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Contents

Federal Register

Vol. 91, No. 184

Thursday, September 24, 2026

Agriculture Department

See Animal and Plant Health Inspection Service

See Food and Nutrition Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60573

Animal and Plant Health Inspection Service

PROPOSED RULES

Amendments to Import Requirements for Highly Pathogenic Avian Influenza, 60521–60524

Children and Families Administration

NOTICES

Single-Source Cooperative Agreement:

International Rescue Committee in New York, NY, 60625

Civil Rights Cold Case Records Review Board

NOTICES

Formal Determination on Records Release, 60576–60577

Commerce Department

See Foreign-Trade Zones Board

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

See Patent and Trademark Office

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement List; Additions and Deletions, 60602–60605

Consumer Product Safety Commission

PROPOSED RULES

Substantial Product Hazard List:

Requirements for Window Covering Cords, 60546–60568

Drug Enforcement Administration

NOTICES

Importer, Manufacturer or Bulk Manufacturer of Controlled Substances; Application, Registration, etc.:

Cambridge Isotope Laboratories, Inc., 60649–60650, 60655

Cayman Chemical Co., 60650–60655

Eli-Elsohly Laboratories, 60649

Fisher Clinical Services, Inc. (I), 60655

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Federal Direct PLUS Loan Request for Supplemental Information, 60605

Stronger Connections Grant Program Annual Performance Report, 60605–60606

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Alabama; Transportation Conformity, 60518–60520

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

EPA Program Information on Source Water Protection, 60623–60624

Establishing No-Discharge Zones under Clean Water Act Section 312, 60620–60621

National Emission Standards for Hazardous Air

Pollutants for Aluminum, Copper, and Other Non-Ferrous Foundries, 60621–60622

NESHAP for Primary Magnesium Refining, 60618

NESHAP for Semiconductor Manufacturing, 60622–60623

NESHAP for the Surface Coating of Large Household and Commercial Appliances, 60615

Proposed Consent Decree:

Clean Air Act Citizen Suit, 60619–60620

Reconsideration of Air Plan Disapproval:

Texas; Control of Air Pollution from Visible Emissions and Particulate Matter, 60616–60618

Federal Aviation Administration

PROPOSED RULES

Airworthiness Directives:

Bombardier, Inc., Airplanes, 60525–60530

Flight Operations:

Pilot requirements; Use of oxygen, 60530–60546

NOTICES

Petition for Exemption; Summary:

Air Methods, LLC, 60694

David Gilson, 60693–60694

Victory Air, LLC, 60694–60695

Federal Deposit Insurance Corporation

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60624

Federal Energy Regulatory Commission

NOTICES

Application:

GR Catalyst One, LLC, 60608–60609

Transcontinental Gas Pipe Line Co., LLC, 60613–60615

Combined Filings, 60609–60610

Licenses; Exemptions, Applications, Amendments, etc.:

GR Catalyst One, LLC Proposed Stillwater Hydroelectric Project, 60606–60608

Scoping Period on Environmental Issues:

LED Enterprises, LLC, Planned Yuma Pipeline Project; Public Scoping Session, 60610–60613

Federal Highway Administration

NOTICES

Modification of the Application Process for Special Experimental Project 16 and Test and Evaluation Project 045, 60695–60696

Federal Motor Carrier Safety Administration**NOTICES**

Exemption Application:

Qualification of Drivers; Hearing, 60696–60698

Federal Reserve System**NOTICES**

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 60624–60625

Federal Trade Commission**RULES**

Rules of Practice, 60510–60518

Food and Drug Administration**NOTICES**

Request for Information:

Improving Patient Access to Deceased Donor Islet Cells and Cell Products, 60632–60637

Food and Nutrition Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Generic Clearance for FNA Quick Response Surveys, 60575–60576

Hearings, Meetings, Proceedings, etc.:

Turnip the Beet High Quality Summer Meals Program, 60573–60575

Foreign-Trade Zones Board**NOTICES**

Application for Subzone:

Applied Materials, Inc., Foreign-Trade Zone 183, Austin and Pflugerville, TX; Withdrawal, 60578

Caguas Expressway Motors, LLC, Foreign-Trade Zone 61, Caguas, PR, 60581

JAS Forwarding (USA), Inc., Foreign-Trade Zone 38, Greer, SC, 60577

Magna Mirrors of America Inc., Foreign-Trade Zone 38, Duncan, SC, 60578

Perimeter Global Logistics, Foreign-Trade Zone 168, Grand Prairie, TX, 60577–60578

Schaeffler Group USA Inc., Foreign-Trade Zone 38, Fort Mill, SC, 60580

Approval of Subzone Status:

AUMOVIO Systems, Inc., Foreign-Trade Zone 57, Morganton, NC, 60579

Total Distribution Inc., Foreign-Trade Zone 40, Mogadore, OH, 60581

Notification of Proposed Production Activity;

Rochester Electronics, LLC, Foreign-Trade Zone 27, Newburyport, MA, 60580

Proposed Production Activity:

AUMOVIO Systems, Inc., Foreign-Trade Zone 57, Morganton, NC, 60582–60583

Enerflex Energy Systems Inc., Foreign-Trade Zone 84, Houston, TX, 60579

Infinera Corp., Foreign-Trade Zone 272, Allentown, PA, 60580–60581

Merck, Sharp and Dohme LLC, Foreign-Trade Zone 49, Rahway, NJ, 60578–60579

Olon USA LLC, Foreign-Trade Zone 40, Concord, OH, 60581–60582

Piramal Critical Care, Inc., Foreign-Trade Zone 272, Bethlehem, PA, 60577

Health and Human Services Department

See Children and Families Administration

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

PROPOSED RULES

Medicare Part D Reasonable and Relevant Pharmacy

Contracting Standards, 60568–60572

NOTICES

Request for Information:

Improving Patient Access to Deceased Donor Islet Cells and Cell Products, 60632–60637

Health Resources and Services Administration**NOTICES**

Health Center Program Performance Period Extensions, 60626–60632

Request for Information:

Improving Patient Access to Deceased Donor Islet Cells and Cell Products, 60632–60637

Housing and Urban Development Department**NOTICES**

Civil Monetary Penalty Amounts for 2026, 60637–60638

Department of Housing and Urban Development Evaluation Policy, 60638–60639

Informal Presentation of Views, 60639–60640

Industry and Security Bureau**RULES**

Measures to Restrict Stockpiling of Polysilicon and

Polysilicon Derivatives under Proclamation 11052, 60505–60510

Internal Revenue Service**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Tax Return Preparer Complaint Process and Fraud or Misconduct Affidavit, 60698–60699

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Freight Rail Couplers and Parts Thereof from India, 60595–60598

Certain Oil Country Tubular Goods from the Republic of Korea, 60583–60584

Certain Vertical Shaft Engines Between 99cc and 225cc, and Parts Thereof, from the People's Republic of China, 60587–60588

Common Alloy Aluminum Sheet from the People's Republic of China, Bahrain, Brazil, et al., 60591–60593

Large Diameter Graphite Electrodes from the People's Republic of China, 60593–60595

Tris(hydroxymethyl)aminomethane from the People's Republic of China, 60585–60587

Sales at Less Than Fair Value; Determinations, Investigations, etc.:

Certain Freight Rail Couplers and Parts Thereof from India, 60588–60591

Certain Freight Rail Couplers and Parts Thereof from the Czech Republic, 60598–60600

N-Cyclohexylbenzothiazole-2-Sulfenamide from the People's Republic of China, 60600

International Trade Commission**NOTICES**

Complaint, 60644–60645

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Boiler Protection for Absorption Refrigeration Systems and Components Thereof, 60640–60642

Certain Flash-Spun Nonwoven Materials and Products Containing Same, 60647–60649

Certain Glass Substrates for Liquid Crystal Displays, Products Containing the Same, and Methods for Manufacturing the Same, 60642–60644

Certain Wearable Breast Pumps, Associated Milk Storage Containers, and Components Thereof, 60645–60646

Perfluoroalkoxy Alkane from India, 60646–60647

Justice Department

See Drug Enforcement Administration

National Institutes of Health**NOTICES**

Hearings, Meetings, Proceedings, etc.:

National Institute on Deafness and Other Communication Disorders, 60637

National Oceanic and Atmospheric Administration**NOTICES**

Hearings, Meetings, Proceedings, etc.:

Pacific Fishery Management Council, 60600–60601

National Science Foundation**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

