis. *See, for example,* §§ 1.6041–1(a)(1); 1.6042–2(a)(1)(i); 1.6045–1(c)(6); 1.6050P–1(a)(1); and 1.6050W–1(a)(1). Second, the calendar year is the standard accounting period for most individual taxpayers and the default accounting period for corporations and partnerships that do not keep formal books and records or otherwise do not qualify for a fiscal taxable year. Requiring QOFs to report and furnish this information on a calendar year basis is therefore consistent with the needs of the majority of taxpayers, who would use this information to prepare their Federal tax returns on a calendar year basis. Although fiscal year investors with taxable years that coincide with that of a fiscal year QOF might find the furnished information to be more useful if it were instead based on the QOF's fiscal year, these fiscal year investors are also more likely to have the capability and sophistication to keep track of furnished information that does not coincide with their taxable years. Finally, as discussed in part II.C.2. of this Explanation of Provisions, requiring QOFs to report this information on a calendar year basis would also facilitate a single due date for investor statements that is conducive to the tax reporting needs of the reportable investors. Accordingly, for all of these reasons, proposed § 1.6039K–1(f) would require QOFs to report on reportable investors that have a disposition event during the calendar year in which the QOF's taxable year began. Comments are requested regarding whether this reporting creates any undue burdens for fiscal year QOFs.

c. Specific Information Required

Proposed § 1.6039K–1(f)(1) would require the QOF to report the name, address, and TIN of each reportable investor in the QOF that has a disposition event with respect to their investment in the QOF. Proposed § 1.6039K–1(f)(2) would require QOFs to report the date of the disposition event for each share of stock or partnership interest in the QOF to which the disposition event applies. This information is consistent with the information required under section 6039K(b)(8)(C) and the information required to be reported on the current Form 8996. In addition, for each share of stock or partnership interest in the QOF to which the disposition event applies, proposed § 1.6039K–1(f)(3) would require QOFs to report the date that the reportable investor's share or interest in the QOF was acquired by the reportable investor. This information is consistent with the information required under section 6039K(b)(8)(B). Comments are requested with respect to whether non-publicly traded QOFs would generally know the dates that a reportable investor acquired and disposed of their ownership interest in the QOF. Proposed § 1.6039K–1(f)(4) is discussed later in this part II.B.3.c.

For a disposition event with respect to a disposition of the reportable investor's ownership interest in the QOF, proposed § 1.6039K–1(f)(5) would also require QOFs to report the total number of shares of stock or partnership interests in the QOF held immediately before the disposition event and the total number of shares of stock or partnership interests that were disposed. This information is consistent with information required under section 6039K(b)(8)(C), which asks for the ''amount of the investment disposed.''

Additionally, pursuant to section 6039K(b)(9), which authorizes the Secretary to require additional information to be reported, the proposed regulations would require the QOF to report several other pieces of information.

First, proposed § 1.6039K–1(f)(6) would require QOFs to indicate whether the disposition is with respect to an inclusion event caused by the QOF's decertification. Pursuant to proposed § 1.1400Z2(d)–1(a)(3)(iv), a QOF would be required to provide notification to every investor in a QOF that the QOF voluntarily decertified and the date of the decertification. As explained in part I.C.4 of this Explanation of Provisions, an investor in a QOF may have Federal income tax consequences when a QOF decertifies. Absent a QOF's notification to its investors of the voluntary decertification, investors may not be aware of the decertification.

Second, to help reportable investors determine their basis in their disposed QOF interest, proposed § 1.6039K–1(f)(4) would require QOFs to report the amount of cash plus the fair market value of property received by the QOF in exchange for the reportable investor's shares or partnership interest in the QOF when first acquired by the reportable investor. Comments are requested with respect to whether non-publicly traded QOFs would generally know this basis information. Finally, proposed § 1.6039K–1(f)(7) would require QOFs to report such other information as the forms or instructions may require.

4. Time and Manner for Filing the QOF Information Return

As discussed in part II.A. of the Background, before the OBBBA was enacted Form 8996 was required to be attached to the QOF's annual tax return by the due date (including extensions) for the QOF's annual tax return. As previously described, the Treasury Department and the IRS intend to update Form 8996 to include the information required by section 6039K(b) and final regulations under § 1.6039K–1. Pursuant to sections 6039K(a) and 6726(a), this updated Form 8996 will be considered a ''return'' of information that is separate from the QOF's Federal tax return. Additionally, proposed § 1.6039K–1(g)(1) would require that Form 8996 be filed with the IRS in the manner set forth in the instructions to the form. For QOFs that fail to file Form 8996 in the manner so provided by the due date for the QOF's original Federal tax return (or fail to include all the correct information required to be shown on the Form 8996), proposed § 1.6039K–1(g)(2) would direct the QOF to file the original Form 8996 (or a corrected Form 8996) in the manner set forth in the instructions to Form 8996 for a late or corrected filing. Filing the late original Form 8996 (or corrected Form 8996) would be important to terminating the per-day penalty under section 6726 applicable to QOFs that fail to comply with the information reporting requirements under section 6039K. *See* part VIII of this Explanation of Provisions for an explanation of the penalties that apply to the failure to timely file a correct information return under section 6039K.

C. Investor Statements Required To Be Furnished Under Section 6039K(c)

1. Information To Be Included on the Investor Statements

Pursuant to section 6039K(c)(2), proposed § 1.6039K–1(h)(1)(i) would require every QOF that is required to file an information return under section 6039K that includes (or is required to include) a reportable investor's name, address, and TIN to furnish to that

reportable investor an investor statement showing the information required by proposed § 1.6039K–1(f)(1) through (7) with respect to the reportable investor. *See also* part II.B.3.c. of this Explanation of Provisions for an explanation of the information that QOFs would be required to report to the IRS with respect to these reportable investors. Under this proposed rule, the information required to be provided to each reportable investor would be only the information reported to the IRS that is with respect to that particular reportable investor and not information reported with respect to other reportable investors with disposition events during the same calendar year. This proposed rule would thus preserve the privacy of individual investors' personally identifiable information.

In addition to the information that each QOF would be required to report under proposed § 1.6039K–1(f)(1) through (7), proposed § 1.6039K–1(h)(1)(ii) and (iii) would require the QOF to include on the investor statement the name, address, and phone number of a contact at the QOF regarding the furnished statement, as well as a legend stating that the information included on the statement is being reported to the IRS. These requirements are consistent with general information furnishing requirements. Additionally, proposed § 1.6039K–1(h)(1)(iv) would require the QOF to include on this investor statement, if applicable, a statement that the entity has voluntarily decertified as a QOF under § 1.1400Z2(d)–1(a)(3). Finally, if the QOF has voluntarily decertified as a QOF, proposed § 1.6039K–1(h)(1)(iv) would require the QOF to include on the investor statement a statement that the reportable investor's election under section 1400Z–2(c) is no longer available because the certification of the entity as a QOF has terminated. Under section 1400Z–2(c) and § 1.1400Z2(c)–1(b)(1)(i), a taxpayer who makes a deferral election with respect to a qualifying investment in a QOF, recognizes the deferred gain by the date provided in section 1400Z–2(b)(1)(B), and whose holding period of such qualifying investment is at least 10 years, may make an additional election under section 1400Z–2(c) upon the sale or exchange of that investment. However, under § 1.1400Z2(c)–1(b)(1)(i), to the extent that an eligible taxpayer has an inclusion event with respect to any portion of that qualifying investment, that portion is no longer a qualifying investment and the eligible taxpayer may not make the section 1400Z–2(c) election for that portion. Section 1.1400Z2(b)–1(c)(15) provides that the decertification of a QOF is an inclusion event. The Treasury Department and the IRS view the statement notifying the investors that the section 1400Z–2(c) election is no longer available critical for tax compliance purposes and to ensure that investors are fully aware of the decertification, which may carry attendant Federal income tax consequences.

2. Time and Manner for Furnishing the Investor Statements

a. Due Date for Furnishing the Investor Statements

As discussed in part II.B.3.b. of this Explanation of Provisions, proposed § 1.6039K–1(f) would require QOFs to report on each reportable investor that has a disposition event during the calendar year in which the QOF's taxable year began. This reporting is required for disposition events occurring in the calendar year in which the QOF's taxable year began because the calendar year is the standard accounting period for most individual taxpayers and the default accounting period for corporations and partnerships that do not qualify for a fiscal taxable year. It is anticipated that these reportable investors would use this information on their furnished investor statements to prepare their Federal tax returns, which, for individuals are due on April 15 of the year following the calendar year for which the return is required (excluding extensions).

In proposing the date by which these investor statements should be furnished, the Treasury Department and the IRS considered the due dates for other payee statements with respect to taxpayer investments. For example, under section 6042(c), payee statements reflecting payments of dividends are required to be furnished to the dividend recipient on or before January 31 of the year following the calendar year for which Form 1099–DIV, *Dividends and Distributions,* is required. Under section 6045(b), payee statements reflecting sale transactions effected by brokers on behalf of their customers are required to be furnished to the customer on or before February 15 of the year following the calendar year in which the transaction occurred.

Except in the case of investor statements required to be furnished to reportable investors that are brokers, proposed § 1.6039K–1(h)(2)(i) would require QOFs to furnish investor statements to reportable investors on or before March 1 of the calendar year following the calendar year during which the reported disposition occurred because disposition events are more analogous to sale transactions than payments of dividends and because QOFs may need more time after the end of the calendar year to obtain the information necessary to determine which investors had disposition events. The Treasury Department and the IRS propose this March 1 due date to account for the possibility that QOFs may not have sufficient information necessary to inform investors of the required reporting under section 6039K. This due date is anticipated to provide individual investors with the information they need with sufficient time to prepare their individual tax returns, many of which the Treasury Department and the IRS anticipate will be filed on extension. Nevertheless, comments are requested regarding whether this due date would give reportable investors sufficient time for use in preparing their tax returns. Comments are also requested regarding whether this due date would create any undue burdens for QOFs, including for fiscal year QOFs.

It is the understanding of the Treasury Department and the IRS that, in the case of publicly traded QOFs, brokers would typically be the record holders of the QOF stock or partnership interests. As a result, publicly traded QOFs might not know the identities of all of the customers for whom brokers hold these interests. As discussed in part II.B.3.a. of this Explanation of Provisions, to ensure the IRS receives information returns with respect to disposition events of the brokers' customers and to ensure that these customers receive statements indicating that a disposition event has occurred in order to prepare their tax returns, proposed in § 1.6039K–1(a)(12)(ii) would include in the definition of ''reportable investor'' any broker that holds a QOF interest on behalf of a customer for which a disposition event occurred but only where the QOF does not know the identity of the actual owners of these QOF interests. In addition, under proposed § 1.6045–1(a)(9)(i) and (d)(2)(i)(A), brokers would be required to report to the IRS dispositions of ownership interests in a QOF as well as inclusion events caused by a voluntary decertification of a QOF. Thus, under these proposed rules, a publicly traded QOF would be required to furnish an investor statement to a reportable investor that is a broker, and that broker would be required to file an information return (Form 1099–B) with respect to the customer and furnish a statement to

the customer. As a result, publicly traded QOFs that do not know the identity of the actual owners of QOF interests would be required to inform brokers that are registered holders of these QOF interests of a voluntary decertification, and these brokers would be required to report that information to the IRS and furnish it to their customers. It is anticipated that the Form 1099–B would be revised to facilitate this reporting by brokers.

To provide brokers with sufficient time to comply with these filing and furnishing requirements, the proposed regulations would provide for an earlier due date for investment statements required to be furnished to brokers. Proposed § 1.6039K–1(h)(2)(ii) would require QOFs to furnish investor statements to brokers that are record holders of interests in the QOF on or before January 15 of the calendar year following the calendar year of the disposition event. Comments are requested regarding whether this due date would give brokers sufficient time to report on these disposition events under section 6045. Comments are also requested regarding whether the proposed March 1 due date for furnishing the investor statements to reportable investors other than brokers should be conformed to this January 15 due date for furnishing the investor statements to brokers to simplify the furnishing requirements for publicly traded QOFs.

b. Manner of Furnishing the Investor Statements

Proposed § 1.6039K–1(h)(3)(i) would generally provide that an investor statement is considered to be furnished to a reportable investor if it is mailed to the last address of the reportable investor known to the QOF and is considered to be furnished on the date that it is so mailed. Proposed § 1.6039K–1(h)(3)(ii)(A) would permit QOFs to furnish these investor statements in an electronic format in lieu of a paper format by following the procedures for payee statements generally as set forth in the applicable revenue procedures relating to electronic delivery of payee statements. *See,* for example, section 4.6 of Rev. Proc. 2024–29, 2024–30 I.R.B. 121 (July 22, 2024), which is published as IRS Publication 1179, *General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns* (Publication 1179). In the event that the QOF chooses to electronically furnish an investor statement to a reportable investor pursuant to these procedures, proposed § 1.6039K–1(h)(3)(ii)(A) would provide that such investor statement would be treated as furnished on: (i) the date that the QOF electronically transmits the investor statement to that reportable investor, for QOFs that electronically transmit the investor statement; or (ii) the date that the QOF sends a notice to the reportable investor that the investor statement has been posted to an electronically accessible online platform, for QOFs that so post the investor statement.

For an investor statement that is required to be furnished to a broker, proposed § 1.6039K–1(h)(3)(ii)(B) would permit the QOF to furnish the investor statement in an electronic format in lieu of a paper format if the broker agrees to such manner of furnishing. Like the general rule for an investor statement furnished electronically, proposed § 1.6039K–1(h)(3)(ii)(B) would treat an investor statement that is electronically furnished to a broker pursuant to such written agreement as furnished on: (i) the date that the QOF electronically transmits the investor statement to the broker, for QOFs that electronically transmit the investor statement; or (ii) the date that the QOF sends notice to the broker that the investor statement has been posted to an electronically accessible online platform, for QOFs that so post the investor statement.

III. Proposed § 1.6039L–1

A. Overview

As discussed in part II.B. of the Background, section 6039L(a) generally requires every applicable QOZB to furnish a QOZB statement to each QOF that holds an interest in that applicable QOZB at such time, in such manner, and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such QOFs to meet their reporting obligations under section 6039K(b)(5). These proposed regulations propose rules for the time and manner that applicable QOZBs would have to furnish these QOZB statements as well as the information that would be required to be reported on these statements.

As a starting point for the section 6039L furnishing requirement, section 6039L(b) defines the term ''applicable QOZB'' to mean any QOZB which is a trade or business of a QOF, in which a QOF holds QOZ stock, or in which a QOF holds a QOZ partnership interest. Proposed § 1.6039L–1(a)(3) would generally follow this definition of an ''applicable QOZB'' except it would not include a trade or business of a QOF in the definition because these trades or businesses are conducted by the QOF itself. Therefore, QOFs should generally have the ability to obtain the information they need from such trades or businesses without being subject to the furnishing requirements of section 6039L and the penalties under section 6722 that would apply if these trades or businesses of the QOF failed to comply with these furnishing requirements. Accordingly, under proposed § 1.6039L–1(a)(3), an ''applicable QOZB'' is defined to mean any entity that meets, intends to meet, or was organized for the purposes of meeting, the requirements to be a QOZB, as defined in section 1400Z–2(d)(3)(A) and § 1.1400Z2(d)–1(d), which is a corporation in which a QOF holds QOZ stock, or a partnership in which a QOF holds a QOZ partnership interest. Comments are requested regarding whether there are any circumstances under which QOFs need section 6039L to obtain the information required to be furnished under section 6039L from their trades or businesses.

Section 6039L(a) cross references to section 6039L(b) for a description of the QOF to whom every applicable QOZBs must furnish the QOZB statement. However, section 6039L(b) does not describe any QOF but instead provides a definition for applicable QOZBs required to furnish these statements. To account for this drafting anomaly and to clarify the QOFs to whom the QOZB statements should be furnished, the proposed regulations would create the term ''relevant QOF.'' Proposed § 1.6039L–1(a)(12) would define ''relevant QOF'' to mean, with respect to an applicable QOZB that is a corporation, any QOF that holds QOZ stock in that corporation, and with respect to an applicable QOZB that is a partnership, any QOF that holds QOZ partnership interest(s) in that partnership.

Proposed § 1.6039L–1(b) would set forth the requirement that every applicable QOZB must furnish to each relevant QOF a QOZB statement, signed under penalties of perjury, for each taxable year of the applicable QOZB containing the information set forth in proposed § 1.6039L–1(b)(1) though (7). *See* parts IV.B.1. through 3. of this Explanation of Provisions for an explanation of the information that would be required to be reported on the QOZB statement. Proposed § 1.6039L–1(c) is reserved for future use for when the information reporting and furnishing rules for qualified rural opportunity funds and qualified rural opportunity zone businesses are promulgated. Proposed § 1.6039L–1(d) would set forth the due date for the QOZB statements and the manner by which the QOZB statements must be furnished. *See* part IV.C. of this

Explanation of Provisions. Finally, proposed § 1.6039L–1(d) would cross reference to §§ 301.6722–1 (failure to furnish timely a correct payee statement) and 301.6724–1 (penalty waiver for failures due to reasonable cause and not due to willful neglect), and proposed § 1.6039L–1(d) proposes to apply § 1.6039L–1 to QOZB statements required to be furnished on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

B. Information To Be Included on the QOZB Statements

As discussed in part IV.A. of this Explanation of Provisions, proposed § 1.6039L–1(b) would set forth the requirement that every applicable QOZB must furnish to each relevant QOF a QOZB statement for each calendar year containing the information set forth in proposed § 1.6039L–1(b)(1) though (7). This information generally falls within three categories. First, some of the information that would be required by proposed § 1.6039L–1(b) is information that QOFs are generally required to report on Parts VI and VII of the current Form 8996. Second, some of the information that would be required by proposed § 1.6039L–1(b) is information that would enable the Secretary to comply with the public reporting requirements under section 70421(e)(3) of the OBBBA. Third, some of the information that would be required by proposed § 1.6039L–1(b) is information regarding the QOZB's compliance with additional requirements under section 1400Z–2(d)(3). This information would provide certainty to the QOF that it may treat its ownership interest in the applicable QOZB as QOZ stock or as a QOZ partnership interest for which the QOF must provide information under section 6039K(b)(5).

1. Information Generally Required on Current Form 8996

As discussed in part II.B.2. of this Explanation of Provisions, some of the information required under section 6039L is information required to be reported on Parts VI and VII of the current Form 8996. For example, proposed § 1.6039L–1(b)(1) and (4) would require the applicable QOZB to furnish its TIN and all the population census tract number(s) in which the QOZ business property directly owned or leased by the applicable QOZB is used. In addition, some of this information is needed by the relevant QOF to determine if it meets the 90-percent investment standard. Each QOF must calculate if it meets the 90-percent investment standard based on the value of the QOF's investment in the QOZ stock or QOZ partnership interest of the applicable QOZB, the value of the QOZ business property directly owned by the applicable QOZB, and the value of the QOZ business property directly leased by the applicable QOZB as of the QOF's 6-month testing date and the QOF's year-end testing date as provided in section 1400Z–2(d)(1).

Although requiring applicable QOZBs to furnish this information based on a QOF's 6-month and year-end testing dates would coincide with the needs of the relevant QOFs, the Treasury Department and the IRS are concerned that requiring applicable QOZBs to report this valuation information as of the QOFs' testing dates could be unadministrable for some applicable QOZBs. For example, some applicable QOZBs have multiple QOF investors with different taxable years. Requiring applicable QOZBs to report this valuation information based on the testing dates of each relevant QOF would force these applicable QOZBs to keep track of the taxable years of each of their relevant QOFs and to collect this valuation information as of the testing dates of each of these relevant QOFs. In addition, this requirement would also necessitate multiple due dates for each QOZB statement based on the due dates of the returns required under section 6039K.

To address these administrability concerns for applicable QOZBs and QOFs, the Treasury Department and the IRS considered whether applicable QOZBs should instead be required to furnish this information to QOFs based on calendar year testing dates (that is, June 30 and December 31 of the year for which the QOZB statement is required) because calendar year testing dates are generally the default accounting period for QOFs. Using calendar year testing dates for this purpose would also eliminate the need for applicable QOZBs with multiple relevant QOF investors to keep track of the taxable years of these relevant QOFs and to furnish valuation information as of multiple testing dates. This approach was not adopted in these proposed regulations, however, because it would be inconsistent with the premise that QOZBs must meet the section 1400Z–2(d)(3) requirements in its taxable year, determined using the 70-percent use test and the section 1397C(b) tests. Indeed, the Treasury Department and the IRS provide a safe harbor under § 1.1400Z2(d)–1(b)(2)(i)(C) to permit a QOF to determine whether equity in an entity with a taxable year that is different from its own is QOZ property for purposes of the 90-percent investment standard. Generally, under this safe harbor, the QOF may limit the period tested for purposes of the 90-percent investment standard to the period that starts with the beginning of the QOF's status as a QOF and lasts until the last day of the entity's taxable year ending on or before the relevant testing date. Under this safe harbor, the QOF may treat the entity as satisfying the requirements of section 1400Z–2(d)(3) for the entity's entire taxable year if the entity satisfies the requirements on the last day of its taxable year.

Finally, the Treasury Department and the IRS considered whether the information provided by an applicable QOZB should be based on the last day of the first 6-month period of the applicable QOZB's taxable year and the last day of the applicable QOZB's taxable year (applicable QOZB's testing dates). This approach would also alleviate the administrability concerns of applicable QOZBs that have multiple relevant QOFs. In addition, this approach would be consistent with the safe harbor rule under § 1.1400Z2(d)–1(b)(2)(i)(C), which would permit QOFs with taxable years that are different from an applicable QOZB to apply the 90-percent investment standard using information provided by the applicable QOZB based on the testing dates that coincide with the applicable QOZB's taxable year. Section 1.1400Z2(d)–2(d)(3) would be clarified by proposed § 1.1400Z2(d)–2(d)(3) to state explicitly that QOZBs use the semiannual testing dates corresponding to their taxable year to clarify that the applicable semiannual testing dates an applicable QOZB uses are the semiannual dates corresponding to its own taxable year and not the taxable year of the QOF. In addition, proposed § 1.1400Z2(d)–2(d)(3)(iii) would be added to clarify that for purposes of determining whether a QOZB satisfies the 90-percent QOZ business property holding period test, the QOZB determines whether it has met the 70-percent use test on its semiannual testing dates, not the QOF's semiannual testing dates. Comments are requested regarding whether the use of the applicable QOZB's testing dates for this valuation information creates any undue burdens for applicable QOZBs or for fiscal year QOFs. Lastly, proposed § 1.1400Z2(d)–2(d)(1), (d)(3)(i) and (ii), and (d)(4)(i) would replace references to ''eligible entity'' in the corresponding provisions of § 1.1400Z2(d)–2 with separate references to QOFs and QOZBs to emphasize the differences between QOF and QOZB holding period testing.

2. Information for the Public Report

In addition to information that QOFs have been required to report on the current Form 8996, proposed § 1.6039L–1(b)(4)(ii), and (iv) through (vi) would require the applicable QOZB to furnish information that would enable the Secretary to comply with the public reporting requirements under section 70421(e)(3) of the OBBBA. For example, proposed § 1.6039L–1(b)(4)(i) and (ii) would require the applicable QOZB to provide the NAICS code that applies to each applicable QOZB's business activity within each census tract and to provide a physical address of the QOZB's business activity within each census tract in which the business operates. In addition, proposed § 1.6039L–1(b)(4)(iv) and (v) would require the applicable QOZB to provide, for each census tract as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year, the total value of QOZ business property directly owned or leased by the applicable QOZB that is real property and the total number of residential units. Proposed § 1.6039L–1(b)(4)(vi) would require the applicable QOZB to provide the approximate average monthly number of full-time equivalent employees of the QOZB that work within the population census tract for the calendar year ending with or within the applicable QOZB's taxable year. *See* part II.B.2. of this Explanation of Provisions for the rationale behind requesting this information as of December 31 of the year ending with or within the applicable QOZB's taxable year. Comments are requested regarding whether the use of December 31 for this information creates any undue burdens for applicable QOZBs. Finally, to avoid double counting of information provided for the public reporting requirement if multiple QOFs have investments in the same applicable QOZBs, proposed § 1.6039L–1(b)(2) would require the applicable QOZB to report the percent of equity ownership or (if applicable) capital or profits interest in the applicable QOZB by the relevant QOF as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year.

Proposed § 1.6039L–1(b)(3) would require the applicable QOZB to provide the value of all of its tangible property (including tangible property that is QOZ business property and tangible property that is not QOZ business property) held as of the applicable QOZB's testing dates. This information is required to be reported by the QOF to the IRS under sections 6039K(b)(5)(E) and (b)(5)(F). Without this information, the QOF would not likely be able to make a complete and accurate report to the IRS, which would impair the ability of the Secretary to make a complete and accurate public report, as required under section 70421(e) of the OBBBA. Additionally, in order to be characterized as a QOZB, an entity must meet the 70-percent tangible property standard, which requires that at least 70 percent of the tangible property owned or leased must be QOZ business property. The value of the owned and leased property is used in calculating this 70-percent tangible property standard. If an entity does not satisfy this standard, the equity in that entity might not be treated as QOZ property by the QOF.

3. Other Information Regarding Compliance With QOZB Requirements

These proposed regulations would require certain additional information to be furnished to the relevant QOFs that is not specifically enumerated in section 6039K(b)(5) but is nonetheless required in order for the relevant QOFs to provide accurate information in response to the specifically enumerated information requested by that section.

Section 6039L(a) provides that the Secretary may by regulations require the applicable QOZB to furnish such information to assist the QOF in meeting the requirements of section 6039K(b)(5). Section 6039K(b)(5) provides that the QOF must report such information for investments that are treated by the QOF as QOZ stock or QOZ partnership interests. However, in order for the relevant QOF to know whether it can treat its investments as QOZ stock or QOZ partnership interests (and whether it must provide the information required under section 6039K(b)(5) with respect to such investments), the entity in which the QOF invests must be a QOZB for substantially all of the QOF's holding period of such investment. Under section 1400Z–2(d)(3) and § 1.1400Z2(d)–2(d)(1), to be treated as a QOZB for substantially all of the QOF's holding period of such investment, the entity in which the QOF invests must satisfy the 70-percent tangible property standard with respect to its tangible property; must be engaged in a trade or business that satisfies the requirements of sections 1397C(b)(2), (4) and (8); and must not be a trade or business listed in section 144(c)(6)(B).

Under section 1400Z–2(d)(2)(D)(i), tangible property must meet three requirements in order to be treated as QOZ business property. First, the property must be acquired after December 31, 2017, which is modified by section 70421(c)(4)(A) of the OBBBA to require that the property be acquired after the applicable start date (as defined in section 1400Z–1(e)(2)). Second, the original use of the property must commence with the QOF or QOZB in the QOZ or the QOF or QOZB must substantially improve the property, as provided in section 1400Z–2(d)(2)(D)(ii). And third, during substantially all of the QOF or QOZB's holding period for such property, substantially all of the use of the property was in a QOZ. If such property meets all of these requirements, it is characterized as QOZ business property and may be used by the QOZB in determining its 70-percent tangible property standard and compliance with the other statutory and regulatory requirements of section 1400Z–2(d)(3). This determination would then assist the QOF in reporting the investment on its Federal tax return.

Thus, these proposed regulations would require applicable QOZBs to furnish additional information to the relevant QOFs to provide information sufficient for the relevant QOF to determine if the equity investments it holds in another entity may be characterized as QOZ stock or QOZ partnership interests about which it is required to provide the information specifically enumerated in section 6039K(b)(5). This information would provide an additional compliance benefit since it would also enable the relevant QOF to determine if the equity investments can be included in the numerator of the QOF's calculation of the 90-percent investment standard. As a corollary, these proposed regulations would also enable the relevant QOFs to provide information to the IRS to help in determining whether these equity investments compliant with section 1400Z–2(d)(3) and the regulations thereunder.

Examples of information that would be requested for these purposes include proposed § 1.6039L–1(b)(3), which would require the applicable QOZB to provide the value of all of its tangible property (including tangible property that is QOZ business property and tangible property that is not QOZ business property) held as of the applicable QOZB's testing dates. Additionally, proposed § 1.6039L–1(b)(4)(vii) would require the applicable QOZB to provide the first date that any QOZ business property directly owned or leased by the applicable QOZB was leased or purchased by the applicable QOZB. For similar reasons, proposed § 1.6039L–1(b)(4)(viii) would require the applicable QOZB to inform the relevant QOF whether there is any QOZ business

property within each census tract that the applicable QOZB is substantially improving and (if applicable) the date on which that improvement began. In addition, proposed § 1.6039L–1(b)(4)(ix) would require the applicable QOZB to inform the relevant QOF, with respect to each census tract in which QOZ business property is directly owned or leased by the applicable QOZB, whether the applicable QOZB is utilizing a working capital safe harbor to acquire, construct, or substantially improve tangible property in a QOZ, as provided in § 1.1400Z2(d)–1(d)(3). The applicable QOZB would also be required to provide, if applicable, the date that the working capital safe harbor is expected to end.

In addition, for the same reasons, proposed § 1.6039L–1(b)(5) would require the applicable QOZB to provide an attestation that the applicable QOZB meets all the requirements of section 1400Z–2(d)(3) and § 1.1400Z2(d)–1(d) including that—

- The applicable QOZB meets the 70-percent tangible property standard;
- The applicable QOZB meets the gross income requirement under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3);
- The applicable QOZB meets the use of intangible property requirement under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3);
- The applicable QOZB satisfies the non-qualified financial property limitation under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3); and
- The trade or business of the applicable QOZB is not described in section 144(c)(6)(B).