National Science Foundation Request for Proposals, 60655–60656

Nuclear Regulatory Commission**PROPOSED RULES**

Regulatory Enhancements for Reactor Licensing, Decommissioning, and Operational Oversight, 60702–60790

NOTICES

Order:

Department of the Air Force; Confirmatory Order Modifying License, 60656–60660

Patent and Trademark Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Generic Clearance for Information Pertaining to Events, Registrations, and Programs, 60601–60602

Postal Regulatory Commission**NOTICES**

New Postal Products, 60660–60661

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60661–60662, 60665

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe Exchange, Inc., 60661

Coinbase Derivatives, LLC, 60670–60673

Nasdaq ISE, LLC, 60669–60670

NYSE National, Inc., 60673–60676

NYSE Texas, Inc., 60662–60665

Texas Stock Exchange LLC, 60665–60669

Small Business Administration**PROPOSED RULES**

Small Business Size Standards, 60524–60525

NOTICES

Disaster Declaration:

Kentucky, Public Assistance Only, 60676–60677

Maryland, 60677

Privacy Act; Matching Program; Correction, 60677

Surrender of License of Small Business Investment Company:

Aldine Capital Fund II, LP, 60677

Social Security Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 60677–60692

State Department**NOTICES**

Hearings, Meetings, Proceedings, etc.:

Cultural Property Advisory Committee, 60692

Susquehanna River Basin Commission**NOTICES**

Hearings, Meetings, Proceedings, etc.:

Actions Taken, 60692–60693

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Motor Carrier Safety Administration

Treasury Department

See Internal Revenue Service

See United States Mint

United States Mint**NOTICES**

Hearings, Meetings, Proceedings, etc.:

Citizens Coinage Advisory Committee, 60699

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

IBM SkillsBuild Training Program Intake Application, 60699–60700

Separate Parts In This Issue**Part II**

Nuclear Regulatory Commission, 60702–60790

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.

9 CFR	
Proposed Rules:	
93	60521
94	60521
10 CFR	
Proposed Rules:	
20	60702
21	60702
50	60702
52	60702
53	60702
55	60702
70	60702
72	60702
75	60702
13 CFR	
Proposed Rules:	
121	60524
14 CFR	
Proposed Rules:	
39	60525
91	60530
135	60535
15 CFR	
705	60505
16 CFR	
Ch. I	60514
4	60510
5	60510
Proposed Rules:	
1120	60546
40 CFR	
52	60518
42 CFR	
Proposed Rules:	
423	60568

Rules and Regulations

Federal Register

Vol. 91, No. 184

Thursday, September 24, 2026

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 705

[Docket No. 260915–0004]

RIN 0694–AK57

Measures To Restrict Stockpiling of Polysilicon and Polysilicon Derivatives Under Proclamation 11052

AGENCY: Bureau of Industry and Security, Office of Strategic Industries and Economic Security, U.S. Department of Commerce.

ACTION: Temporary final rule.

SUMMARY: On August 6, 2026, the President issued Proclamation 11052, “Adjusting Imports of Polysilicon and Its Derivatives Into the United States” (Proclamation 11052), ordering the Secretary of Commerce (Secretary) to take action to restrict imports by a company if he determines the company is stockpiling polysilicon or polysilicon derivatives (Polysilicon Products) in advance of import adjustments that will be effective on December 4, 2026. The Bureau of Industry and Security (BIS), in this temporary final rule (TFR), announces the criteria and process it will use to monitor existing companies for evidence of stockpiling, limit a newly established importer’s ability to stockpile, and subject companies that are stockpiling to an import prohibition if necessary. This TFR also establishes the process for such companies to obtain a waiver from any import prohibitions imposed pursuant to this rule, and imposes certain import limitations on new importers that register with U.S. Customs and Border Protection (CBP) on or after August 6, 2026.

DATES: This rule is effective September 22, 2026, through December 3, 2026.

ADDRESSES: Applications for import prohibition waivers must be submitted electronically to: *Polysilicon232@*

bis.doc.gov. Applications can be found at *www.bis.gov/232*.

FOR FURTHER INFORMATION CONTACT:

Stephen Astle, Director, Defense Industrial Base Division, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce (202) 482–4506, *Polysilicon232@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On August 6, 2026, the President issued Proclamation 11052 (91 FR 51975), “Adjusting Imports of Polysilicon and Its Derivatives Into the United States,” finding that imports of polysilicon and polysilicon derivatives threatened to impair the national security of the United States. Based on that finding, the President imposed minimum import prices (MIP) and tariffs on imports of Polysilicon Products pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (Section 232). These import adjustments take effect on December 4, 2026.

In Proclamation 11052, pursuant to Section 232, which authorizes the President to adjust imports of an article and its derivatives such that the imported articles will not threaten to impair the national security, the President authorized the Secretary to take action, in coordination with CBP, to restrict imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, this TFR establishes restrictions on all existing importers of record (IOR) importing Polysilicon Products prior to December 4, 2026. It also provides criteria specifically applicable to new IORs, registered after the signing date of Proclamation 11052, August 6, 2026, to be eligible to import Polysilicon Products prior to December 4, 2026 (including the application process, documentation and certification requirements).

II. Monitoring of Existing Importers of Record

The Department of Commerce (Commerce) is monitoring imports of Polysilicon Products to identify IORs that are stockpiling in advance of December 4, 2026. Commerce will

provide CBP written notice of IORs that are importing Polysilicon Products in volumes substantially greater than their historic averages. CBP will notify the IOR of Commerce’s decision as well as any customs brokers conducting business on behalf of the IOR. These IORs will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026. However, IORs subject to this restriction may apply to Commerce to waive this restriction, according to the conditions laid out in Section IV of this preamble. In determining whether an IOR is importing Polysilicon Products in volumes substantially greater than its historic averages, Commerce will make a fact-specific determination based on factors, including—but not limited to:

- The aggregate volume of Polysilicon Products the importer has imported since Proclamation 11052 was issued on August 6, 2026;
- The weekly average volume of Polysilicon Products the importer is importing since August 6, 2026;
- The weekly average volume of Polysilicon Products the importer imported between January 1, 2026 and August 6, 2026;
- The weekly average volume of Polysilicon Products the importer imported in 2025; and
- The use of affiliates that do not customarily import Polysilicon Products, or the use of new IORs to import Polysilicon Products.

III. Prohibition of Polysilicon Imports by Newly Established Importers of Record

Absent approval from Commerce according to the process detailed in Section IV of this preamble, new IORs that registered with CBP on or after August 6, 2026, are prohibited from importing Polysilicon Products prior to December 4, 2026, in weekly volumes greater than the following quantities for each of the following Harmonized Tariff Schedule of the United States (HTSUS) Subheadings:

- HTSUS 2804.61.00: 12 kg
- HTSUS 3818.00.0020, 3818.00.0040, 3818.00.0045, 3818.00.0050, and 3818.00.0091: 7 kg
- HTSUS 8541.42.00: 2,000 No.
- HTSUS 8541.43.00: 55 No.

These quantities are based on historic import data and are designed to ensure that new IORs can import Polysilicon

Products at or below the typical volumes brought in by existing importers of those products. Commerce may adjust these volumes in the future if it determines such an adjustment is necessary to address stockpiling. Commerce and CBP shall coordinate to take action against importers and customs brokers that establish, use, or facilitate multiple importers of record or other arrangements for the purpose of circumventing the requirements of this program.

New IORs that import Polysilicon Products in weekly volumes that exceed these quantities, absent approval from Commerce, will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026. Commerce will provide CBP written notice of new IORs that exceed these quantities. CBP will notify the new IOR of Commerce's decision as well as any customs brokers conducting business on behalf of the IOR. Customs brokers that enter Polysilicon Products and/or act as the importer of record between September 22, 2026, and December 4, 2026, are reminded of their affirmative obligation to avoid facilitating violations of this Section III. In determining whether a new IOR may be attempting to use a customs broker's services to violate supplement no.1 to part 705, a customs broker should at least consider the following factors:

- *Status:* Whether an IOR is a new IOR that was established on or after August 6, 2026.
- *Import Behavior:* For new IORs, whether the new IOR has made other entries of Polysilicon Products during the current week and, if so, the precise volume of Polysilicon Products that the new IOR has entered.
- *Ownership:* For new IORs, the direct and indirect beneficial owners of the new IOR, whether such owners have created other new IORs to import Polysilicon Products, and whether those other new IORs have met or exceeded the quantities provided for in supplement no. 1 to part 705 (also specified in Section III of this preamble).
- *Disposition of the Merchandise:* For new IORs, the ultimate consignee and delivery user, and whether the goods will be transferred to or used for the benefit of an IOR subject to a prohibition under supplement no. 1 to part 705.

Actions by customs brokers to evade the prohibition on stockpiling Polysilicon Products may result in CBP enforcement actions. These enforcement actions could potentially include but are not limited to: proceedings to revoke or

suspend the customs broker's license under 19 CFR 111.53 or issuance of a broker penalty or penalties under 19 U.S.C. 1641. As per 19 CFR 111.32, a customs broker must not file or procure or assist in the filing of any claim, or of any document, affidavit, or other papers, known by such customs broker to be false. Additionally, customs brokers are further reminded that they must not give, solicit, or procure the giving of information that the customs broker knows or should know to be false or misleading in any matter pending before the Department of Homeland Security (DHS) or any DHS representative.

IV. Application Process

Companies that are prohibited or restricted from importing Polysilicon Products into the United States prior to December 4, 2026, may apply to Commerce for a waiver. For existing IORs subject to a prohibition, waivers will allow the company to resume importing Polysilicon Products; for new IORs subject to a quantitative import restriction, waivers will allow the company to import Polysilicon Products in quantities subject to the stockpiling restrictions applicable to existing IORs under paragraphs (a) through (d) in supplement no. 1 to part 705. Applications can be found at www.bis.gov/232. Applicants must submit the application and associated documentation to Polysilicon232@bis.doc.gov. The complete application should include the following information, with reference, as appropriate, to the relevant application section:

1. *Section 1—Organization Information:* Full legal name, address, ownership structure and beneficial ownership, including the country where the company's (or companies') headquarters is located. The name, title, and contact information of the authorized representative(s) submitting the application should also be included. The company (or companies) should also provide information about the products it manufactures and where such manufacturing takes place.

2. *Section 2—Projected Type, Volume, and Use of Imports:* Explanation detailing how the company intends to use the imported Polysilicon Product(s) including whether the imports support the company's own manufacturing, and if so how; or whether the company plans to transfer the imported merchandise to third parties, and an estimate of the anticipated volume of imports the company intends to enter into the United States prior to December 4, 2026, if a waiver is granted.

3. *Section 3—Legitimate Business Purpose:* An explanation of the business considerations associated with the company's Polysilicon Product import volumes.

For IORs subject to a prohibition imposed pursuant to supplement no. 1 to part 705, companies should explain why the volume of imports they were entering into the United States from August 6, 2026, until the effective date of the prohibition were grounded in legitimate commercial considerations unrelated to the implementation of Proclamation 11052.

For new IORs seeking a waiver, companies should detail why they have established themselves as a new IOR, whether they have pre-existing customers or business relationships in the United States for Polysilicon Products that predate the August 6, 2026, signature date of Proclamation 11052, the foreign manufacturers whose Polysilicon Products they seek to enter into the United States, and any other factor the company deems relevant.

4. *Section 4—Certification:* Company applications should be signed by a senior official in the company. Applications shall include a certification, such as a sworn statement, from a senior officer of the company confirming that the submission is true, accurate, and complete to the best of the company's knowledge, under penalty of perjury, and confirming that the company has conducted reasonable diligence to verify the accuracy of the assertions and facts contained in its submissions.

5. *Section 5—Representations and Acknowledgments to Be Included in the Application:* A commitment to not stockpile Polysilicon Products prior to December 4, 2026.

6. *Section 6—Additional Information:* Any other information the applicant believes is necessary to facilitate Commerce's decision-making. If companies believe that any of the identified requirements are not appropriate for their particular situation, they should provide a detailed explanation of why the requirements detailed in supplement no.1 to part 705 (d) are inappropriate or inapplicable to their particular situation.

A. Review and Approval Process

Commerce may request supplemental documentation in addition to the information listed in paragraph (d) to supplement no. 1 to part 705 (and also detailed in section IV of this preamble), or clarification of any documentation submitted. Commerce will make an individual, fact-specific, company-specific decision for each applicant.

Commerce may respond to individual applications with questions, revisions, conditional approval pending an applicant's acceptance of proposed modifications to the proposal, or approval of the proposal as submitted. Approved applicants will be notified in writing of Commerce's decision. Commerce intends to respond to applications within 14 days of the date of receipt. Relevant information from the application may be transmitted by Commerce to CBP. CBP will administer the import adjustment prospectively after receiving a notice of approval from Commerce.

B. Confidentiality

Commerce will protect the confidentiality of all information submitted by companies pursuing a waiver.

V. Regulatory Changes

This TFR makes the following revisions to supplement no. 1 to part 705:

- The supplement title is revised to read Requirements for Applications Requesting a Waiver to the Import Prohibition for Polysilicon and Polysilicon Derivatives;
- An introductory paragraph is created explaining the background of the prohibition on the importation of Polysilicon Products into the United States and the establishment of an application waiver to the prohibition;
 - Paragraph (a) explains the scope of the application waiver process;
 - Paragraph (b) provides information on who may submit an application;
 - Paragraph (c) provides the timeframe for submitting applications;
 - Paragraph (d) provides the information on where to submit an application, the general requirements for submitting an application, and the information required in the application;
 - Paragraph (e) provides the information on the review process of received applications, the process for correcting invalid applications, and the process for Commerce to request additional information for an application;
 - Paragraph (f) details the procedures Commerce takes with determinations made regarding applications.
 - Paragraph (g) details the obligations for customs brokers that enter Polysilicon Products into the United States;
 - Paragraph (h) details the exception to the import prohibition for new IORs importing certain Polysilicon Products of permitted quantities; and
 - Table 1 details the specific Polysilicon Product HTSUS codes and

weekly quantities permitted under paragraph (h).

Additionally, Consistent with Proclamation 11021 of April 2, 2026, "Strengthening Actions Taken to Adjust Imports of Aluminum, Steel, and Copper into the United States" (Proclamation 11021) (91 FR 18201), this TFR also removes the aluminum and steel inclusions process. Prior to this TFR, supplement no. 1 to part 705 established the regulatory framework for the inclusions process for aluminum and steel duties implemented by the President. Proclamation 11021 terminated the aluminum, steel, and copper derivatives inclusions process established in Proclamations 10895 and 10896 on February 10, 2025, and Proclamation 10962 on July 30, 2025.

VI. Rulemaking Requirements

1. Executive Orders 13563 and 12866 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. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This temporary final rule has been determined to be a "significant regulatory action" under section 3(f) of Executive Order 12866, although not economically significant under section 3(f)(1). This temporary final rule is exempt from E.O. 14192 because it is being issued with respect to a national security function of the United States, per section 5(a) of E.O. 14192.

2. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

3. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (See 5 U.S.C. 553(a)(1)). As explained in the report submitted by the Secretary to the President, Polysilicon Products are essential to the national security and economy of the United States. Polysilicon is the base material for semiconductors, which enable all digital products and services and provide the technical foundation for the functioning of the defense industrial base, necessary to the function of the United States military. For example, semiconductors are critical inputs for U.S. defense systems, such as radar and communication systems, electronic

warfare and cybersecurity systems, and guidance and control systems for missiles and drones. Polysilicon is also essential for the production of solar products, which are used to support various U.S. defense programs. The President found that Polysilicon Products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States, and is therefore implementing actions, including MIPs and a tariff regime, to protect U.S. national security. The President directed the Secretary to monitor imports of Polysilicon Products and to restrict imports by any company and its affiliates if the Secretary determines that a company is stockpiling Polysilicon Products before the actions implemented in Proclamation 11052 take effect on December 4, 2026.

Commerce also finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment, and that there is good cause under 5 U.S.C. 553(d)(3) to waive the delay in effective date, because such delays would be impracticable or contrary to the public interest. Commerce is aware of trade data from the week after publication of Proclamation 11052 showing dramatic increases in polysilicon imports from some IORs compared to their historic weekly average import volumes. This information suggests that importers are already stockpiling polysilicon and polysilicon derivatives and that time is of the essence in addressing this issue. Providing time for notice and comment or a 30-day delay before this rule takes effect would allow importers to continue stockpiling Polysilicon Products, which undermines the actions taken in Proclamation 11052 to adjust imports of such products to rebuild the capacity of domestic industry to produce Polysilicon Products and address the national security threat.