If the applicable QOZB cannot provide this attestation because the applicable QOZB does not meet all the requirements of section 1400Z2–2(d)(3) and § 1.1400Z2(d)–1(d), proposed § 1.6039L–1(b)(6) would require the applicable QOZB to provide an attestation that the applicable QOZB is utilizing the cure period, as defined in § 1.1400Z2(d)–1(d)(6), to correct its failure to meet the requirements of section 1400Z–2(d)(3) and § 1.1400Z2(d)–1(d). This statement would also be required to include the month in which the stock or partnership interest of the applicable QOZB lost its qualification as qualified opportunity zone stock or a qualified opportunity zone partnership interest. A QOF receiving this information would be better able to determine whether its investments in the entity may be treated as QOZ stock or QOZ partnership interests before, during, and after the cure period. This information would also help ensure compliance with the statutory requirements of section 1400Z–2(d), as each QOF is only entitled to one cure period per QOZB, as provided in § 1.1400Z2(d)–1(d)(6)(iii).

Finally, proposed § 1.6039L–1(b)(7) would also require the applicable QOZB to report whether it used the applicable financial statement valuation method or the alternative valuation method, as defined used in § 1.1400Z2(d)–1(b)(3) and (4), respectively, in providing any valuation information that would be required under proposed § 1.6039L–1(b)(1) through (8). Proposed § 1.6039L–1(b)(8) would require the applicable QOZB to provide to the relevant QOF such other information as the relevant QOF is required to report with respect to the applicable QOZB as set forth in Form 8996 or instructions. It is anticipated that the IRS will issue a publication or other announcement to inform applicable QOZBs of any new information that should be included on the QOZB statements in order for the relevant QOFs to meet their reporting obligations under section 6039K.

C. Time and Manner for Furnishing the QOZB Statements

Section 6039L(a) authorizes the Secretary to determine the due date for furnishing the QOZB statements. As discussed in part IV.B.1. of this Explanation of Provisions, these proposed regulations would generally require applicable QOZBs to furnish information needed by the QOFs to compute their 90-percent investment standard as of testing dates that are based on the QOZB's taxable year. The Treasury Department and the IRS are of the view that, for the overwhelming majority of QOFs and QOZBs operating on a calendar year basis (or on the same fiscal year basis), the due date for furnishing the QOZB statements should be a reasonable time after the end of the QOZB's taxable year but in advance of the due date of the relevant QOF's Federal tax return because relevant QOFs need the information on the furnished QOZB statements to meet their filing obligations under section 6039K.

Because it would be administratively burdensome to require applicable QOZBs to determine whether the relevant QOFs to which the applicable QOZBs must furnish a QOZB statement will obtain an extension to file their Federal tax returns, these proposed regulations would require a due date for the furnished statements in advance of the due date of the relevant QOFs Federal tax return without extensions. Under section 6072(b), returns of calendar year QOFs that are partnerships are required to be filed on or before March 15 following the close of the calendar year to which the return applies, and returns made on the basis of a fiscal year are required to be filed on or before the 15th day of the third month following the close of the fiscal year. Under section 6072(a), returns of calendar year QOFs that are corporations are required to be filed on or before April 15 following the close of the calendar year to which the return applies, and returns made on the basis of a fiscal year are required to be filed on or before the 15th day of the fourth month following the close of the fiscal year. Given these unextended due dates, proposed § 1.6039L–1(d)(1) would require every applicable QOZB required to furnish a QOZB statement to one or more relevant QOFs to furnish those statements on or before the 1st day of the second month following the close of the applicable QOZB's taxable year. For calendar year QOZBs, this rule would result in QOZB statements being due on February 1, which is one and a half months before the date that a relevant QOF's partnership return would be due and two and a half months before the date that a relevant QOF's corporate return would be due. Comments are requested regarding whether this due date would provide applicable QOZBs with sufficient time to complete the QOZB statements. Comments are also requested regarding whether this due date would provide relevant QOFs with sufficient time to comply with their reporting obligations under section 6039K.

Proposed § 1.6039L–1(d)(2) would permit an applicable QOZB to furnish the QOZB statement using any form that includes all the information set forth in proposed § 1.6039L–1(b). If the IRS prescribes a form for this QOZB statement, however, proposed § 1.6039L–1(d)(2) would require that the applicable QOZB use that prescribed form or a form that contains provisions that are substantially similar to those in the prescribed form. Additionally, proposed § 1.6039L–1(d)(2) would provide that a QOZB statement is considered furnished to a relevant QOF if it is mailed to the last known address of the relevant QOF and is considered furnished on the date that it is so mailed. Proposed § 1.6039L–1(d)(2) would also permit an applicable QOZB to furnish the QOZB statement in an electronic format in lieu of a paper format if the relevant QOF consents in writing (including electronically) to the electronic furnishing of the QOZB statement. Proposed § 1.6039L–1(d)(2)

would also provide that QOZB statements electronically furnished pursuant to the consent of the relevant QOF will be treated as furnished on the date that the statement is electronically transmitted to the relevant QOF.

IV. Proposed §§ 1.6011–2(b)(1), 1.6011–3(d)(4), 1.6011–5(d)(4), and 1.6037–2(d)(3)

Generally, under sections 6011(e)(1), (2) and (5), the Secretary may not require a person to file a return electronically unless that person is required to file at least 10 returns during that calendar year. Section 70421(d)(3) of the OBBBA added section 6011(e)(8) to the Code, which generally provides that any return filed by a QOF or qualified rural opportunity fund under section 6039K must be electronically filed. To ensure that Form 8996 is counted as a return in determining if the filer has filed 10 returns for purposes of the QOF's other return filing obligations, proposed § 301.6011–2 would be amended to include Form 8996 as a form used for the purpose of making an information return. In addition, proposed § 301.6011–3(d)(4), proposed § 301.6011–5(d)(4), and proposed § 301.6037–2(d)(3) would be amended to clarify that a Form 8996 is a separate return from the partnership return, corporate income tax return, or electing small business corporation return, respectively, to which the Form 8996 is attached for purposes of determining if the QOF is required to file at least 10 returns for the year.

V. Proposed § 1.6045–1

As discussed in parts III.B.3.a. and C.2. of this Explanation of Provisions, to ensure that the IRS receives information returns with respect to disposition events of customers for whom brokers hold QOF investments and to ensure that these brokers' customers receive investor statements that they need to prepare their Federal tax returns with respect to these transactions, the proposed rules under § 1.6039K–1 would require QOFs to inform any broker that holds a QOF interest on behalf of a customer that a disposition event occurred. This is particularly important because, although it is likely that the broker would know which customer disposed of the ownership interest in the QOF (and it is unlikely that the QOF would know the name of such customer), it is unlikely that the broker would know that the QOF voluntarily decertified. To ensure that the IRS and customers receive information about these disposition events as related to specific customers of the broker, these proposed regulations would modify § 1.6045–1 to require brokers to report this information to the IRS and furnish statements with this information to the impacted customer. Accordingly, proposed § 1.6045–1(a)(9)(i) would expand the definition of a sale that a broker is required to report to the broker's customers to include an inclusion event as defined in § 1.1400Z2(b)–1(c)(1)(iv) caused by the voluntary decertification of a QOF as defined in § 1.1400Z2(d)–1(a)(3). In addition, proposed § 1.6045–1(d)(2)(i)(A) would expand the information that a broker would be required to report to the IRS with respect to a sale of a QOF investment to include whether the sale constitutes the disposition of an ownership interest in a QOF or constitutes an inclusion event as defined in § 1.1400Z2(b)–1(c). These changes would ensure that both the IRS and investors in publicly traded QOFs (customers of the broker) are made aware of these taxable transactions.

Comments are requested regarding whether these additional reporting requirements create any undue burdens for brokers.

VI. Proposed §§ 301.6722–1 and 301.6724–1

To conform with the OBBBA's addition of investor statements and QOZB statements to the definition of ''payee statements'' that are subject to the $250 penalty (inflation adjusted) for each failure to furnish a payee statement (or failure to furnish a correct information statement) under section 6722(a), proposed § 301.6722–1(e)(2)(xxxix) and (xl) would modify the definition of ''payee statements'' subject to these penalties to include investor statements required by section 6039K(c) and QOZB statements required by section 6039L.

As discussed in part II.B. of the Background, because the OBBBA added section 6726 as an additional information reporting penalty to part II of subchapter B of chapter 68 of the Code, the reasonable cause waiver under section 6724 applies to penalties under section 6726. Accordingly, the proposed regulations would modify the references to the penalties to which the reasonable cause (and not willful neglect) rules apply to include the penalty under section 6726.

VII. Proposed § 301.6726–1

The proposed regulations under section 6726 applicable to QOFs that fail to meet their information reporting requirements under section 6039K generally follow the statutory amendments made by the OBBBA. Proposed § 301.6726–1(a)(1) would impose a penalty of $500 for each day that a QOF, required to file an information return by section 6039K (that is, Form 8996 (or any successor form) referred to in proposed § 301.6726–1 and this Part VII as section 6039K return), fails to file such return. Proposed § 301.6726–1(a)(1) would also provide that no more than one penalty would be imposed under section 6726 with respect to a single section 6039K return, even though there may be more than one failure with respect to such return. Proposed § 301.6726–1(a)(1) would also add a cross reference to the penalty waiver rules under section 6724 applicable to a failure that is due to reasonable cause. *See* part VI. of this Explanation of Provisions for an explanation of proposed § 301.6724–1.

Proposed § 301.6726–1(a)(2)(i) would limit the scope of ''failures'' subject to this penalty as a failure to file the section 6039K return on or before the required filing date (failure to file timely) and any failure to include all the information required to be shown on the section 6039K return or including incorrect information (failure to include correct information).

A failure to file timely, under proposed § 301.6726–1(a)(2)(ii) would include a failure to file in the required manner, for example, electronically or in other machine-readable form as provided under section 6011(e). Thus, to the extent the instructions to Form 8996 require that the section 6039K return be filed electronically, a penalty for the failure to file timely would apply to a QOF that mails a paper section 6039K return to the IRS. In addition, under proposed § 301.6726–1(a)(2)(ii), a failure to include correct information would include a failure to include all information required by § 1.6039K–1(b), Form 8996 (or any successor form) and the applicable form instructions. Finally, under proposed § 301.6726–1(a)(2)(ii), a failure to include information in the correct format could be either a failure to file timely an information return, or a failure to include correct information on the information return. For example, an error on an electronic submission to the IRS that prevents processing by the IRS may constitute a failure to file timely under this proposed rule. However, if information is set forth on the wrong field of the electronic submission, that error may constitute a failure to file timely or a failure to include correct information under this proposed rule, depending upon the extent of the failure.

Proposed § 301.6726–1(a)(3) would make it clear that the per-day penalty

imposed under § 301.6726–1(a) terminates on the day that the QOF files the section 6039K return (showing all the correct information required to be shown on that return) as provided in § 1.6039K–1(g)(2).

Proposed § 301.6726–1(b) provides limitations on the penalty that may be imposed under section 6726 with respect to any one section 6039K return. Proposed § 301.6726–1(b)(1) would generally limit the total penalty amount that may be imposed on any person under section 6726 with respect to a single section 6039K return to $10,000. Proposed § 301.6726–1(b)(2) would raise that maximum $10,000 penalty to $50,000; however, in the case of any single section 6039K return failure if that return is required to be filed by a large QOF. For this purpose, a large QOF would mean a QOF with gross assets (determined on the last day of the QOF's taxable year) that exceed $10,000,000. Proposed § 301.6726–1(d) would provide that each of these dollar amounts would be adjusted for inflation pursuant to section 6726(d). Like the cost-of-living inflation adjustment applicable to the information reporting penalty under section 6721, these inflation adjustments are made annually pursuant to revenue procedures published in the IRB.

Proposed § 301.6726–1(c) imposes higher penalties if a failure is due to intentional disregard of the requirement to file timely correct information returns. If a failure to file timely or to include correct information is due to intentional disregard of the requirement to file timely or to include correct information on a return, the per-day penalty would be increased from $500 to $2,500 and the annual cap would be increased to $50,000 (or $250,000 for a large QOF), per return. To define ''intentional disregard'' for this purpose, similar to the rules in § 301.6721–1(g)(2), proposed § 301.6726–1(c)(2) would provide that a failure to file timely or to include correct information is due to intentional disregard if it is a knowing or willful failure. Whether a person knowingly or willfully fails to file timely or fails to include correct information would be determined on the basis of all the facts and circumstances in the particular case. Like the information reporting penalty regulations under § 301.6721–1(g)(3), proposed § 301.6726–1(c)(3) would set forth facts and circumstances that are considered in determining whether a failure is due to intentional disregard. These facts include, but are not limited to: (i) whether the failure to file timely or the failure to include correct information is part of a pattern of conduct by the person who filed the return of repeatedly failing to file timely or repeatedly failing to include correct information; (ii) whether correction was promptly made upon discovery of the failure; (iii) whether the filer corrects a failure to file or a failure to include correct information within 30 days after the date of any written request from the IRS to file or to correct; and (iv) whether the amount of the information reporting penalties is less than the cost of complying with the requirement to file timely or to include correct information on an information return. Comments are requested regarding whether this definition and the associated facts and circumstances create any undue burdens for QOFs.

Proposed Applicability Dates

The proposed regulations under section 1400Z–2 regarding the QOF certification and decertification requirements and QOZ business property are proposed to be applicable to taxable years ending on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**. The proposed regulations regarding information returns under sections 6039K(a) and 6045(a) and information reporting penalties under section 6726 are proposed to apply to information returns and investor statements required to be filed or furnished (without regard to extensions of the filer's annual return) on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**. The proposed regulations regarding statements required to be furnished under sections 6039K(c), 6045(b), and 6039L(a) and information furnishing penalties under section 6722 are proposed to apply to investor statements, QOZB statements, and payee statements required to be furnished on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**. Finally, the proposed regulations under sections 6011 and 6037 that would require Form 8996 to be counted as a return in determining if the QOF has filed 10 returns for purposes of the QOF's electronic return filing obligations are proposed to apply to returns required to be filed on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

Special Analyses

I. Regulatory Planning and Review

These proposed regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether that collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number.

The collections of information in these proposed regulations are required under sections 6039K and 6039L of the Code. Proposed § 1.6039K–1(b) would generally require QOFs to report to the IRS certain information set forth in proposed § 1.6039K–1(c) and (d) with respect to the QOFs' operations and investments. Proposed § 1.6039K–1(b) would also require QOFs to report to the IRS certain information set forth in proposed § 1.6039K–1(f) with respect to investors whose QOF investments were subject to a disposition event during each calendar year. Responses to this collection of information are mandatory. This collection of information would be satisfied by filing an updated Form 8996, annually in the manner set forth in the instructions to Form 8996. The form would be revised to include the additional items listed in proposed § 1.6039K–1(c), (d), and (f) that are not already included on the pre-existing Form 8996. This information is necessary to allow the IRS to verify whether the entities qualify for QOF status and whether investors in these entities qualify for related income tax benefits under sections 1400Z–1 and 1400Z–2.

Proposed § 1.6039K–1(h) would also require QOFs to furnish investor statements to every investor who had a disposition event during the calendar year. Publicly traded QOFs would be required to furnish these investor statements to every broker acting as an intermediary for an investor that had a disposition event during the year to the extent the QOF does not otherwise know the identity of the investor for whom the broker acts. The investor

statement furnished to the broker would contain the same information pertaining to the investor reported to the IRS under proposed § 1.6039K–1(f). There is no prescribed form for this furnishing requirement. This information is necessary to provide notice of disposition events to investors, and to allow them to determine the tax consequences of these events under section 1400Z–2.