In addition, to fulfill the direction to the Secretary in Proclamation 11052 to restrict imports by any company and its affiliates that stockpile Polysilicon Products before December 4, 2026, the Secretary must expeditiously establish criteria to determine when importers are stockpiling Polysilicon Products and implement a process to restrict such imports. The MIPs and tariff regime implemented in Proclamation 11052 take effect on December 4, 2026—in approximately three months—and the President directed the Secretary to restrict stockpiling of Polysilicon Products in the interim. Allowing time

for notice and consideration of public comments on this rule would significantly reduce the period during which this rule would be in effect. Given that this rule is only temporarily effective, providing for public comments would impair the Secretary's ability to identify and minimize stockpiling during these three months, allowing stockpiling in the interim that worsens the national security threat posed by the imports of polysilicon and polysilicon derivatives identified by the President. A 30-day delay in effective date would similarly undermine the effectiveness of Proclamation 11052 and the purpose of this rule because every additional day provides time for importers to stockpile products that will be subject to the upcoming MIPs and tariff regime.

The measures described in this rule are being issued on a temporary basis. This temporary final rule will be in effect through December 3, 2026.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

On August 6, 2026, the President issued Proclamation 11052 of August 6, 2026, "Adjusting Imports of Polysilicon and Its Derivatives Into the United States," finding that imports of polysilicon and polysilicon derivatives threatened to impair the national security of the United States. In Proclamation 11052, the President authorized the Secretary to take action, in coordination with CBP, to restrict imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, this TFR establishes restrictions on all existing IORs importing Polysilicon Products prior to December 4, 2026, as well as provides criteria for new IORs to be eligible to import Polysilicon Products prior to December 4, 2026 (including the application process, documentation, and certification requirements). Because the

Proclamation requires timely implementation of the import prohibition waivers, BIS cannot reasonably comply with the normal clearance procedures and thus is invoking the "Emergency Processing" procedures at 5 CFR 1320.13. Delaying this collection would impede the ability of companies to enter into import prohibition waivers and compromise the effectiveness of the Proclamation's implementation. Commerce has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of Proclamation 11052, <https://www.federalregister.gov/documents/2026/08/11/2026-16400/adjusting-imports-of-polysilicon-and-its-derivatives-into-the-united-states>.

b. The collection of information is essential to the mission of Commerce, in particular to allow companies seeking to obtain import prohibition waivers by submitting applications for import prohibition waivers, to effectuate the terms outlined by Proclamation 11052. These collection requirements include detailed volumes of Polysilicon Products imported (e.g., aggregate volume since Proclamation 11052 was issued, weekly average volume, weekly average volume between January 1, 2026, and August 6, 2026, weekly average volume imported in 2025, or estimated imports prior to December 4, 2026), organizational information, the intended use of the imported Polysilicon Products, certifications and attestations, and any additional information required to substantiate the application for the import prohibition waiver. The import prohibition waivers, as described in this TFR, must be submitted in electronic form via email to the BIS Section 232 import prohibition waiver inbox (Polysilicon232@bis.doc.gov).

Applications can be found at www.bis.gov/232. Applications for an import prohibition waiver may be submitted after September 22, 2026, and all submissions are entirely voluntary on the part of the requesting companies.

c. Public harm is reasonably likely to result if BIS were to follow the normal clearance procedures before issuing this information collection. This information collection allows companies to apply for an import prohibition waiver to increase domestic manufacturing of Polysilicon Products, which will increase the stability of the industry. A delay in Commerce's ability to begin immediate information collection from companies

seeking an import prohibition waiver could lead to companies delaying decisions to increase domestic manufacturing of Polysilicon Products, which would further import dependence that the Presidential Proclamation is seeking to reduce. Additionally, a delay would impede the publication of this temporary final rule notifying IORs of the prohibition from making further entries of Polysilicon Products into the United States prior to December 4, 2026, which would allow IORs to stockpile Polysilicon Products contrary to the national security objectives set by the President.

For the reasons stated above, BIS has requested, and OMB has granted, a new information collection for this rule under OMB control number 0694–0149 with the title *Process to Waive the Import Prohibition Measures to Restrict Stockpiling of Polysilicon and Polysilicon Derivative*. All materials for the currently approved collection can be accessed at www.reginfo.gov.

List of Subjects in 15 CFR Part 705

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National defense.

For the reasons stated in the preamble, BIS amends 15 CFR part 705 as follows:

PART 705—EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

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

Authority: Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Supplement no. 1 to part 705 is revised to read as follows:

Supplement No. 1 to Part 705—Requirements for Applications Requesting a Waiver to the Import Prohibition for Polysilicon and Polysilicon Derivatives

On August 6, 2026, the President issued Proclamation 11052, "Adjusting Imports of Polysilicon and Its Derivatives Into the United States," finding that imports of polysilicon and polysilicon derivatives (Polysilicon Products) threatened to impair the national security of the United States. In Proclamation 11052, pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the President authorized the Secretary of Commerce (Secretary) to take action, in coordination with U.S. Customs and Border Protection (CBP), to restrict imports of Polysilicon Products from companies that are stockpiling

those products in advance of December 4, 2026. Consistent with Proclamation 11052, the Department of Commerce (Commerce) establishes restrictions on all existing importers of record (IORs) importing Polysilicon Products prior to December 4, 2026, as well as provides criteria for existing IORs, and new IORs registered with CBP on or after August 6, 2026, to be eligible to import Polysilicon Products prior to December 4, 2026. Commerce is actively monitoring imports of Polysilicon Products to identify IORs who are stockpiling in advance of December 4, 2026. Commerce will inform CBP of IORs that are importing Polysilicon Products in volumes substantially greater than their historic averages and new IORs that registered with CBP on or after August 6, 2026 that are importing Polysilicon Products prior to December 4, 2026, in weekly volumes greater than the quantities specified in paragraph (h). These IORs will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026, except as described in paragraph (g) of this supplement. However, IORs subject to this restriction may apply to Commerce to lift this restriction, according to the conditions laid out in this supplement.

(a) *Scope.* This supplement specifies the requirements and process for how directly affected parties located in the United States may submit applications for a waiver from the importation prohibition of Polysilicon Products implemented by the President. This supplement also identifies the time periods for such submissions, the methods of submission, and the information that must be included in such submissions. This supplement also identifies the process for analysis of the applications and the action taken upon the final determinations by the Secretary or designee.

(b) *Applications for an import prohibition waiver.* Who may submit an application?

(1) Importers of Polysilicon Products into the United States.

(2) [Reserved]

(c) *Timeframe for submitting an application.* The Bureau of Industry and Security (BIS) will open a submissions window to receive applications for import prohibition waivers between September 22, 2026, and December 3, 2026.

(d) *Application requirements.* For the request to be considered a valid application, the applicant must adhere to the following general requirements and complete the application found on www.bis.gov/232, providing the following information:

(1) Submission through the import prohibition waiver inbox at Polysilicon232@bis.doc.gov;

(2) Requests must be submitted in PDF format;

(3) Limited to 30 pages inclusive of all attachments;

(4) Any business confidential submissions must also include a non-confidential public version;

(5) Clear identification of the applicant (e.g., the individual or company);

(6) A precise description of the Polysilicon Products;

(7) The weekly average volume of Polysilicon Products imported in 2025;

(8) The weekly average volume of Polysilicon Products imported between January 1, 2026 and August 6, 2026;

(9) The weekly average volume of Polysilicon Products imported into the United States since August 6, 2026;

(10) The aggregate volume of Polysilicon Products imported into the United States since August 6, 2026;

(11) The eight-digit or ten-digit Harmonized Tariff Schedule of the United States (HTSUS) classification for the determination;

(12) Information about the products it manufactures and where such manufacturing takes place;

(13) An explanation of how the company intends to use the imported Polysilicon Products to include whether the imported Polysilicon Products support existing manufacturing operations in the United States or support investment projects for manufacturing in the United States. Applicants should provide annual production volume and capacity rates for each facility receiving the imported Polysilicon Products and any applicable allocation for each facility;

(14) The use of affiliates that do not customarily import Polysilicon Products, or the use of new IORs to import Polysilicon Products;

(15) An estimate of the type of Polysilicon Products, and, for each type of Polysilicon Product, an estimate of the anticipated volume of imports into the United States prior to December 4, 2026, if a waiver is granted;

(16) An explanation of the business considerations associated with the applicant's Polysilicon Product import volumes;

(i) For IORs registered with CBP prior to August 6, 2026, and identified by Commerce as subject to a prohibition from importing Polysilicon Products into the United States prior to December 4, 2026, applicants should explain why the volume of imports prior to receiving an import prohibition were for legitimate commercial considerations unrelated to the implementation of Proclamation 11052;

(ii) For IORs that register with CBP on or after August 6, 2026, applicants should detail why they have established themselves as a new IOR, whether they have pre-existing customers or business relationships in the United States for Polysilicon Products that predate August 6, 2026, the foreign manufacturers whose Polysilicon Products they seek to import into the United States, and any other factor the company deems relevant to this portion of their application;

(17) Applications should be signed by a senior official in the company certifying the accuracy of the assertions and facts contained in its application;

(18) A commitment to not stockpile Polysilicon Products prior to December 4, 2026;

(19) Any other information the applicant believes is necessary to facilitate Commerce's decision-making. Additionally, if a company believes that any of the requirements listed under paragraph (d) of this supplement are not appropriate for their particular situation,

they should provide a detailed explanation of why the requirements are inappropriate or inapplicable.

(e) *Review of applications.* Commerce will review the received applications between September 22, 2026, and December 3, 2026, to validate the received applications contain all the required elements and do not exceed the page limitation. In the instance where the applicant did not include all the required elements or improperly filed the submission, at the discretion of the Under Secretary for Industry and Security, the applicant may be granted a 48-hour widow to resubmit a proper application. Commerce may request supplemental information in addition to the information listed in paragraph (d) of this supplement. If Commerce does request such information, Commerce will provide a timeframe during which the supplemental information must be provided. Commerce may respond to individual applications with questions, revisions, conditional approval pending applicant's acceptance of proposed modifications to the proposal.

(f) *Import prohibition waiver decisions.* Commerce will make an individual, fact-specific, company-specific decision for each applicant. Commerce intends to respond to applications within fourteen (14) days of the date of receipt. Approved applicants will be notified in writing of Commerce's decision.

(g) *Obligations of customs brokers.* Customs brokers that enter Polysilicon Products must not file or procure or assist in the filing of any claim, or of any document, affidavit, or other papers, known by such customs broker to be false. Additionally, customs brokers must not give, or solicit or procure the giving of, any information or testimony that the broker knew or should have known was false or misleading in any matter pending before the Department of Homeland Security (DHS) or to any DHS representative. Actions by customs brokers to evade the requirements in paragraph (g) of this supplement may result in CBP enforcement actions. In determining whether a new IOR may be attempting to use a broker's services to violate supplement no. 1 to part 705, a customs broker should consider the following factors:

(1) Whether an IOR is a new IOR that was established on or after August 6, 2026;

(2) For new IORs, whether the new IOR has made other entries of Polysilicon Products during the current week, and, if so, the precise volume of Polysilicon Products that the new IOR has entered;

(3) For new IORs, the direct and indirect beneficial owners of the new IOR, whether such owners have created other new IORs to import Polysilicon Products, and whether those other new IORs have met or exceeded the quantities specified in table 1 to this supplement; and

(4) For new IORs, the ultimate consignee and delivery user, and whether the goods will be transferred to or used for the benefit of an IOR subject to a prohibition under this supplement.

(h) *Exception to the import prohibition.* New IORs that register with CPB on or after August 6, 2026, are prohibited from importing Polysilicon Products except, as specified in table 1 to this supplement, the

Polysilicon Products identified by Harmonized Tariff Schedule of the United States (HTSUS) code in weekly volumes no greater than the quantities listed.

TABLE 1—POLYSILICON PRODUCTS AND QUANTITIES

HTSUS	Quantity (no greater than per week)
2804.61.00	12 kg.
3818.00.0020, 3818.00.0040, 3818.00.0045, 3818.00.0050, and 3818.00.0091	7 kg.
8541.42.00	2,000 No.
8541.43.00	55 No.

Jessica Curyto,
Deputy Assistant Secretary for Technology
Security.
[FR Doc. 2026–19537 Filed 9–22–26; 8:45 am]
BILLING CODE 3510–33–P

FEDERAL TRADE COMMISSION

16 CFR Parts 4 and 5

RIN 3084–AB85

Rules of Practice

AGENCY: Federal Trade Commission.
ACTION: Final rule.

SUMMARY: The Federal Trade Commission (“Commission” or “FTC”) is amending its rules of practice in order to eliminate the agency’s post-employment clearance rule.

DATES: These rule revisions are effective on September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Josephine Liu, (202) 326–2170, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Commission is revising certain rules in parts 4 and 5 of its rules of practice, 16 CFR parts 4 and 5. Specifically, the Commission is eliminating its existing ethics clearance rule, revising part 5 to remind current and former employees of various ethics requirements, and clarifying the disciplinary actions available for violations of those ethics requirements.

I. Revisions to Part 4—Miscellaneous Rules

The Commission is deleting old § 4.1(b)–(c), which previously contained the Commission’s ethics clearance rule. The ethics clearance rule is unnecessary, because it is duplicative of other laws, regulations, and professional responsibility requirements. It is also inconsistent with the rules of other agencies, which do not impose the same substantive or procedural requirements. Moreover, because the FTC is one of the few agencies that attempts to impose

additional requirements on former employees that exceed the government-wide restrictions, the rule has chilled the agency’s ability to recruit and hire specialists such as economists and technologists who do not face similar restrictions at other governmental organizations. Finally, the rule could have the unintended consequence of creating a safe harbor that protects former employees from liability for violating 18 U.S.C. 207, because it requires the FTC to approve a former employee’s participation in a matter if the agency lacks sufficient information to deny clearance and that agency approval could provide a defense to violations of Section 207.

In new § 4.1(a)(3), the Commission is adding a cross-reference to new § 5.30, to remind former employees of the Commission that they must comply with the post-government employment restrictions described there. In light of the Commission’s elimination of the ethics clearance rule, the Commission is making a corresponding deletion of old § 4.9(b)(10)(ii), which provided that applications for ethics clearance would be part of the Commission’s public record.

II. Revisions to Part 5—Employee Standards of Conduct

The Commission is changing part 5 of its rules to remind current and former employees of various ethics requirements, and make clear the disciplinary actions available for violations of those ethics requirements. These changes include a new subpart D (§ 5.30) that describes post-employment restrictions. Subpart E (§§ 5.50–5.54), regarding disciplinary actions concerning post-employment conflict of interest, has been renamed “Disciplinary Actions Concerning Ethics Requirements and Post-Government Employment Restrictions.” This subpart has been streamlined and modified to conform to current agency practice.

§ 5.1: Cross-Reference to Executive Branch-Wide Regulations

In § 5.1, the Commission is clarifying that all agency employees—including Commissioners, political appointees, and special Government employees—are governed by the executive branch-wide ethics regulations. The Commission is also fixing the citation format and adding an explanatory parenthetical for the cross-reference to the FTC regulations at 5 CFR part 5701.

§ 5.2: Waiver of Insubstantial Financial Conflicts

The Commission is reorganizing and adding clarifying language to § 5.2. New § 5.2(a) is old § 5.2(d), which has also been revised for clarity. In new § 5.2(c), the Commission describes the process an official responsible for appointment must use to obtain a recommendation from the FTC’s Designated Agency Ethics Official for a waiver, pursuant to 18 U.S.C. 208(b)(1) and 5 CFR 2640.301, of certain financial interests of an employee that are determined to be not so substantial as to be deemed likely to affect the integrity of the employee’s services to the Government. In new § 5.2(d), the Commission is clarifying that the Inspector General is the “official responsible for appointment” for OIG employees. In new § 5.2(e), the Commission is adding a parenthetical to clarify that the Chairman cannot be the “official responsible for appointment” for himself or the Inspector General.

§ 5.10: Cross-Reference to Executive Branch-Wide Regulations

In § 5.10, the Commission is clarifying that all agency employees—including Commissioners, political appointees, and special Government employees—are subject to the executive branch-wide financial disclosure regulations. The Commission is also updating the cross-reference to the appropriate chapter of the FTC Administrative Manual that contains the procedures for filing and reviewing financial disclosure reports.

§ 5.30: General Prohibitions for Former Employees

New § 5.30 mirrors the government-wide post-employment restrictions on former employees, limiting the type of work they may perform for their new employers. This section generally describes the common prohibitions set forth in 18 U.S.C. 207.

New § 5.30(a) reminds former employees that they must comply with the requirements of 18 U.S.C. 207 and its implementing regulations at 5 CFR part 2641 (post-government employment conflict of interest restrictions), 18 U.S.C. 203 (compensation for representational services), 41 U.S.C. 2104 (compensation from contractors), and any other applicable laws, regulations, or rules.