Brokers that receive the investor statements described in the previous paragraph would thereafter be required, pursuant to proposed § 1.6045–1(a)(9)(i) and (d)(2)(i)(A), to report to the IRS the information received with respect to each investor that had a disposition event during the year. This collection of information would be satisfied by filing an updated Form 1099–B, annually. This information is necessary to provide notice of disposition events to investors, and to allow them to determine the tax consequences of these events, including under section 1400Z–2, as well as to allow the IRS to verify whether QOF investors qualify for related income tax benefits under section 1400Z–2.

Proposed § 1.6039L–1(b) would generally require applicable QOZBs to furnish annual QOZB statements to QOFs who hold qualified opportunity zone stock or a qualified opportunity zone partnership interest in the applicable QOZBs. These QOZB statements would contain information regarding the applicable QOZBs' operations. Responses to this collection of information are mandatory. This information is necessary to allow the QOFs receiving these statements to comply with their reporting obligations under proposed § 1.6039K–1(b).

The burdens associated with the collections of information in these proposed regulations will be included in Form 8996 and its instructions and approved under OMB control number 1545–0123, and in Form 1099–B and its instructions and approved under OMB control number 1545–0715, in accordance with PRA procedures under 5 CFR 1320.10.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. chapter 6) requires agencies to ''prepare and make available for public comment an initial regulatory flexibility analysis,'' which will ''describe the impact of the rule on small entities.'' *See* 5 U.S.C. 603(a). Unless an agency determines that a proposal will not have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires the agency to present an initial regulatory flexibility analysis (IRFA) of the proposed regulations. The Treasury Department and the IRS have not determined whether these proposed regulations, when finalized, will have a significant economic impact on a substantial number of small entities. This determination requires further study. However, because there is a possibility of a significant economic impact on a substantial number of small entities, these proposed regulations include an IRFA. The Treasury Department and the IRS invite comments on both the number of entities affected by these proposed regulations and the economic impact of these proposed regulations on small entities.

A. Need for and Objectives of the Rule

These proposed regulations are needed to clarify the rules governing the time and form of information reporting under sections 6039K and 6039L, to define key terms relating to the information reporting required, and to establish supplementary information requirements pursuant to section 6039K(b)(9). In addition, the proposed regulations would provide the rules necessary to administer information reporting penalties under sections 6722 and 6726 and to clarify that the reasonable cause rules under section 6724 apply to the newly enacted penalty under section 6726.

The proposed regulations are intended to facilitate information sharing between applicable QOZBs and QOFs, to enable QOFs to meet their statutory information reporting obligations to the IRS whether 90 percent of the QOF's assets are invested in QOZ property as required under section 1400Z–2. Additionally, the proposed regulations are intended to permit QOF investors to have a clear understanding of, and for the IRS to have clear visibility into, the investor's eligibility for specified QOZ tax benefits. Finally, the proposed regulations would enable the Secretary to publish annual reports that would enable policy makers to evaluate the impact of sections 1400Z–1 and 1400Z–2 on investment in QOZs.

B. Affected Small Entities

Small Business Administration (SBA) regulations provide small business size standards by NAICS Industry. *See* 13 CFR 121.201; 15 U.S.C. 632(a)(2)(A). The entities impacted by these proposed regulations would be QOFs, which invest in QOZ property, and QOZBs, which are entities engaged in trades or businesses within QOZs. Because qualification as either entity type is dependent on the relationship to one or more QOZ rather than participation in any particular industry, there could be a large number of NAICS codes representing QOZ entity investments or business operations. Thus, while it is difficult to characterize impacted entities as falling under any one specific NAICS industry or code, it is expected that QOFs and QOZBs will undertake significant economic activity, such as construction, as part of the development of the trades or businesses they will operate in the designated opportunity zones.

The NAICS classification system includes construction as sector 23, with three construction industry subsector tables. According to SBA regulations, the lowest maximum annual receipts for a concern and its affiliates within the construction sector to be considered small is $19 million. *See* 13 CFR 121.201. Based on tax return data for tax year 2023, approximately 11,280 of the estimated 11,300 QOFs (approximately 99.8%) had total positive income less than the $19 million (small QOFs). The 2023 tax return data for QOZBs is less complete due to the inability to identify all tax returns filed by these entities. Nonetheless, of the 7,900 tax returns for 2023 that are identifiable as returns for QOZBs, approximately 7,800, or 98.7 percent, had total positive income less than the $19 million (small QOZBs).

a. Impact of the Rules

The proposed regulations would require every QOF to prepare and file Form 8996 each year. The average time to complete Form 8996 per QOF is estimated to be 1.25 hours per form, with a monetized hourly burden of $62.83. Accordingly, the total combined annual burden for all of the estimated 11,280 small QOFs to complete and file the updated Form 8996 is estimated to be 14,100 hours of time burden (11,280 × 1.25) and $885,903 of monetized burden (11,280 × 1.25 × $62.83). These estimates are based on survey data collected from filers of the current Form 8996. No material increase is expected in the start-up costs to complete the updated form. There is no available data to predict the increase in the number of QOFs that will file Forms 8996. In addition, the requirement that QOFs furnish investor statements pursuant to section 6039K(c) in lieu of comparable Form 1099–B statements is not expected to result in a material increase in burden for these small QOFs.

The proposed regulations would require applicable QOZBs to prepare and furnish a QOZB statement to each relevant QOF. The average time to complete a QOZB statement per QOZB is estimated to be 1.25 hours per form,

with a monetized hourly burden of $62.83. Accordingly, the total combined annual burden for all of the estimated 7,800 small QOZBs to complete and furnish the QOZB statement is estimated to be 9,750 hours of time burden (7,800 × 1.25) and $612,593 of monetized burden (7,800 × 1.25 × $62.83). These estimates are based on the fact that the QOZB will have to provide all of the information in certain parts of Form 8996. No material increase in start-up costs to collect and report the additional information on the QOZB statement is expected. There is no available data to predict the increase in the number of QOZBs that will furnish the QOZB statements.

These estimates could potentially increase once the proposed regulations are finalized and applicable. However, data that would allow for an accurate estimate of any increases is not currently available.

b. Alternatives Considered

The Treasury Department and the IRS considered alternatives to these proposed regulations but have been unable to identify any that would also allow QOFs and QOZBs to satisfy the obligations of sections 6039K and 6039L. The information reports set forth in these proposed regulations are required by statute, and exemptions for impacted entities based on size or other criteria are not permissible. Exemptions for certain small business QOZBs from the requirement to furnish a QOZB statement to their QOF investors would negatively impact the ability of those QOFs to meet their statutory obligation to file their Forms 8996. Exemptions for certain small business QOFs from the requirement to file Forms 8996 with the IRS would also render the proposed regulations unenforceable and could lead to inaccurate or incomplete information on the annual reports required to be issued by the Secretary. Additionally, exemptions for certain small business QOFs from the requirement to furnish statements to investors disposing of a QOF interest would pose tax administration difficulties for the IRS and could lead to inaccurate information reflected on the investor's annual tax return. In short, because, as indicated in Part III.B. of this Special Analysis, more than 99 percent of QOFs and 98 percent of QOZBs would be treated as small businesses under relevant SBA regulations, any small business exemption from the regulatory requirements would effectively void the statutory requirements imposed by the OBBBA. Finally, given the statutory language of sections 6039K and 6039L, which generally gives the Secretary the authority to set the time and manner for the information reporting and to require the reporting of certain additional information, it is unlikely that the Secretary has the authority to exempt small businesses from these information reporting requirements.

c. Duplicative, Overlapping, or Conflicting Federal Rules

The proposed regulations would not duplicate, overlap, or conflict with any relevant Federal rules. The Treasury Department and the IRS invite input from interested members of the public about identifying and avoiding overlapping, duplicative, or conflicting requirements.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. This proposed regulation does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This proposed regulation does not have federalism implications, does not impose substantial direct compliance costs on State and local governments, and does not preempt State law within the meaning of the Executive order.

VI. Small Business Administration

Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed amendments to the regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments that are submitted by the public will be made available at *https://www.regulations.gov*. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn.

A telephonic public hearing has been scheduled for November 5, 2026, beginning at 10 a.m. ET. The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the time to be devoted to each topic by October 13, 2026. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing. If no outline of the topics to be discussed at the hearing is received by October 13, 2026, the public hearing will be cancelled. If the public hearing is cancelled, a notice of cancellation of the public hearing will be published in the **Federal Register**.

Individuals who want to testify at the public hearing must send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG–116506–25 and the language TESTIFY Telephonically. For example, the subject line may say: Request to TESTIFY Telephonically at Hearing for REG–116506–25.

Individuals who want to attend the public hearing by telephone without testifying must also send an email to *publichearings@irs.gov* to receive the telephone number and access code for the hearing. The subject line of the email must contain the regulation number REG–116506–25 and the language ATTEND Hearing Telephonically. For example, the subject line may say: Request to ATTEND Hearing Telephonically for REG–116506–25. Requests to attend the public hearing telephonically must be received by 5:00 p.m. ET on November 3, 2026.

Hearings will be made accessible to people with disabilities. To request special assistance during a hearing, please contact the Publications and Regulations Section of the Office of Associate Chief Counsel (Procedure and Administration) by sending an email to *publichearings@irs.gov* (preferred) or by

telephone at (202) 317–6901 (not a toll-free number) by November 2, 2026.

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings, Notices and other guidance cited in this document are published in the IRB and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *https://www.irs.gov.*

Drafting Information

The principal authors of these regulations are Roseann Cutrone, Office of the Associate Chief Counsel (Procedure and Administration) and Dominic DiMattia, Office of the Associate Chief Counsel (Income Tax and Accounting). However, other personnel from the Treasury Department and the IRS, including Jane Murphy, Office of the Associate Chief Counsel (Procedure and Administration), and Rishi Jain, Office of the Associate Chief Counsel (Income Tax and Accounting), participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR parts 1 and 301 as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order for §§ 1.6039K–1 and 1.6039L–1 to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

Section 1.1400Z2(a)–1 also issued under 26 U.S.C. 1400Z–2(e)(4).

Section 1.1400Z2(b)–1 also issued under 26 U.S.C. 1400Z–2(e)(4).

* * * * *

Section 1.1400Z2(d)–1 also issued under 26 U.S.C. 1400Z–2(e)(4).

Section 1.1400Z2(d)–2 also issued under 26 U.S.C. 1400Z–2(e)(4).

* * * * *

Section 1.6039K–1 also issued under 26 U.S.C. 6039K.

Section 1.6039K–1 also issued under 26 U.S.C. 6039K(a) through (d).

Section 1.6039L–1 also issued under 26 U.S.C. 6039L.

Section 1.6039L–1 also issued under 26 U.S.C. 6039L(a).

* * * * *

■ **Par. 2.** Section 1.1400Z2–0 is amended by:

■ 1. Revising the entries for § 1.1400Z2(d)–1(a)(2) and (3);

■ 2. Adding an entry for § 1.1400Z2(d)–1(e)(3); and

■ 3. Revising the entry for § 1.1400Z2(d)–2(d)(3).

The additions and revisions read as follows:

§ 1.1400Z2–0 Table of Contents.

* * * * *

§ 1.1400Z2(d)–1 Qualified opportunity funds and qualified opportunity zone businesses.

(a) * * *

(2) Required self-certification of an eligible entity as a QOF.

(3) Voluntary decertification of a QOF.

* * * * *

(e) * * *

(3) Applicability date.

§ 1.1400Z2(d)–2 Qualified opportunity zone business property.

* * * * *

(d) * * *

(3) Substantially all of a QOF's or qualified opportunity zone business's holding period for owned or leased tangible property.

* * * * *

■ **Par. 3.** Section 1.1400Z2(b)–1 is amended by revising paragraph (c)(15) and adding paragraph (j)(3) to read as follows:

§ 1.1400Z2(b)–1 Inclusion of gains that have been deferred under section 1400Z–2(a).

* * * * *

(c) * * *

(15) *Decertification of a QOF.* The decertification of a QOF, whether a voluntary decertification pursuant to § 1.1400Z2(d)-1(a)(3) or an involuntary decertification, is an inclusion event.

* * * * *

(j) * * *

(3) *Paragraph (c)(15) of this section.* The rules of paragraph (c)(15) of this section apply to taxable years ending on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 4.** Section 1.1400Z2(d)–1 is amended by:

■ 1. In paragraph (a), revising the second sentence.

■ 2. Revising paragraphs (a)(2) and (3); and

■ 3. Adding paragraph (e)(3).

The additions and revisions read as follows:

§ 1.1400Z2(d)–1 Qualified opportunity funds and qualified opportunity zone businesses.

(a) * * * Paragraphs (a)(2) through (4) of this section provide rules that an eligible entity must follow to be certified as a QOF and to revoke an inadvertent self-certification of a QOF, as well as rules for the decertification of a QOF. * * *

* * * * *

(2) *Required self-certification of an eligible entity as a QOF*—(i) *In general.* An entity that satisfies the requirements of paragraphs (a)(2)(ii)(A) through (D) of this section to make an election to self-certify as a QOF will be treated as a QOF from the date the self-certification under this paragraph (a)(2) is effective.

(ii) *Time, form and manner*—(A) *Timely filing requirement.* The election for a self-certification as a QOF must be timely filed on Form 8996, *Qualified Opportunity Fund,* or any successor form, in the manner set forth in the instructions to that form by the due date for the eligible entity's original Federal tax return (including extensions) for the first taxable year identified under paragraph (a)(2)(ii)(B) of this section. *See* paragraph (a)(2)(iii) of this section for information required to be reported by QOFs annually.

(B) *First taxable year and month identified.* The self-certification of an eligible entity as a QOF must identify the first taxable year for which the self-certification takes effect and the first month (in that first taxable year) in which the self-certification takes effect.

(*1*) *Failure to specify first month.* If the eligible entity's self-certification as a QOF fails to specify the month in the initial taxable year that the self-certification takes effect, then the self-certification is treated as taking effect in the first month of the entity's taxable year.

(*2*) *Investments made before eligible entity's first month as QOF not eligible for deferral.* If an investment in eligible interests of an eligible entity occurs prior to the eligible entity's first month as a QOF, any election under section 1400Z–2(a)(1) made for that investment is invalid and the investment is a non-qualifying investment.

(C) *Becoming a QOF in a month that is not the first month of the taxable year.* This paragraph (a)(2)(ii)(C) applies to an eligible entity if its self-certification as a QOF is first effective for a month that is not the first month of that entity's taxable year.

(*1*) For purposes of applying section 1400Z–2(d)(1)(A) and (B) in the first year of the QOF's existence, the phrase *first six-month period of the taxable year of the fund* means the first six

months each of which is in the taxable year of the QOF and in each of which the entity is a QOF. Thus, if an eligible entity becomes a QOF in the seventh or later month of a 12-month taxable year, the 90-percent investment standard in section 1400Z–2(d)(1) takes into account only the QOF's assets on the last day of the QOF's taxable year.