New § 5.30(b)(1) reminds former employees that if they participated personally and substantially in any particular matter involving specific parties, they must never (on behalf of someone other than themselves or the United States) appear before or communicate to any Federal department, agency, or court regarding that same particular matter.

New § 5.30(b)(2) reminds former employees that they are restricted from representing anyone (other than themselves or the United States) before a Federal agency regarding matters pending under their official responsibility during their last year of Government service for two years after they leave the Commission.

New § 5.30(b)(3) reminds former “senior” Commission employees—such as Commissioners, certain Schedule C employees, certain Intergovernmental Personnel Act employees, Senior Level Executives, and Senior Executive Service officials who are subject to 18 U.S.C. 207(c)—that they are subject to a one-year “cooling off” period (this period may vary depending on any applicable Ethics Pledge requirements) in which the former employee must not make any communication to, or appearance before, any FTC employee to seek official action on behalf of someone else.

As with 18 U.S.C. 207, new § 5.30(b)(1)–(3) does not address behind-the-scenes assistance by former employees or a former employee’s knowledge of nonpublic information. The Commission has determined that addressing these issues in new § 5.30 is unnecessary to protect against misconduct by former employees. For example, attorney bar rules generally prohibit attorneys who leave Federal government service from providing behind-the-scenes assistance for matters

in which the attorney personally and substantially participated during their government employment. *See, e.g.*, District of Columbia Rules of Professional Conduct, Rule 1.11(a); N.Y. Rules of Professional Conduct, Rule 1.11(a).

§ 5.50: Submission of Information

The Commission is updating its procedures for disciplinary actions concerning alleged violations of ethics requirements and post-employment restrictions to match current agency practice. New § 5.50, which replaces old § 5.53, notes that any person with information about a possible violation of subparts A–B or D of this part or 18 U.S.C. 207 may submit a written statement to the FTC’s General Counsel, Designated Agency Ethics Official (“DAEO”), or Inspector General, where appropriate.

§ 5.51: Referrals

New § 5.51(a) streamlines old § 5.54. As provided in new § 5.51(a), the General Counsel or DAEO will make a preliminary determination of whether the matter warrants or requires the involvement of other agencies or authorities. If so, the General Counsel or DAEO will expeditiously transmit any available information to the FTC’s Inspector General or else to the Department of Justice (“DOJ”) or the U.S. Office of Government Ethics (“OGE”), as appropriate.

Under new § 5.51(b), which incorporates old § 5.56(b), the General Counsel also will determine whether the matter should be referred to the disciplinary committee of the bar(s) of which any employee or former employee who is an attorney is a member.

To mitigate the possibility of conflicting investigations, new § 5.51(c) specifies that, if the General Counsel or DAEO transmits information alleging a crime or severe misconduct to the DOJ, OGE, or bar disciplinary authority under § 5.51(a) or (b), the General Counsel or DAEO will also notify the FTC’s Inspector General.

§ 5.52: Investigation or Proceeding

New § 5.52(a) reinforces the existing requirement, as already specified in 5 U.S.C. 406 and the FTC’s Administrative Manual, that the agency must cooperate fully in any Inspector General investigation of possible violations of subparts A–B or D of this part or 18 U.S.C. 207. The agency will also cooperate fully with any similar investigations by the Department of Justice or U.S. Office of Government Ethics.

New § 5.52(b) sets out how the agency will request information from the Inspector General after the conclusion of any Inspector General investigation or Department of Justice prosecution.

Given the Inspector General’s investigative role, the Commission no longer requires old §§ 5.55–5.66, which were intended for use if the agency conducted its own investigation of the former employee.

§ 5.53: Sanctions

New § 5.53 updates old § 5.67. As specified in new § 5.53, if an employee or former employee is convicted of violating 18 U.S.C. 207 or other Federal laws related to conduct described in part 5, or if the factual findings in the Inspector General’s report support a finding that the employee or former employee violated subparts A–B or D of this part, the Commission may adopt the record of the criminal or civil proceeding or Inspector General report as its record. The Commission may order such additional disciplinary action as it deems warranted, including: (a) reprimand; (b) suspension from participating in a particular matter or matters before the Commission; or (c) prohibiting the person from making, with the intent to influence, any formal or informal appearance before, or any oral or written communication to, an FTC employee on any matter or business on behalf of any other person (except the United States) for a period not to exceed 5 years.

§ 5.54: Judicial Review

New § 5.54 incorporates old § 5.68. New § 5.54 explains that a person against whom the Commission has issued an order imposing disciplinary action under this part may seek judicial review of the Commission’s determination in the United States District Court for the District of Columbia by filing a petition for such review within 60 days of receipt of notice of the Commission’s final decision.

III. Procedural Requirements

A. The Administrative Procedure Act and Regulatory Flexibility Act

Because these rule revisions relate solely to agency personnel, procedure, or practice, publication for notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(a)(2), (b).

For this reason, the requirements of the Regulatory Flexibility Act are also inapplicable. 5 U.S.C. 601(2), 604(a).

B. E.O. 14215, Ensuring Accountability for All Agencies; E.O. 12866, Regulatory Planning and Review; E.O. 14192, Unleashing Prosperity Through Deregulation

E.O. 12866 states that agencies should assess the 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, and distributive impacts). E.O. 14215 requires all executive branch departments and agencies, including independent agencies, to submit all their proposed and final significant regulatory actions to the Office of Management and Budget (OMB) for review. OMB determined that this final rule is not a significant regulatory action under E.O. 12866.

Executive Order 14192 requires that any new incremental costs associated with certain significant regulatory actions “shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.” OMB’s guidance to agencies implementing E.O. 14192 defines two types of E.O. 14192 actions: an E.O. 14192 regulatory action and an E.O. 14192 deregulatory action.¹ The guidance defines an E.O. 14192 deregulatory action as “an action that has been finalized and has total costs less than zero.”² The guidance further explains that “an E.O. 14192 deregulatory action qualifies as both (1) one of the actions used to satisfy the provision to repeal or revise at least 10 existing regulations for each regulation issued, and (2) a cost savings for purposes of the total incremental cost allowance.”³ OMB determined that this final rule is an E.O. 14192 deregulatory action.

C. Paperwork Reduction Act

The removal of old § 4.1(b)–(c) will eliminate the need for the Paperwork Reduction Act (PRA) burden associated with these rule provisions, currently estimated at 60 burden hours and \$9,000 annually. After publication of this final rule, the FTC will submit a request to OMB to revise PRA information collections associated with

OMB Control No. 3084–0169 (FTC Administrative Activities).

D. Congressional Review Act

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

List of Subjects

16 CFR Part 4

Administrative practice and procedure, Freedom of information, Public record, Sunshine Act.

16 CFR Part 5

Administrative practice and procedure, Conflicts of interest, Government employees.

For the reasons set forth in the preamble, under the authority of 15 U.S.C. 46(g), the Federal Trade Commission amends title 16, chapter I, subchapter A of the Code of Federal Regulations as follows:

PART 4—MISCELLANEOUS RULES

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

Authority: 15 U.S.C. 46.

■ 2. In § 4.1, add paragraph (a)(3) and remove and reserve paragraphs (b) and (c) to read as follows:

4.1 Appearances.

(a) * * *

(3) *Former Commission employees.*

Former employees of the Commission must comply with the restrictions described in § 5.30.

* * * * *

■ 3. In § 4.9, remove and reserve paragraph (b)(10)(ii).

■ 4. Revise and republish part 5 to read as follows:

PART 5—STANDARDS OF CONDUCT

Sec.

5.1 Cross-reference to executive branch-wide regulations.

5.2 Waiver of insubstantial financial conflicts.

5.10 Cross-reference to executive branch-wide regulations.

5.30 General prohibitions for former employees.

5.50 Submission of information.

5.51 Involvement of other agencies or authorities.

5.52 Investigation or proceeding.

5.53 Sanctions.

5.54 Judicial review.

Authority: 5 U.S.C. 7301; 5 U.S.C. 13105, 13109, 13124, 13142; 15 U.S.C. 46(g); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR part 2635.

Subpart A—Employee Conduct Standards and Financial Conflicts of Interest

§ 5.1 Cross-reference to executive branch-wide regulations.

All employees, including Commissioners, political appointees, and special Government employees, of the Federal Trade Commission (FTC) are subject to and should refer to the “Standards of Ethical Conduct for Employees of the Executive Branch” at 5 CFR part 2635 (“executive branch-wide Standards of Conduct”) and to the FTC regulations at 5 CFR part 5701 (fundraising and prior approval for outside employment) that supplement the executive branch-wide Standards of Conduct.