(*2*) The computation of any penalty under section 1400Z–2(f)(1) does not take into account any months before the first month in which an eligible entity is a QOF.

(D) *Organized for the purpose of investing in qualified opportunity zone property.* The self-certification must include an affirmative statement that the entity is organized for the purpose of investing in qualified opportunity zone property.

(iii) *Annual information requirements under section 6039K.* For all taxable years in which the entity is self-certified as a QOF, *see* § 1.6039K–1 for the information required to be reported annually.

(iv) *Revoking an inadvertent election to self-certify as a QOF*—(A) *In general.* Except as otherwise provided in this paragraph (a)(2)(iv), an election to self-certify as a QOF made under this paragraph (a)(2) is not revocable. Notwithstanding the previous sentence, an entity that previously made an inadvertent election to self-certify as a QOF may revoke that election if the entity satisfies the eligibility requirement in paragraph (a)(2)(iv)(B) of this section and the revocation is filed in accordance with the procedures set forth in paragraph (a)(2)(iv)(C) of this section.

(B) *Eligibility for revoking an inadvertent election.* An entity self-certified as a QOF may revoke its inadvertent election to self-certify as a QOF only if no qualifying investment in the QOF was made.

(C) *Procedure for revoking an inadvertent election.* An inadvertent election to self-certify as a QOF may be revoked only with the consent of the Commissioner in accordance with guidance published in the Internal Revenue Bulletin or in forms and instructions as to the required time, form, and manner for such consent.

(D) *No certification at a later date.* An entity that has revoked its inadvertent election to self-certify as a QOF under this paragraph (a)(2)(iv) may not self-certify as a QOF at any future date. The taxpayer identification number assigned to the entity that has revoked its inadvertent election to self-certify as a QOF may not be used by any other entity to self-certify as a QOF.

(3) *Voluntary decertification of a QOF*—(i) *In general.* A QOF may voluntarily terminate its certification as a QOF (voluntary decertification) only if the QOF maintains in its books and records contemporaneous written documentation, as defined in paragraph (a)(3)(iii) of this section, of the QOF's intent to terminate its certification as of the QOF's identified effective date of voluntary decertification.

(ii) *Final form.* The election to voluntarily decertify as a QOF during the QOF's taxable year must be timely filed on a Form 8996, or any successor form, (final information return) in the manner set forth in the instructions to that form by the due date for the eligible entity's original Federal tax return (including extensions) for the taxable year. In addition, the Form 8996 must include the last month that the QOF seeks to be certified as a QOF.

(iii) *Contemporaneous written documentation.* A QOF that chooses to voluntarily decertify as a QOF during its taxable year must maintain in its books and records contemporaneous written documentation, as defined in paragraph (a)(3)(iii)(A) of this section, that memorializes the entity's intent to terminate its certification as a QOF and identifies the last month for which the entity is certified as a QOF.

(A) *Definition.* For purposes of this paragraph (a)(3), the term *contemporaneous written documentation* means written documentation created at the same time a QOF makes the determination that it will terminate its certification as a QOF.

(B) *Example of contemporaneous written documentation.* An example of contemporaneous written documentation includes meeting minutes memorializing a QOF's intent to voluntarily decertify as of a specific date.

(iv) *Notification to final investors regarding voluntary decertification*—(A) *Notification requirement.* A QOF that chooses to voluntarily decertify as a QOF during its taxable year must provide a written statement of the voluntary decertification (15-day notification) to each investor that holds a qualifying or non-qualifying investment in the QOF on the QOF's effective date of voluntary decertification (final investor). This 15-day notification is separate from the requirement under section 6039K(c) and § 1.6039K–1(h) that the QOF must furnish investor statements to reportable investors. The 15-day notification must be furnished by the time and in the manner set forth in paragraphs (a)(3)(iv)(B) and (C) of this section. In addition, the 15-day notification must contain—

(*1*) A statement that informs each final investor referred to in this paragraph (a)(3)(iv)(A) that, if applicable, the election under section 1400Z–2(c) no longer is available for that final investor's qualifying investment because the certification of the entity as a QOF has terminated (*see* paragraph (a)(3)(vi)(C) of this section); and

(*2*) Any information necessary for each such final investor to report, if applicable, an inclusion event on the QOF's effective date of voluntary decertification if the voluntary decertification occurs before the inclusion date specified in section 1400Z–2(b)(1)(B).

(B) *Time for furnishing 15-day notification.* The 15-day notification described in paragraph (a)(3)(iv)(A) of this section must be furnished to each final investor by the earlier of—

(*1*) 15 days after the QOF's effective date of voluntary decertification, as determined under paragraph (a)(3)(vi)(A) of this section; or

(*2*) The date contracted upon by the parties for the receipt of such written notification by investors.

(C) *Manner for furnishing 15-day notification.* The 15-day notification required by paragraph (a)(3)(iv)(A) of this section must be made in writing and furnished to the investors using any reasonable manner.

(v) *Failure to satisfy the voluntary decertification requirements.* If a QOF fails to maintain contemporaneous written documentation of the QOF's intent to terminate its certification as required by paragraph (a)(3)(iii) of this section—

(A) The voluntary decertification of the QOF will not be valid; and

(B) The QOF will continue to be subject to the requirements of section 1400Z–2 and the section 1400Z–2 regulations, as defined in § 1.1400Z2(a)–1(b)(44).

(vi) *Consequences of a voluntary decertification*—(A) *Effective date of voluntary decertification.* A QOF's voluntary decertification is effective on the last day of the month that the QOF identifies in its contemporaneous written documentation as the last month for which the entity is certified as a QOF.

(B) *Voluntary decertification is an inclusion event*—(*1*) *In general.* A QOF's voluntary decertification is binding on the QOF's final investors. Each final investor that is a QOF owner, as defined in § 1.1400Z2(a–1(b)(23), will have an inclusion event, as defined in § 1.1400Z2(b–1(c), with respect to their qualifying investment in the QOF on the

QOF's effective date of voluntary decertification. *See* § 1.1400Z2(b–1(c)(15).

(*2*) *Eligibility for continued deferral of gain arising from an inclusion event due to voluntary decertification.* Gain that otherwise is required to be included in gross income by a final investor is eligible for continued deferral if the gain is reinvested in a QOF with a taxpayer identification number (TIN) that is different from the decertified QOF and all requirements to elect to defer eligible gain under section 1400Z–2(a)(1)(A) are satisfied. *See* § 1.1400Z2(a–1(b)(11)(iv).

(C) *No section 1400Z–2(c) election permitted.* Each final investor that is a QOF owner is not eligible to make an election under section 1400Z–2(c) with regard to the sale or exchange of that investment on any date on or after the QOF's effective date of voluntary decertification. *See* § 1.1400Z2(c–1(b)(1)(i).

(vii) *Examples.* The following examples illustrate the rules described in this paragraph (a)(3).

(A) *Example 1: Valid voluntary decertification*—(*1*) *Facts.* In 2027, individuals A and B formed partnership Q, which uses a calendar taxable year, for the purpose of investing in qualified opportunity zone property. The partnership agreement does not provide for a date by which partners must receive written notification of a voluntary decertification of the partnership's status as a QOF. Q properly self-certified as a QOF as of February 1, 2027, and has thereafter complied with section 1400Z–2 and the section 1400Z–2 regulations, as defined in § 1.1400Z2(a–1(b)(44). A acquired a qualifying investment in Q on February 28, 2027. B has a non-qualifying investment in Q. On June 30, 2030, A and B held a meeting in which A and B determined that Q would voluntarily decertify and that July of 2030 would be the last month that Q is certified as a QOF. Q memorialized the determination to voluntarily decertify and the last month of Q's certification in the meeting minutes for the meeting held on June 30, 2030, and thereafter maintained a copy of the meeting minutes in its records. On August 15, 2030, Q provided written notification to A and B of its voluntary decertification as of July 31, 2030. Q's notification informs A and B that Q is voluntarily decertifying as a QOF and that A and B may have an inclusion event on July 31, 2030, with respect to their investments in Q. Q's notification also informs A and B that they are, if applicable, no longer eligible to make an election under section 1400Z–2(c) on any date on or after July 31, 2030. Q reports its voluntary decertification on its final information return on Form 8996 with its timely filed original 2030 Form 1065, *U.S. Return of Partnership Income.* Q also reports on Form 8996 that its last month for which Q is certified as a QOF is July of 2030.

(*2*) *Analysis.* Q's voluntary decertification is valid because Q followed the procedures set forth in paragraph (a)(3)(i) of this section. Q satisfied the contemporaneous written documentation requirement under paragraph (a)(3)(iii) of this section by memorializing A and B's determination to terminate Q's certification as a QOF in July of 2030, in the meeting minutes for the June 30, 2030, meeting. Q also furnished the written notification of Q's voluntary decertification to its final investors, A and B, within the 15-day period required under paragraph (a)(3)(iv) of this section. Q reported its voluntary decertification on its final information return on Form 8996, which was timely filed on Q's Form 1065 for the taxable year ended December 31, 2030. The result of Q following the procedures set forth in paragraph (a)(3)(i) of this section is that Q's effective date of voluntary decertification date is July 31, 2030, the last day of the month identified in Q's contemporaneous written documentation. *See* paragraph (a)(3)(vi)(A) of this section. Additionally, on that effective date, A has an inclusion event with regard to A's qualifying investment in Q. *See* paragraph (a)(3)(vi)(B)(*1*) of this section. Finally, B does not have an inclusion event with respect to B's investment because B held a non-qualifying investment in Q on Q's effective date of voluntary decertification.

(B) *Example 2: Disallowance of the election under section 1400Z–2(c) due to a voluntary decertification*—(*1*) *Facts.* The facts are the same as in paragraph (a)(3)(vii)(A)(*1*) of this section (*Example 1*) except that A and B held a meeting on June 1, 2038, and decided to voluntarily decertify Q effective on June 30, 2038. Q memorialized the determination and the last month of Q's certification in the meeting minutes for A and B's meeting on June 1, 2038, and thereafter maintained a copy of the meeting minutes in its records. On July 15, 2038, Q provided a notification of its voluntary decertification to both A and B in accordance with paragraph (a)(3)(iv) of this section. On July 1, 2039, A sells A's investment in Q.

(*2*) *Analysis.* The analysis regarding whether Q followed the procedure for voluntary decertification set forth in paragraph (a)(3)(i) of this section is the same as in paragraph (a)(3)(vii)(A)(*1*) of this section except that Q's effective date of voluntary decertification is June 30, 2038. In addition, in determining the amount of gain recognized by A upon A's sale of its partnership interest in Q, A is not permitted to make an election under section 1400Z–2(c) with regard to A's sale. *See* paragraph (a)(3)(vi)(C) of this section. A did not hold a qualifying investment in Q at the time of A's sale because Q was not certified as a QOF on the date of the sale. *See* § 1.1400Z2(c)–1(b).

* * * * *

(e) * * *

(3) *Applicability date.* The rules of paragraphs (a)(2) and (3) of this section apply to taxable years ending on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 5.** Section 1.1400Z2(d)–2 is amended by:

■ 1. Revising paragraph (d)(1), the heading of paragraph (d)(3), revising paragraph (d)(3)(i), and the heading of paragraph (d)(3)(ii);

■ 2. Adding paragraph (d)(3)(iii);

■ 3. Revising the first sentence of paragraph (d)(4)(i); and

■ 4. Adding paragraph (e)(3).

The additions and revisions read as follows:

§ 1.1400Z2(d)–2 Qualified opportunity zone business property.

* * * * *

(d) * * *

(1) *In general.* In the case of tangible property that is owned or leased by either a QOF or qualified opportunity zone business, during substantially all of the QOF's or qualified opportunity zone business's holding period for the tangible property, substantially all of the use of the tangible property must be in a qualified opportunity zone.

* * * * *

(3) *Substantially all of a QOF's or qualified opportunity zone business's holding period for owned or leased tangible property*—(i) *In general.* For purposes of determining whether the holding period requirement in paragraph (d)(1) of this section is satisfied, the term *substantially all* means at least 90 percent. The holding period is applied on a semiannual basis, based on the entire time the QOF or qualified opportunity zone business has owned or leased such property. Thus, on each semiannual testing date of the QOF or the qualified opportunity zone business, the tangible property satisfies the 90-percent qualified opportunity zone business property holding period requirement of section 1400Z–2(d)(2)(D)(i)(II) only if, during at least 90 percent of the period during which the QOF or qualified opportunity zone

business has owned or leased the property, the property has satisfied the 70-percent use test in paragraph (d)(4) of this section.

(ii) *Semiannual qualified opportunity zone business property test by a QOF.*

* * *

(iii) *Semiannual qualified opportunity zone business property test by a qualified opportunity zone business.* For purposes of determining satisfaction of the 90-percent qualified opportunity zone business property holding period test described in paragraph (d)(3)(i) of this section in the case of a qualified opportunity zone business, the determination of whether property satisfies the 70-percent use test is made on a semiannual basis on the last day of the first 6-month period and the last day of the qualified opportunity zone business's taxable year and pursuant to paragraph (d)(4) of this section.

(4) * * *

(i) * * * Tangible property used in a trade or business of a QOF or qualified opportunity zone business satisfies the *substantially all* requirement of paragraph (d)(1) of this section if and only if the tangible property is qualified tangible property. * * *

* * * * *

(e) * * *

(3) *Applicability date.* The rules of paragraphs (d)(1), (d)(3)(i) through (iii), and (d)(4)(i) of this section apply to taxable years ending on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 6.** Sections 1.6039K–1 and 1.6039L–1 are added to read as follows:

Sec.

* * * * *

1.6039K–1 Returns of information with respect to qualified opportunity funds and qualified rural opportunity funds.

1.6039L–1 Statements of information required to be furnished by qualified opportunity zone businesses and qualified rural opportunity zone businesses.

* * * * *

§ 1.6039K–1 Returns of information with respect to qualified opportunity funds and qualified rural opportunity funds.

(a) *Definitions*—(1) *90-percent investment standard.* The term *90-percent investment standard* has the same meaning as in section 1400Z–2(d)(1) and § 1.1400Z2(a)–1(b)(4).

(2) *Applicable qualified opportunity zone business.* The term *applicable qualified opportunity zone business,* or *applicable QOZB,* means any entity that meets, intends to meet, or was organized for the purposes of meeting, the requirements to be a qualified opportunity zone business as defined in section 1400Z–2(d)(3)(A) and § 1.1400Z2(d)–1(d)(1) that is—

(i) A corporation in which a qualified opportunity fund holds qualified opportunity zone stock; or

(ii) A partnership in which a qualified opportunity fund holds a qualified opportunity zone partnership interest.

(3) *Disposition event.* The term *disposition event* means any inclusion event as defined in § 1.1400Z2(b)–1(c).

(4) *Full-time equivalent employees*—(i) *In general.* With respect to a calendar month, the number of full-time equivalent employees is the sum of—

(A) The number of employees who are employed on average at least 30 hours per week (full-time employees); plus

(B) The number of other employees, determined by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 120.

(ii) *Alternative calculation method for full-time employees.* In determining if an employee is a full-time employee described under paragraph (a)(4)(i)(A) of this section, the QOF may treat the performance of at least 120 total hours of service in a calendar month as the equivalent of an average of at least 30 hours of service per week for that month.

(iii) *Rounding convention for determining non-full-time employees.* In determining the number of non-full-time employees for each calendar month under paragraph (a)(4)(i)(B) of this section, an employer must round the number of non-full-time employees for each calendar month to the nearest whole number.

(5) *Qualified opportunity fund.* For purposes of this section, the term *qualified opportunity fund,* or *QOF,* means, with respect to an entity's taxable year or portion thereof, any entity that files a self-certification under § 1.1400Z2(d)–1(a)(2)(i) for such taxable year or a portion thereof. For purposes of this section, an entity that files a self-certification under § 1.1400Z2(d)–1(a)(2) for its taxable year is treated as certified as a QOF for the portion of the taxable year beginning on the effective date identified in that self-certification.

(6) *Qualified opportunity fund testing dates.* The term *qualified opportunity fund testing dates,* or *QOF testing dates,* means the QOF's 6-month testing date and year-end testing date used for determining if the 90-percent investment standard has been met.

(i) *Qualified opportunity fund 6-month testing date.* The term *qualified opportunity fund 6-month testing date* means the last day of the first 6-month period of the taxable year of the QOF.

(ii) *Qualified opportunity fund year-end testing date.* The term *qualified opportunity fund year-end testing date* means the last day of the taxable year of the QOF.

(7) *Qualified opportunity zone.* The term *qualified opportunity zone,* or *QOZ,* has the same meaning as in section 1400Z–1(a).

(8) *Qualified opportunity zone business property.* The term *qualified opportunity zone business property,* or *QOZ business property,* has the same meaning as in section 1400Z–2(d)(2)(D) and § 1.1400Z2(a)–1(b)(30). QOZ business property may be directly owned or leased by a QOF or may be owned or leased by a QOZB.

(9) *Qualified opportunity zone partnership interest.* The term *qualified opportunity zone partnership interest,* or *QOZ partnership interest,* has the same meaning as in section 1400Z–2(d)(2)(C) and § 1.1400Z2(d)–1(c)(3).

(10) *Qualified opportunity zone stock.* The term *qualified opportunity zone stock,* or *QOZ stock,* has the same meaning as in section 1400Z–2(d)(2)(B) and § 1.1400Z2(d)–1(c)(2).

(11) *Real property.* The term *real property* means land and improvements thereto, such as buildings or other inherently permanent structures (including items that are structural components of the buildings or structures) that are not tangible personal property.

(12) *Reportable investor*—(i) *In general.* The term *reportable investor* means any person that held stock or a partnership interest in the QOF for which a disposition event with respect to such stock or partnership interest occurred during the QOF's taxable year.

(ii) *Brokers that are registered/record owners of QOF stock or QOF partnership interests.* To the extent a QOF does not know the identity of the reportable investor, as defined in paragraph (a)(12)(i) of this section, due to the holding of the stock or partnership interest in the QOF for which a disposition event occurred by a broker, as defined in § 1.6045–1(a)(1), on behalf of a customer, as defined in § 1.6045–1(a)(2), during the QOF's taxable year, the term *reportable investor* includes such broker.

(13) *Residential unit.* The term *residential unit* means any building or structure for use as a dwelling unit for use as a residence (including a house, apartment, condominium, mobile home or similar property) and for which a certificate of occupancy, or similar document indicating that the unit is available for use, has been received. A dwelling unit has basic living accommodations, such as a sleeping

space, a toilet, and cooking facilities. A residential unit does not include property used as a hotel, motel, inn or similar establishment if it is regularly available for occupancy by paying customers on a transient basis.

(14) *Tangible personal property.* The term *tangible personal property* has the same meaning as in § 1.48–1(c).

(b) *Reporting requirement.* Every QOF must file an annual return of information on Form 8996, *Qualified Opportunity Fund* (or any successor form) to report the information set forth in paragraphs (c) through (f) of this section in the time and manner set forth in paragraph (g) of this section.

(c) *Information with respect to the QOF.* The return of information described in paragraph (b) of this section must include the information set forth in paragraphs (c)(1) through (10) of this section with respect to the QOF.

(1) The name, address and taxpayer identification number of the QOF;

(2) Whether the QOF is organized as a corporation or a partnership;

(3) Whether the QOF is organized for the purpose of investing in qualified opportunity zone property as defined in section 1400Z–2(d)(2)(A) and § 1.1400Z2(d)–1(c)(1) (other than another QOF);

(4) A calculation of the 90-percent investment standard consisting of the value, determined on the QOF testing dates, of—

(i) The qualified opportunity zone property as defined in section 1400Z–2(d)(2)(A) and § 1.1400Z2(d)–1(c)(1) held by the QOF; and

(ii) All assets held by the QOF;

(5) If applicable, a calculation of the penalty under section 1400Z–2(f)(1) for failure to meet 90-percent investment standard;

(6) The approximate average monthly number of total full-time equivalent employees of the QOF working in all locations for the calendar year in which the QOF's taxable year began;

(7) The population census tract number(s) in which QOZ business property is directly owned or leased by the QOF is used, and for each of these census tracts—

(i) The physical address of the QOF's business activity;

(ii) The North American Industry Classification System (NAICS) code that applies to the QOF's business activity;

(iii) For the QOF testing dates—

(A) The total value of QOZ business property directly owned by the QOF; and

(B) The total value of QOZ business property directly leased by the QOF;

(iv) The total value of QOZ business property directly owned or leased by the QOF that is real property as of December 31 of the calendar year ending with or within the QOF's taxable year;

(v) The total number of residential units (if any) as of December 31 of the calendar year ending with or within the QOF's taxable year;

(vi) The approximate average monthly number of full-time equivalent employees of the QOF whose primary work location is within the population census tract for the calendar year ending with or within the QOF's taxable year;

(vii) The first date that any QOZ business property was acquired by purchase or leased by the QOF; and

(viii) Whether there is any QOZ business property that the QOF is substantially improving, as provided in section 1400Z–2(d)(2)(D)(ii), and the date on which that improvement began;

(8) Whether the QOF used the applicable financial statement valuation method as defined in § 1.1400Z2(d)–1(b)(3) or the alternative valuation method as defined in § 1.1400Z2(d)–1(b)(4) to value the property necessary to provide the information set forth in paragraphs (c)(1) through (10) of this section;

(9) For a QOF that is voluntarily decertifying, as provided in § 1.1400Z2(d)–1(a)(3), for the taxable year for which the return is required—

(i) An indication that the entity is voluntarily decertifying; and

(ii) The last month for which the entity was certified as a QOF; and

(10) Such other information as required by the form or instructions.

(d) *Information with respect to each applicable QOZB.* To the extent applicable, the return of information described in paragraph (b) of this section must include the information set forth in paragraphs (d)(1) through (8) of this section with respect to each applicable QOZB in which the QOF owns an interest.

(1) The name, address, and taxpayer identification number of the applicable QOZB;

(2) The percentage of equity ownership or (if applicable) capital or profits interest in the applicable QOZB by the QOF as of QOF testing dates;

(3) The value, as defined in § 1.1400Z2(d)–1(b), of the QOF's investment in such QOZ stock or QOZ partnership interest as of the QOF testing dates;

(4) Whether the QOF received from the applicable QOZB an attestation that the applicable QOZB meets all the requirements of § 1.1400Z2(d)–1(d)(1) or (if applicable) is utilizing the cure period, as defined in § 1.1400Z2(d)–1(d)(6);

(5) The total value of tangible property of the applicable QOZB (including tangible property that is qualified opportunity zone business property and tangible property that is not qualified opportunity zone business property) held by the applicable QOZB as of the QOF's 6-month and year-end testing dates;

(6) The population census tract number(s) in which the QOZ business property directly owned or leased by the applicable QOZB is used, and for each of these census tracts—

(i) The physical address of the QOZB business activity;

(ii) The NAICS code that applies to the QOZB's business activity;

(iii) For the QOF testing dates—

(A) The total value of tangible QOZ business property directly owned by the applicable QOZB; and

(B) The total value of tangible QOZ business property directly leased by the applicable QOZB;

(iv) The total value of QOZ business property directly owned or leased by the applicable QOZB that is real property as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year;

(v) The number of residential units (if any) as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year;

(vi) The approximate average monthly number of full-time equivalent employees of the applicable QOZB whose primary work location is within the population census tract for the calendar year ending with or within the applicable QOZB's taxable year;

(vii) The first date that any QOZ business property was acquired by purchase or leased by the applicable QOZB;

(viii) Whether there is any QOZ business property that the applicable QOZB is substantially improving, as provided in section 1400Z–2(d)(2)(D)(ii), and (if applicable) the date on which that improvement began; and

(ix) Whether the applicable QOZB is utilizing a working capital safe harbor, as provided in § 1.1400Z2(d)–1(d)(3)(v), and (if applicable) the date that the working capital safe harbor is expected to end;

(7) Whether the applicable QOZB used the applicable financial statement valuation method as defined in § 1.1400Z2(d)–1(b)(3) or the alternative valuation method as defined in § 1.1400Z2(d)–1(b)(4) to value the property necessary to provide the information set forth in paragraphs (d)(1) through (8) of this section; and

(8) Such other information as required by the form or instructions.

(e) [Reserved]

(f) *Information with respect to each reportable investor.* To the extent applicable, the return of information described in paragraph (b) of this section must also include the information set forth in paragraphs (f)(1) through (7) of this section with respect to each reportable investor that has a disposition event during the calendar year in which the QOF's taxable year began.

(1) The name, address, and taxpayer identification number of the reportable investor;

(2) For each share of stock or partnership interest in the QOF to which the disposition event applies, the date of the disposition event;

(3) For each share of stock or partnership interest in the QOF to which the disposition event applies, the date that such share or interest was acquired by the reportable investor;

(4) The amount of cash plus the fair market value of property received by the QOF in exchange for the shares or partnership interest in the QOF when first acquired by the reportable investor;

(5) The total number of shares of stock or partnership interests in the QOF held immediately before the disposition event and the total number of shares or partnership interests that were disposed;

(6) Whether the disposition event is the result of a voluntary decertification, as defined in § 1.1400Z2(d)–1(a)(3); and

(7) Such other information as required by the forms or instructions.

(g) *Time and manner for filing*—(1) *In general.* A QOF required by paragraph (b) of this section to file Form 8996, *Qualified Opportunity Fund* (or any successor form) must file such form with the IRS in the manner set forth in the instructions to that form by the due date (including extensions) of the QOF's Federal tax return.

(2) *Late or corrected Forms 8996.* A QOF that has not filed Form 8996 in the manner set forth in paragraph (g)(1) of this section, or that has filed that Form but without including all the correct information required to be shown on that Form, may file the original Form 8996 (or a corrected Form 8996) in the manner set forth in the instructions to Form 8996 for a late or corrected filing. *See* § 301.6726–1 of this chapter for penalties that apply to the failure to file timely a correct information return under this section.

(h) *Furnishing requirement for investor statement*—(1) *General requirement and content of the investor statement.* Every QOF required to make a return of information under this section that includes information set forth in paragraph (f) of this section must furnish to the reportable investor whose identifying number is (or is required to be) shown on the return a written statement (investor statement) for each calendar year showing—

(i) The information required by paragraphs (f)(1) through (7) of this section with respect to the reportable investor;

(ii) The name, address, and phone number of a point of contact at the QOF in a position to address questions by the reportable investor regarding the furnished statement;

(iii) A legend stating that the information included on the statement is being reported to the Internal Revenue Service; and

(iv) If applicable, a statement that the reportable investor's election under section 1400Z–2(c) is no longer available because the certification of the entity as a QOF has terminated.

(2) *Time for furnishing investor statements*—(i) *In general.* A QOF must furnish the investor statement required under paragraph (h)(1) of this section on or before March 1 of the calendar year following the calendar year during which the disposition event occurred.

(ii) *Special rule for reportable investors that are brokers.* A QOF that does not know the identity of the reportable investor described in paragraph (a)(14)(i) of this section due to the holding of the stock or partnership interest in the QOF for which a disposition event occurred by a broker, as defined in § 1.6045–1(a)(1), on behalf of a customer, as defined in § 1.6045–1(a)(2), must furnish the investor statement required under paragraph (h)(1) of this section to any broker that is the registered/record owner of the stock or partnership interest in the QOF for which a disposition event occurred and that holds such stock or partnership interest on behalf of a customer on or before January 15 of the calendar year following the calendar year of the disposition event.

(3) *Manner of furnishing investment statements to reportable investors*—(i) *In general.* An investor statement is considered to be furnished to a reportable investor if it is mailed to the last known address of the reportable investor known to the QOF and is considered to be furnished on the date that it is so mailed.

(ii) *Electronic furnishing of investor statements*—(A) *In general.* A QOF may furnish the investor statement required by paragraph (h)(1) of this section in an electronic format in lieu of a paper format by following the procedures set forth in the applicable revenue procedures relating to electronic delivery of payee statements. A QOF that electronically furnishes an investor statement by transmitting it directly to a reportable investor is treated as furnishing the investor statement on the date that the QOF electronically transmits the investor statement. A QOF that electronically furnishes an investor statement to a reportable investor by posting it to an electronically accessible online platform and thereafter sends notice to the reportable investor that the investor statement has been so posted, is treated as furnishing the investor statement on the date that the QOF sends this notice to the reportable investor.

(B) *Special rule for reportable investors that are brokers.* A QOF may furnish the investor statement required by paragraph (h)(1) of this section to a broker described in paragraph (h)(2)(ii) of this section in an electronic format in lieu of a paper format if the broker agrees to such manner of furnishing. A QOF that electronically furnishes an investor statement by transmitting it directly to a broker pursuant to such written agreement is treated as furnishing the investor statement on the date that the QOF electronically transmits the investor statement. A QOF that electronically furnishes an investor statement to a broker pursuant to such written agreement by positing it to an electronically accessible online platform and thereafter sends notice to the broker that the investor statement has been so posted, is treated as furnishing the investor statement on the date that the QOF sends this notice to the broker.

(i) *Cross reference to penalties*—(1) *Information return.* For provisions for failure to file timely a correct information return under this section, *see* § 301.6726–1 of this chapter. *See* § 301.6724–1 of this chapter for the waiver of a penalty if the failure is due to reasonable cause and is not due to willful neglect.

(2) *Investor statements.* For provisions for failure to furnish timely a correct payee statement, *see* § 301.6722 of this chapter. *See* § 301.6724–1 of this chapter for the waiver of a penalty if the failure is due to reasonable cause and is not due to willful neglect.

(j) *Applicability date.* This section applies to information returns and investor statements originally due (without extensions) on or after [date of publication of final regulations in the **Federal Register**].

§ 1.6039L–1 Statements of information required to be furnished by qualified opportunity zone businesses and qualified rural opportunity zone businesses.

(a) *Definitions*—(1) *70-percent tangible property standard.* The term *70-percent tangible property standard* has the same meaning as in § 1.1400Z2(a)–1(b)(2).

(2) *70-percent use test.* The term *70-percent use test* has the same meaning as in § 1.1400Z2(a)–1(b)(3).