§ 5.2 Waiver of insubstantial financial conflicts.

(a) Pursuant to 18 U.S.C. 208(b)(1) and 5 CFR 2640.301, certain disqualifying financial interests may be waived by the FTC upon a written determination that they are not so substantial as to be deemed likely to affect the integrity of an employee’s services.

(b) Employees or special Government employees will not be subject to remedial or disciplinary action or to criminal prosecution under 18 U.S.C. 208(a), if they make a full disclosure in writing to the official responsible for their appointment of the nature and circumstances of the particular matter involved and of their conflicting financial interest relating thereto, and receive in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee or special Government employee.

(c) Prior to issuing a written determination as described in paragraph (b) of this section, the official responsible for appointment must obtain from the FTC’s Designated Agency Ethics Official a written recommendation to issue the Section 208 waiver. Pursuant to 5 CFR 2640.303, the FTC’s Designated Agency Ethics Official must consult with the U.S. Office of Government Ethics prior to issuing the written recommendation.

(d) For the purposes of paragraph (b) of this section, the “official responsible for appointment” is the Executive Director in all cases where the employee is classified at grade GS–15 or below, or at a comparable pay level, except that each Commissioner is the “official responsible for appointment” of advisors in the Commissioner’s immediate office, and the Inspector

¹ OMB, M–25–20, Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation” (Mar. 26, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf>.

² *Id.* at 4.

³ *Id.*

General is the “official responsible for appointment” of employees in the Office of the Inspector General.

(e) In all other cases (except with respect to the Chairman himself or the Inspector General), the Chairman is the “official responsible for appointment.”

Subpart B—Financial Disclosure Requirements

§ 5.10 Cross-reference to executive branch-wide regulations.

Employees, including Commissioners, political appointees, and special Government employees, of the Federal Trade Commission are subject to and should refer to the executive branch-wide financial disclosure regulations at 5 CFR part 2634, and to the procedures for filing and review of financial disclosure reports found in Chapter 5 of the FTC Administrative Manual.

Subpart C—[Reserved]

Subpart D—Post-Government Employment Restrictions

§ 5.30 General prohibitions for former employees.

(a) Former employees of the Commission must comply with the requirements of 18 U.S.C. 207 and its implementing regulations at 5 CFR part 2641 (post-government employment conflict of interest restrictions), 18 U.S.C. 203 (compensation for representational services), 41 U.S.C. 2104 (compensation from contractors), and any other applicable laws, regulations, or rules.

(b) Former employees should be aware that, among other restrictions, 18 U.S.C. 207 generally:

(1) Prohibits former employees from knowingly, with the intent to influence, communicating to, or appearing before, an employee of the United States on behalf of anyone (other than themselves or the United States) in connection with a particular matter involving a specific party or parties, in which they participated personally and substantially as employees of the Commission, and in which the United States is a party or has a direct and substantial interest;¹

¹ It is important to note that the same particular matter may continue in another form or in part. In determining whether two particular matters involving specific parties are the same, all relevant factors should be considered, including the extent to which the matters involve the same basic facts, the same or related parties, related issues, the same confidential information, and the amount of time elapsed. 5 CFR 2641.201(h)(5). For example, where a former employee intends to participate in an investigation of compliance with a Commission order, submission of a request to reopen an order, or a proceeding with respect to reopening an order,

(2) Restricts former employees from representing anyone (other than themselves or the United States) before a Federal agency regarding a particular matter involving a specific party or parties pending under their official responsibility during their last year of Government service for two years after they leave the Commission; and

(3) Imposes upon former “senior” Commission employees who are subject to 18 U.S.C. 207(c) a one-year “cooling off” period (this period may vary depending on any applicable Ethics Pledge requirements) in which such former employees must not make any communication to, or appearance before, any FTC employee to seek official action on behalf of anyone (other than themselves or the United States).

(c) Former employees who are attorneys, and their firms, should consult their respective State bar rules regarding conflicts that are imputed to them and their firms.

Subpart E—Disciplinary Actions Concerning Ethics Requirements and Post-Government Employment Restrictions

§ 5.50 Submission of information.

Any person may submit a written statement to the FTC’s General Counsel, the Designated Agency Ethics Official (DAEO), or the Inspector General, where appropriate, setting forth information indicating a possible violation of subparts A–B or D of this part or 18 U.S.C. 207.

§ 5.51 Involvement of other agencies or authorities.

(a) The General Counsel or DAEO will make a preliminary determination of whether the matter warrants or requires the involvement of other agencies or authorities. If so, the General Counsel or DAEO will expeditiously transmit any available information to the agency’s Inspector General or else to the Department of Justice or the U.S. Office of Government Ethics, as appropriate.

(b) When the employee or former employee involved is an attorney, the General Counsel will also determine whether the matter should be referred to the disciplinary committee of the bar(s) of which the attorney is a member.

(c) If the General Counsel or DAEO transmits information alleging a crime or severe misconduct to the Department of Justice, U.S. Office of Government

the matter will be considered the same as the adjudicative proceeding or investigation that resulted in the order. A former employee who is uncertain whether the matter in which they plan to participate is wholly separate from any matter that was pending during their tenure should seek advice from the FTC Designated Agency Ethics Official.

Ethics, or bar disciplinary authority under paragraphs (a) or (b) of this section, the General Counsel or DAEO will also notify the agency’s Inspector General.

§ 5.52 Investigation or proceeding.

(a) The Office of the General Counsel will ensure that the agency cooperates fully in any investigation of possible violations of subparts A–B or D of this part or 18 U.S.C. 207 by the Office of Inspector General, the Department of Justice, or the U.S. Office of Government Ethics.

(b) Upon the conclusion of an investigation by the Inspector General or a prosecution by the Department of Justice, the Commission will request that the Office of Inspector General provide the Commission with a report.

§ 5.53 Sanctions.

When either an employee or former employee is convicted of violating 18 U.S.C. 207 or other Federal laws related to conduct described in this part, or the factual findings of the Inspector General’s report support a conclusion that the employee or former employee violated subparts A–B or D of this part, the Commission may adopt the record of the criminal or civil proceeding or Inspector General report as its record. The Commission may order such additional disciplinary action as it deems warranted, including:

(a) Reprimand;

(b) Suspension from participating in a particular matter or matters before the Commission; or

(c) Prohibiting the person from making, with the intent to influence, any formal or informal appearance before, or any oral or written communication to, an FTC employee on any matter or business on behalf of any other person (except the United States) for a period not to exceed 5 years.

§ 5.54 Judicial review.

A person against whom the Commission has issued an order imposing disciplinary action under this part may seek judicial review of the Commission’s determination in the United States District Court for the District of Columbia by filing a petition for such review within 60 days of receipt of notice of the Commission’s final decision.

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2026–19598 Filed 9–23–26; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION**16 CFR Chapter I****RIN 3084–AB85****Rules of Practice****AGENCY:** Federal Trade Commission.**ACTION:** Final rule.

SUMMARY: The Federal Trade Commission (“Commission” or “FTC”) is amending its rules of practice to revise the description of the FTC’s EEO Office and Regional Offices and to update the list of current control numbers assigned by the Director of the Office of Management and Budget (“OMB”) to the Commission’s information collection requirements. The Commission is also amending its rules of practice to clarify that FTC staff may consider a variety of relevant issues when modifying a Second Request—*i.e.*, a request for additional information or documentary material relevant to an acquisition the Commission is investigating. In addition, the Commission is amending its rules of practice to clarify the procedures by which Administrative Law Judges (“ALJs”) are assigned to administrative adjudicative proceedings and to restore previously deleted language that provided a page limit for opening briefs. Finally, the Commission is amending its rules of practice to update the list of documents that are part of the Commission’s public record; to revise and clarify the methods for submitting FOIA requests; to clarify how the Commission calculates a quorum under its quorum rule; and to add several requirements to the procedures governing motions seeking disqualification of Commissioners.

DATES: This rule is effective on September 24, 2026, except that the Commission may determine that application of amended 16 CFR 2.20 in an investigation pending as of September 24, 2026 would not be feasible or would create an injustice.