(3) *Applicable qualified opportunity zone business.* The term *applicable qualified opportunity zone business,* or *applicable QOZB,* means any entity that meets, intends to meet, or was organized for the purposes of meeting, the requirements to be a qualified opportunity zone business as defined in section 1400Z–2(d)(3)(A) and § 1.1400Z2(d)–1(d) that is—

(i) A corporation in which a qualified opportunity fund holds qualified opportunity zone stock; or

(ii) A partnership in which a qualified opportunity fund holds a qualified opportunity zone partnership interest.

(4) *Applicable QOZB testing dates.* The term *applicable QOZB testing dates* means the applicable QOZB's 6-month testing date and year-end testing date used for determining if the 70-percent tangible property standard and the 70-percent use test have been met.

(i) *Applicable QOZB 6-month testing date.* The term *applicable QOZB 6-month testing date* means the last day of the first 6-month period of the taxable year of the applicable QOZB.

(ii) *Applicable QOZB year-end testing date.* The term *applicable QOZB year-end testing date* means the last day of the taxable year of the applicable QOZB.

(5) *Full-time equivalent employee.* The term *full-time equivalent employee* has the same meaning as in § 1.6039K–1(a)(4).

(6) *Qualified opportunity fund.* The term *qualified opportunity fund,* or *QOF,* means, with respect to an entity's taxable year or portion thereof, any entity that files a self-certification under § 1.1400Z2(d)–1(a)(2)(i) for such taxable year or a portion thereof. For purposes of this section, an entity that files a self-certification under § 1.1400Z2(d)–1(a)(2) for its taxable year is treated as certified as a QOF for the portion of the taxable year beginning on the effective date identified in that self-certification.

(7) *Qualified opportunity zone.* The term *qualified opportunity zone,* or *QOZ,* has the same meaning as in section 1400Z–1(a) and § 1.1400Z2(a)–1(b)(28).

(8) *Qualified opportunity zone business property.* The term *qualified opportunity zone business property,* or *QOZ business property,* has the same meaning as in section 1400Z–2(d)(2)(D) and § 1.1400Z2(a)–1(b)(30).

(9) *Qualified opportunity zone partnership interest.* The term *qualified opportunity zone partnership interest,* or *QOZ partnership interest,* has the same meaning as in section 1400Z–2(d)(2)(C) and § 1.1400Z2(d)–1(c)(3).

(10) *Qualified opportunity zone stock.* The term *qualified opportunity zone stock,* or *QOZ stock,* has the same meaning as in section 1400Z–2(d)(2)(B) and § 1.1400Z2(d)–1(c)(2).

(11) *Real property.* The term *real property* has the same meaning as in § 1.6039K–1(a)(11).

(12) *Relevant QOF.* The term *relevant QOF* means—

(i) With respect to an applicable QOZB that is a corporation, any QOF that holds QOZ stock in such corporation; and

(ii) With respect to an applicable QOZB that is a partnership, any QOF that holds QOZ partnership interest(s) in such partnership.

(13) *Residential unit.* The term *residential unit* has the same meaning as in § 1.6039K–1(a)(13).

(14) *Tangible personal property.* The term *tangible personal property* has the same meaning as in § 1.48–1(c).

(b) *Requirement to furnish qualified opportunity zone business statement.* Every applicable QOZB must furnish to each relevant QOF a written statement (QOZB statement), signed under penalties of perjury, for each calendar year containing the information set forth in paragraphs (b)(1) through (8) of this section (as applicable).

(1) The name, address, and taxpayer identification number of the applicable QOZB;

(2) The percent of equity ownership or (if applicable) capital or profits interest in the applicable QOZB by the relevant QOF as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year;

(3) Total value of tangible property (including tangible property that is qualified opportunity zone business property and tangible property that is not qualified opportunity zone business property) held by the applicable QOZB as of the applicable QOZB testing dates;

(4) The population census tract number(s) in which the QOZ business property directly owned or leased by the applicable QOZB is used, and for each of these census tracts—

(i) The physical address of the QOZB's business activity;

(ii) The North American Industry Classification System (NAICS) code that applies to the QOZB's business activity;

(iii) As of the applicable QOZB testing dates—

(A) The total value of QOZ business property directly owned by the applicable QOZB; and

(B) The total value of QOZ business property directly leased by the applicable QOZB;

(iv) The total value of QOZ business property directly owned or leased by the applicable QOZB that is real property as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year;

(v) The number of residential units (if any) as of December 31 of the calendar year ending with or within the applicable QOZB's taxable year;

(vi) The approximate average monthly number of full-time equivalent employees of the applicable QOZB whose primary work location is within the population census tract for the calendar year ending with or within the applicable QOZB's taxable year;

(vii) The first date that any QOZ business property was acquired by purchase or leased by the applicable QOZB;

(viii) Whether there is any QOZ business property that the applicable QOZB is substantially improving, as provided in section 1400Z–2(d)(2)(D)(ii), and, if applicable, the date on which that improvement began; and

(ix) Whether the applicable QOZB is utilizing a working capital safe harbor, as provided in § 1.1400Z2(d)–1(d)(3)(v), and, if applicable, the date that the working capital safe harbor is expected to end;

(5) For the applicable QOZB's taxable year, an attestation that the applicable QOZB meets all the requirements of section 1400Z–2(d)(3) and § 1.1400Z2(d)–1(d) including that—

(i) The applicable QOZB meets the 70-percent tangible property standard;

(ii) The applicable QOZB meets the gross income requirement under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3)(i);

(iii) The applicable QOZB meets the use of intangible property requirement under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3)(ii);

(iv) The applicable QOZB satisfies the non-qualified financial property limitation under section 1400Z–2(d)(3)(A)(ii) and § 1.1400Z2(d)–1(d)(3)(iv); and

(v) The trade or business of the applicable QOZB is not described in section 144(c)(6)(B);

(6) If the applicable QOZB cannot provide the attestation referenced in paragraph (b)(5) of this section because the applicable QOZB does not meet all the requirements of section 1400Z–2(d)(3) and § 1.1400Z2(d)–1(d), an attestation that the applicable QOZB is

utilizing the cure period, as defined in § 1.1400Z2(d)–1(d)(6), to correct its failure to meet the requirements of section 1400Z–2(d)(3) and § 1.1400Z2(d)–1(d) and the month in which the stock or partnership interest of the applicable QOZB lost its qualification as qualified opportunity zone stock or a qualified opportunity zone partnership interest;

(7) Whether the applicable QOZB used the applicable financial statement valuation method as defined in § 1.1400Z2(d)–1(b)(3) or the alternative valuation method as defined in § 1.1400Z2(d)–1(b)(4) to value the property necessary to provide the information set forth in paragraphs (b)(1) through (8) of this section; and

(8) Such other information as required to be reported by the relevant QOF with respect to the applicable QOZB as set forth in Form 8996 (or any successor form) or instructions.

(c) [Reserved]

(d) *Time for and manner of furnishing statements*—(1) *Time for furnishing.* Every applicable QOZB required to furnish a QOZB statement to one or more relevant QOFs under paragraph (b) of this section must furnish such statements on or before the 1st day of the second month following the close of the applicable QOZB's taxable year.

(2) *Manner of furnishing.* An applicable QOZB required by paragraph (b) of this section to furnish a QOZB statement may furnish the statement using any form that includes all the information set forth in paragraph (b) of this section. Notwithstanding the previous sentence, if the IRS prescribes a form for the QOZB statement, the applicable QOZB must use that prescribed form or a form that contains provisions that are substantially similar to those in the prescribed form. A QOZB statement is considered to be furnished to a relevant QOF if it is mailed to the last known address of the relevant QOF and is considered to be furnished on the date that it is so mailed. Alternatively, if the relevant QOF consents in writing to receiving the QOZB statement in an electronic format, an applicable QOZB may furnish the QOZB statement in an electronic format in lieu of a paper format. An applicable QOZB that electronically furnishes a QOZB statement to a relevant QOF pursuant to the relevant QOF's consent is treated as furnishing the QOZB statement on the date that the statement is electronically transmitted to the relevant QOF.

(e) *QOZB statements.* For provisions for failure to furnish timely a correct payee statement, *see* § 301.6722 of this chapter. *See* § 301.6724–1 of this chapter for the waiver of a penalty if the failure is due to reasonable cause and is not due to willful neglect.

(f) *Applicability date.* This section applies to QOZB statements required to be furnished on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 7.** Section 1.6045–1 is amended by:

■ 1. Adding a sentence to the end of paragraph (a)(9)(i);

■ 2. Revising paragraph (c)(3)(i)(B)(*1*);

■ 3. Adding a sentence after the second sentence of paragraph (d)(2)(i)(A); and

■ 4. Adding a sentence to the end of paragraph (q).

The revision and additions read as follows:

§ 1.6045–1 Returns of information of brokers and barter exchanges.

(a) * * *

(9) * * *

(i) * * * The term sale also includes an inclusion event as defined in § 1.1400Z2(b)–1(c).

* * * * *

(c) * * *

(3) * * *

(i) * * *

(B) * * *

(*1*) A corporation as defined in section 7701(a)(3), whether domestic or foreign, except that this exclusion does not apply to sales of covered securities acquired on or after January 1, 2012, by an S corporation as defined in section 1361(a) and does not apply to the reporting of any sale described in paragraph (a)(9)(i) of this section that is an inclusion event as defined in § 1.1400Z2(b)–1(c);

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) * * * In addition, a broker must also report on Form 1099–B whether the sale constitutes a disposition of ownership of an interest in a qualified opportunity fund or an inclusion event as defined in § 1.1400Z2(b)–1(c). * * *

* * * * *

(q) * * * This section applies to information returns required to be filed after [date of publication of final regulations in the **Federal Register**].

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 8.** The authority citation for part 301 is amended by adding an entry for § 301.6726–1 in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

* * * * *

Section 301.6726–1 also issued under 26 U.S.C. 6726.

* * * * *

§ 301.6011–2 [Amended]

■ **Par. 9.** Section 301.6011–2 is amended by, in paragraph (b)(1), removing the language ''Form 8027,'' and adding the language ''Form 8027, Form 8996,'' in its place.

■ **Par. 10.** Section 301.6011–3 is amended by adding sentences to the ends of paragraphs (d)(4) and (f) to read as follows:

§ 301.6011–3 Required use of electronic form for partnership returns.

* * * * *

(d) * * *

(4) * * * For purposes of this section, a form or schedule required to be included with or attached to a partnership return does not include an information return, such as Form 8996, that is required to be filed by attachment to a partnership return.

* * * * *

(f) * * * The revisions to this section applicable to Forms 8996 apply to partnership returns required to be filed after [date of publication of final regulations in the **Federal Register**].

■ **Par. 11.** Section 301.6011–5 is amended by adding sentences to the end of paragraphs (d)(4) and (f) to read as follows:

§ 301.6011–5 Required use of electronic form for corporate income tax returns.

* * * * *

(d) * * *

(4) * * * For purposes of this section, a form, schedule, or statement required to be attached to a corporate income tax return does not include an information return, such as Form 8996, that is required to be filed by attachment to a corporate income tax return.

* * * * *

(f) * * * The revisions to this section applicable to Forms 8996 apply to corporate income tax returns required to be filed beginning after [date of publication of final regulations in the **Federal Register**].

■ **Par. 12.** Section 301.6037–2 is amended by adding sentences to the ends of paragraphs (d)(3) and (f) to read as follows:

§ 301.6037–2 Required use of electronic form for returns of electing small business corporation.

* * * * *

(d) * * *

(3) * * * For purposes of this section, a form, schedule, or statement required to be attached to an electing small business corporation return does not

include an information return, such as Form 8996, that is required to be filed by attachment to a corporate income tax return.

* * * * *

(f) * * * The revisions to this section applicable to Forms 8996 apply to electing small business corporation returns required to be filed after [date of publication of final regulations in the **Federal Register**].

■ **Par. 13.** Section 301.6722–1 is amended by:

■ 1. Removing the word ''or'' from the end of paragraph (e)(2)(xxxvii); and

■ 2. Adding paragraphs (e)(2)(xxxix) and (xl), and (g)(2)(iii).

The additions read as follows:

§ 301.6722–1 Failure to furnish correct payee statements.

* * * * *

(e) * * *

(2) * * *

(xxxix) Section 6039K(c) (relating to reporting of investor dispositions and voluntary decertifications with respect to qualified opportunity funds); or

(xl) Section 6039L (relating to information required from certain qualified opportunity zone businesses).

* * * * *

(g) * * *

(2) * * *

(iii) Paragraphs (e)(2)(xxxix) and (xl) of this section apply with respect to payee statements required to be furnished on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 14.** Section 301.6724–1 is amended by:

■ 1. In paragraph (g)(1), removing the language ''6721 through 6723'' wherever it appears, and adding the language ''6721 through 6723 and 6726'' in its places;

■ 2. Removing the word ''or'' from the end of paragraph (g)(1)(i)(B);

■ 3. Adding paragraph (g)(1)(i)(D);

■ 4. Removing the word ''and'' from the end of paragraph (j)(2);

■ 5. In paragraph (j)(3), removing the period at the end of the paragraph and adding the language ''; and'' in its place;

■ 6. Adding paragraph (j)(4);

■ 7. In paragraph (n), removing the language ''6721 through 6723'' and adding the language ''6721 through 6723 and 6726'' in its place;

■ 8. In paragraph (o)(1), removing the language ''paragraphs (o)(2) and (3)'' wherever it appears, and adding the language ''paragraphs (o)(2) through (4)'' in its places; and

■ 9. Adding paragraph (o)(4).

The additions read as follows:

§ 301.6724–1 Reasonable cause.

* * * * *

(g) * * *

(1) * * *

(i) * * *

(D) Information return as required by § 1.6039K(a)–1 of this chapter; or

* * * * *

(j) * * *

(4) A failure described under § 301.6726–1(a)(2) relating to the failure to file a timely correct information return as required by section 6039K(b)(1).

* * * * *

(o) * * *

(4) *Information returns and payee statements required under §§ 1.6039K–1 and 1.6039L–1* of this chapter. This section applies to information returns required to be filed under § 1.6039K–1 of this chapter (without extensions) and payee statements required to be furnished under § 1.6039L–1 of this chapter on or after [date of publication of final regulations in the **Federal Register**].

■ **Par. 15.** Section 301.6726–1 is added to read as follows:

§ 301.6726–1 Failure to comply with information reporting requirements relating to qualified opportunity funds and qualified rural opportunity funds.

(a) *Imposition of penalty*—(1) *General rule.* A penalty of $500 is imposed under section 6726 of the Internal Revenue Code (Code) for each day that a person, required to file an information return under section 6039K of the Code (section 6039K return), fails to file such return under paragraph (a)(2) of this section. No more than one penalty will be imposed under this paragraph (a)(1) with respect to a single section 6039K return even though there may be more than one failure with respect to such return. *See* paragraph (b) of this section for the maximum penalty that may be imposed under this section with respect to any one section 6039K return. *See* paragraph (c) of this section for higher penalties if a failure is due to intentional disregard of the requirement to file timely correct information returns. *See* paragraph (d) of this section for inflation adjustments to penalty amounts. *See* § 301.6724–1(a)(1) for waiver of the penalty for a failure that is due to reasonable cause.

(2) *Failures subject to the penalty*—(i) *Scope.* The failures to which section 6726(a)(1) apply are—

(A) A failure to file the section 6039K return on or before the required filing date (failure to file timely); and

(B) A failure to include all the information required to be shown on the section 6039K return or including incorrect information (failure to include correct information).

(ii) *Other rules.* A failure to file timely includes a failure to file in the required manner, for example, electronically or in other machine-readable form as provided under section 6011(e) of the Code. A failure to include correct information under paragraph (a)(2)(i)(B) of this section encompasses a failure to include all information required by § 1.6039K–1(b) of this chapter, Form 8996, or any successor form, and any instructions to such form. A failure to include information in the correct format may be either a failure to file timely an information return or a failure to include correct information on the information return. For example, an error on an electronic submission to the Internal Revenue Service that prevents processing by the Internal Revenue Service may constitute a failure to file timely. However, if information is set forth on the wrong field of the electronic submission, that error may constitute a failure to file timely or a failure to include correct information, depending upon the extent of the failure.

(3) *Termination of penalty when a correction made.* The per-day penalty imposed under this paragraph (a) for any failure to file the section 6039K return will terminate on the day that the QOF files the section 6039K return (showing all the correct information required to be shown on the section 6039K return) as provided in § 1.6039K–1(g) of this chapter.

(4) *Example.* R is a corporation with gross assets that are not in excess of $10,000,000. R is a qualified opportunity fund required under section 6039K to file a section 6039K return each year. For calendar year 2026, R fails to file its section 6039K return by the March 15, 2027, due date for that return. On March 30, 2027, R files a complete and correct section 6039K return. Because the penalty under this paragraph (a) applies for each day for which the person required to file section 6039K return fails to file such return, R would be subject to a $7,500 penalty ($500 × 15 days).

(b) *Limitation on penalties*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, the total penalty amount imposed on any person under paragraph (a) of this section for any failure under paragraph (a)(2) of this section with respect to a single section 6039K return may not exceed $10,000.

(2) *Higher limitation on the maximum penalty for Large QOFs.* In the case of any failure under paragraph (a)(2) of this section with respect to a single section 6039K return required to be filed by a QOF the gross assets of which (determined on the last day of the QOF's taxable year) are in excess of

$10,000,000, the total penalty amount imposed under paragraph (a)(2) of this section may not exceed $50,000.

(c) *Higher penalty for intentional disregard of requirement to file timely correct information return*—(1) *Application of section 6726(a).* If a failure described in paragraph (a)(2) of this section is due to intentional disregard of the requirement to file timely or to include correct information on a return, the penalty amount imposed under paragraph (a)(1) of this section must be determined under paragraph (c)(4) of this section.

(2) *Meaning of intentional disregard.* A failure is due to intentional disregard if it is a knowing or willful—

(i) Failure to file timely; or

(ii) Failure to include correct information. Whether a person knowingly or willfully fails to file timely or fails to include correct information is determined on the basis of all the facts and circumstances in the particular case.

(3) *Facts and circumstances considered.* The facts and circumstances that are considered in determining whether a failure is due to intentional disregard include, but are not limited to—

(i) Whether the failure to file timely or the failure to include correct information is part of a pattern of conduct by the person who filed the information return of repeatedly failing to file timely or repeatedly failing to include correct information;

(ii) Whether correction was promptly made upon discovery of the failure;

(iii) Whether the filer corrects a failure to file or a failure to include correct information within 30 days after the date of any written request from the IRS to file or to correct; and

(iv) Whether the amount of the information reporting penalties is less than the cost of complying with the requirement to file timely or to include correct information on an information return.

(4) *Amount of the penalty.* If one or more failures to file timely or to include correct information are due to intentional disregard of the requirement to file timely or to include correct information, then, with respect to each failure determined under this paragraph (c)—

(i) The per-day penalty set forth in paragraph (a)(1) of this section applies by substituting ''$2,500'' for ''$500'';

(ii) The limitation on penalties set forth in paragraph (b)(1) of this section applies by substituting ''$50,000'' for ''$10,000''; and

(iii) The higher limitation on the maximum penalty for Large QOFs set forth in paragraph (b)(2) of this section applies by substituting ''$250,000'' for ''$50,000'';

(d) *Adjustment for inflation.* Each of the dollar amounts under paragraphs (a)(1), (b)(1) and (2), and (c)(4)(i) through (iii) of this section will be adjusted for inflation pursuant to section 6726(d).

(e) *Applicability date.* This section applies with respect to information returns required to be filed by corporations (without regard to extensions of the filer's annual tax return) and partnerships (without regard to extensions of the filer's annual return) on or after [date of publication of final regulations in the **Federal Register**].

Frank J. Bisignano,

Chief Executive Officer.

[FR Doc. 2026–18574 Filed 9–10–26; 8:45 am]

BILLING CODE 4831–GV–P

FEDERAL REGISTER

Vol. 91 Friday,
No. 175 September 11, 2026

Part III

The President

Executive Order 14426—Accelerating Access to Veterans' Benefits and Employment Opportunities
Executive Order 14427—Adjusting Certain Delegations Under the Defense Production Act

Federal Register
Vol. 91, No. 175
Friday, September 11, 2026

Presidential Documents

Title 3—

The President

Executive Order 14426 of September 8, 2026

Accelerating Access to Veterans' Benefits and Employment Opportunities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* Millions of brave men and women have served in our Armed Forces with courage, commitment, and sacrifice, guaranteeing our security, prosperity, and freedom. These veterans deserve the best available services in return. However, outdated and unwieldy records management and data systems and procedures hinder military personnel file and medical record sharing between the Department of War and the Department of Veterans Affairs, which complicates the effective transition of military personnel from active-duty service to civilian life. Such complications result in delays in healthcare coverage, benefits processing and payment, education opportunities, and job training and placement for our Nation's veterans. This order rectifies this problem and ensures that veterans promptly receive the benefits and services to which they are entitled.

Sec. 2. *Requiring Prompt Sharing of Military Personnel and Medical Records.* (a) The Secretary of War and the Secretary of Veterans Affairs shall:

(i) within 180 days of the date of this order, establish updated information technology systems and policy guidance and memoranda to ensure, between the Department of War and the Department of Veterans Affairs, the permanent, prospective, and ongoing sharing of all Official Military Personnel Files and Service Treatment Records from the moment an individual enters into military service until such time as he or she no longer requires benefits from the Department of Veterans Affairs, consistent with 38 U.S.C. 5103A, 38 U.S.C. 8111, 38 U.S.C. 7332(e), 5 U.S.C. 552a, and any other applicable statutes;

(ii) within 180 days of the date of this order, create and deploy new digital tools using artificial intelligence and other emerging capabilities to streamline veterans' applications for and access to benefits earned through military service in a comprehensive single source that includes job training and opportunities offered by the Department of Labor; and

(iii) within 30 days of the date of this order and at all times thereafter, ensure all current service member Official Military Personnel Files, health records, and Service Treatment Records are shared by the Department of War, or any service component thereof, with the Department of Veterans Affairs immediately when a service member is discharged or released from the Armed Forces.

(b) Within 120 days of the date of this order, the Secretary of War and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services (HHS), including HHS's Office of the National Coordinator for Health Information Technology, and the Director of the Office of Management and Budget (OMB), including OMB's Federal Chief Information Officer and the Administrator for Federal Procurement Policy, shall review and modify, to the extent consistent with law and Federal procurement policy, any existing contracts for information technology systems and software relevant to the purpose of this order, including by adding a requirement that such systems be interoperable with any other military personnel records system, health records system, or Service Treatment Records system operated by the Department of War and the Department of Veterans Affairs,

and shall ensure that all future contracts for medical and personnel information technology systems and software include this requirement.

Sec. 3. *Accelerating Veterans' Access to Quality Employment.* Within 180 days of the date of this order and at all times thereafter as applicable, the Secretary of War, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall update the Transition Assistance Program and other workforce programs authorized at 10 U.S.C. 1142, 10 U.S.C. 1143, 10 U.S.C. 1144, and 38 U.S.C. 4113 to ensure every service member leaving active military service is, to the maximum extent practicable and applicable:

(a) either:

(i) connected to specific, open jobs in fields related to their skills, interests, and the specific goals outlined in America's Talent Strategy or the Department of War's Project Patriot Pipeline, prior to separation from active service; or

(ii) enrolled, at his or her discretion, in career and technical education, an eligible Department of Labor-funded employment or training program, or a registered apprenticeship, as applicable, for which he or she has priority under 38 U.S.C. 4215; and

(b) connected with appropriate veterans' representatives acting on behalf of a Federal, State, or local government to facilitate their application for healthcare, disability, home loan, job placement, or education benefits.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

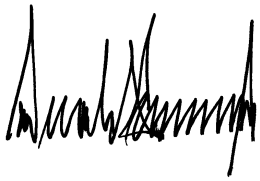
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Veterans Affairs.



THE WHITE HOUSE,
September 8, 2026.

[FR Doc. 2026–18738
Filed 9–10–26; 11:15 am]
Billing code 8320–01–P

Presidential Documents

Executive Order 14427 of September 8, 2026

Adjusting Certain Delegations Under the Defense Production Act

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.* This order amends Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness), as amended by Executive Order 14391 of March 13, 2026 (Adjusting Certain Delegations Under the Defense Production Act). Executive Order 13603 delegates certain authorities of the President under the Defense Production Act (50 U.S.C. 4501 *et seq.*), to specified executive department and agency (agency) heads.

Sec. 2. *Amendment to Executive Order 13603.* (a) Section 201(a)(2) of Executive Order 13603 is hereby amended by striking ''the Secretary of Energy with respect to all forms of energy'' and inserting, in lieu thereof, the following: ''the Secretary of the Interior and the Secretary of Energy with respect to all forms of energy under their purview, each of whom may exercise such delegated authority independently of the other;''.

(b) Section 201(d) of Executive Order 13603 is hereby amended by deleting the period at the end of the sentence, replacing it by a comma, and adding the following thereafter: ''except that, if such dispute between the two Secretaries relates to any form of energy, it shall be referred in the first instance to the National Energy Dominance Council for resolution, unless the matter implicates national defense infrastructure or military operations, in which case the matter shall be referred to both the National Energy Dominance Council and the National Security Council, each of which shall coordinate with the Department of War in the course of resolving the matter.''

(c) Section 202(b) of Executive Order 13603 is hereby amended by striking ''the Secretary of Energy with respect to energy production and construction, distribution and use, and directly related activities'' and inserting, in lieu thereof, the following: ''the Secretary of the Interior and the Secretary of Energy and with respect to energy production and construction, distribution and use, and directly related activities, each of whom may exercise such delegated authority independently of the other;''.

(d) Section 203 of Executive Order 13603 is hereby amended by striking the paragraph in its entirety and replacing it with the following: ''The authorities of the President under section 101(c)(1)–(2) of the Act, 50 U.S.C. App. 2071(c)(1)–(2), are delegated to the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Energy, each of whom may exercise such delegated authority independently of the other.''

Sec. 3. *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

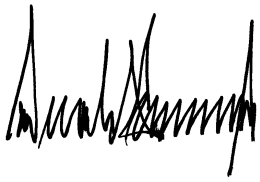
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(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 the Interior.



THE WHITE HOUSE,
September 8, 2026.

[FR Doc. 2026–18739
Filed 9–10–26; 11:15 am]
Billing code 4310–10–P

Reader Aids

Federal Register

Vol. 91, No. 175

Friday, September 11, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–741–6000**

Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

56001–56370 1
56371–56548 2
56549–56740 3
56741–57062 4
57063–57244 8
57245–57490 9
57491–57774 10
57775–58008 11

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
11060 57769

Executive Orders:
14422 56543
14423 56737
14424 57761
14425 57765
14426 58003
14427 58007

Administrative Orders:
Notices:
Notice of August 31, 2026 56547
Notice of September 8, 2026 57773

5 CFR

1201 56549

7 CFR

210 57245
215 57245
220 57245
225 57245
226 57245
761 56741
762 56741
763 56741
764 56741
765 56741
766 56741
767 56741
768 56741
770 56741
772 56741
773 56741
774 56741

Proposed Rules:
1210 57275

8 CFR

101 57249
264 57249

Proposed Rules:
106 57516
204 57807
214 57807

9 CFR

Proposed Rules:
101–118 57828
123 57828
124 57828

10 CFR

72 56574
433 56371
435 56371
452 56001

Proposed Rules:
30 57728
40 57728
50 57728
52 57728
53 57728
70 57728
72 57728

12 CFR

4 56004
305 56004
337 56022

Proposed Rules:
4 56074

14 CFR

39 ..... 56575, 56578, 56581, 56584, 57491, 57775, 57777, 57780, 57782
71 ..... 56775, 57492
97 56587
234 56588

Proposed Rules:
39 ..... 56081, 56377, 56601, 57275, 57278, 57281, 57516, 57519, 57521, 57829
67 56798
71 ..... 56083, 56809, 56810
93 56380

15 CFR

Proposed Rules:
60 57524
70 57524

16 CFR

Proposed Rules:
1263 56604

17 CFR

Ch. I 56593
50 57063
279 56593

Proposed Rules:
240 ..... 56387, 56946
249b 56946
275 57698

19 CFR

Proposed Rules:
141 56408
142 56408
143 56408
163 56408

21 CFR

862 57493
870 ..... 57495, 57498, 57500, 57785
874 57502
876 57504
880 57507
892 57509

Proposed Rules:
573.....57531

22 CFR
126.....57787

23 CFR
658.....57789
771.....56029

26 CFR
1.....57214
301.....57214
Proposed Rules:
1 .....56811, 57832, 57968
301.....57968

28 CFR
27.....56049

29 CFR
2701.....57258

30 CFR
926.....56050

31 CFR
Ch. V.....57795
560.....57511
582.....57791
591.....57791, 57793
594.....57794
599.....57794
1010.....56776
Proposed Rules:
1010.....56085

33 CFR
100 .....56596, 57512, 57795, 57796
117.....56778, 57258
165 .....56051, 56372, 56373, 56374, 56597, 56779, 57089, 57259, 57796
Proposed Rules:
328.....57284

36 CFR
Proposed Rules:
4.....56095
294.....57841

39 CFR
111.....56052
Proposed Rules:
111.....57301

40 CFR
52.....57260, 57262
80.....56780
Proposed Rules:
52.....57302
120.....57284
122.....56819
257.....57842

43 CFR
Proposed Rules:
3130.....57091

45 CFR
Proposed Rules:
211.....56826
1390.....56826

46 CFR
502.....56053

47 CFR
1.....56598, 57798
2.....57798
64.....57513
Proposed Rules:
0.....57454
1.....57454
2.....57110
64.....57454
73.....56605

48 CFR
9903.....56056, 56061
9904.....56061

49 CFR
92.....57801
98.....57801
264.....56029
367.....56063
571.....57265
622.....56029

50 CFR
17.....56783
32.....56290
71.....56290
648.....57803, 57804
660.....56599
679 .....56072, 57274, 57805
Proposed Rules:
17.....57531
622.....57532
679.....56606

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List September 4, 2026

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.