FOR FURTHER INFORMATION CONTACT: Josephine Liu, (202) 326–2170, or Michael Lezaja, (202) 326–2661, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:**I. Background**

The Commission is revising certain rules in parts 0 through 4 of the FTC Rules, parts 0 through 4 of title 16 of the Code of Federal Regulations (“CFR”), each of which are explained below with respect to their current state and how

they will change under the amended regulations. Because these rule revisions relate solely to agency procedure and practice, and do not substantively alter any rights or interests of members of the public, notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(b).¹

A. Description of the Chairman’s Responsibilities

The Commission is reverting to the term “Chairman” in § 0.8, to ensure consistency with the statutory language in the FTC Act. *See* 15 U.S.C. 41. In addition, the Commission is amending § 0.8(c) to reflect the current title and responsibilities of the agency’s EEO office.

B. Revision to Description of Regional Offices

To reflect the creation of the American Competition Enforcement (“ACE”) Division within the Bureau of Competition, the Commission is revising the language in § 0.19(a) describing how the Regional Offices are supervised. ACE operates as a nationally integrated division with employees across the United States.

In addition, the Commission is revising § 0.19(c) to remove the reference to Assistant Regional Directors in the FTC’s Regional Offices. Although the FTC’s Regional Offices will continue to have Assistant Regional Directors, this amendment better aligns the description in § 0.19 with the descriptions of other FTC administrative units in Part 0, which do not specify the reporting structure within those units.

C. Updates to List of Current Control Numbers Assigned by the OMB Director

The Paperwork Reduction Act (“PRA”), 44 U.S.C. 3501 *et seq.*, as implemented by 5 CFR part 1320, requires Federal agencies to obtain OMB approval before undertaking a collection of information directed to ten or more persons. Upon approval of an information collection, OMB issues a control number. The agency must display this control number to inform the public that the agency’s information collection has been approved by OMB. *See* 44 U.S.C. 3512. For ease of reference, the Commission publishes all the control numbers assigned to its rules, and rules it otherwise co-enforces with other Federal agencies, in a centrally codified table in § 1.101(b).

The Commission is amending § 1.101(b) to update this table as follows.

First, the Commission is amending § 1.101(b) to reflect the discontinuation of OMB Control No. 3084–0132 (Title: Prescreen Opt-Out Notice Rule). Although the Commission initially obtained OMB clearance for the notice requirements in the Prescreen Opt-Out Notice Rule, 16 CFR part 642, the Commission subsequently determined, and OMB concurred, that the Rule’s notice requirements in fact do not constitute an information collection for the purpose of the PRA.² Accordingly, OMB Control No. 3084–0132 has been discontinued. The discontinuation of this OMB clearance does not affect motor vehicle dealers’ existing obligations under the Prescreen Opt-Out Notice Rule, 16 CFR part 642.

Second, the Commission is amending § 1.101(b) to reflect that the Commission has obtained OMB approval to collect information for the purpose of various administrative activities, which include applications by members of the public to the Commission pursuant to parts 1, 4, and 6 of the FTC Rules, 16 CFR parts 1, 4, and 6. OMB has assigned this information collection OMB Control No. 3084–0169 (Title: FTC Administrative Activities).

Third, the Commission is amending § 1.101(b) to reflect that the Commission has obtained OMB approval for the information collection requirements set forth in the Standards for Safeguarding Customer Information, 16 CFR part 314 (“Safeguards Rule”). Pursuant to the Safeguards Rule, financial institutions are required to report to the Commission notification events where unencrypted customer information involving 500 or more consumers is acquired without authorization. OMB has assigned this information collection OMB Control No. 3084–0171 (Title: Standards for Safeguarding Customer Information (“Safeguards Rule”).

Fourth, the Commission is amending § 1.101(b) to reflect that the Commission has obtained OMB approval for the information collection requirements set forth in the Ophthalmic Practice Rules (Eyeglass Rule), 16 CFR part 456. Pursuant to the Eyeglass Rule, covered entities are required to obtain a signed confirmation of prescription receipt after providing a copy of the

¹ For this reason, the requirements of the Regulatory Flexibility Act are also inapplicable. 5 U.S.C. 601(2), 604(a). Likewise, the amendments do not modify any FTC collections of information within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

² The Commission determined, and OMB concurred, that the notice requirements contained in the Prescreen Opt-Out Notice Rule, 16 CFR part 642, do not constitute a “collection of information” under the PRA, because the PRA expressly exempts “[t]he public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public.” *See* 5 CFR 1320.3(c)(2).

prescription to the patient, and to retain records to demonstrate compliance with the rule's prescription release requirements. OMB has assigned this information collection OMB Control No. 3084–0174 (Title: Ophthalmic Practice Rules).

Finally, the Commission is amending § 1.101(b) to reflect that the Commission has obtained OMB approval for the information collection requirements set forth in the Rule on Unfair or Deceptive Fees, 16 CFR part 464. The Fees Rule includes disclosure obligations relating to the total price of live-event tickets or short-term lodging, any fee or charge imposed on the transaction that has been excluded from the total price, and the final amount of payment for the transaction. OMB has assigned this information collection OMB Control No. 3084–0176 (Title: Unfair or Deceptive Fees).

D. Clarifications of Procedures for Modifications of Second Requests During Premerger Review

Section 7A of the Clayton Act, 15 U.S.C. 18a (“Clayton Act” or “Act”), which was enacted as Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Public Law 94–435, title II, 90 Stat. 1390 (Sep. 30, 1976), and is implemented in 16 CFR parts 801 to 803, established the Federal Premerger Notification Program. The Act requires parties to certain mergers or acquisitions to submit premerger notification filings to the Commission and the Assistant Attorney General in charge of the Antitrust Division of the DOJ (collectively, “enforcement agencies”), and to wait a short period of time before consummating such transactions.³ The reporting and waiting period requirements are intended to enable the enforcement agencies to determine whether the proposed merger or acquisition, if consummated, would violate the antitrust laws (including section 7A of the Clayton Act) and, when appropriate, to seek an injunction in Federal court in order to enjoin anticompetitive acquisitions prior to consummation.⁴

If, during the waiting period, either the FTC or the DOJ determines that a further inquiry is necessary, section 7A(e)(1)(A) of the Clayton Act authorizes the determining agency to request additional information or documentary material from any person required to file notification. This request for additional information or documentary material is referred to as a

“Second Request,” and results in an extension of the waiting period.⁵

Section 2.20 sets forth procedures for Second Requests. Currently, paragraph (b)(3) of § 2.20 permits the Commission's authorized representative to modify the Second Request, or recommend such modification to the responsible Assistant Director of the Bureau of Competition, if the authorized representative “determines that a less burdensome request would be consistent with the needs of the investigation.” The Commission is revising § 2.20(b)(3) to clarify that, in determining whether to modify the request or recommend a modification, the authorized representative may consider all relevant factors, including (1) timing agreement negotiations, (2) the competitive issues involved, (3) the manner in which information and documents are maintained by the recipient, (4) the type of information available to the recipient, (5) the relative burdens to the recipient(s) of producing the requested information, and (6) whether a less burdensome request would be consistent with the needs of the investigation.

E. Clarification of Procedures for Assigning ALJs to Administrative Adjudicative Proceedings

Section 3.42(b) sets forth how cases are assigned to ALJs in administrative adjudicative proceedings. Specifically, it currently provides that the presiding ALJ in an FTC adjudicative proceeding “shall be designated by the Chief Administrative Law Judge or, when the Commission or one or more of its members preside, by the Commission.” 16 CFR 3.42(b). The Commission is amending § 3.42(b) to clarify the procedures applicable to the Chief ALJ's assignment of ALJs to adjudicative proceedings. The revisions specify that the Commission's Chief ALJ assigns ALJs to adjudicative proceedings on a rotational basis, so far as practicable, and may only depart from the rotational assignment of cases, on an as-needed basis, to ensure the just and expeditious disposition of proceedings. These revisions are consistent with the Administrative Procedure Act, which provides that ALJs “shall be assigned to cases in rotation so far as practicable.” 5 U.S.C. 3105.

F. Page Limits for Opening Briefs in Administrative Adjudicative Proceedings

On July 5, 2023, the Commission published a final rule in the **Federal Register** adopting several amendments

to its rules of practice, including its rules of practice for adjudicative proceedings (hereinafter, “July 2023 Amendments”).⁶ Among other things, the July 2023 Amendments provided parties with an opportunity to file exceptions to an ALJ's recommended decision by filing an opening brief. Language providing for a page limit for such opening briefs was inadvertently deleted as part of the July 2023 Amendments. Specifically, the deleted language provided that, without leave of the Commission, opening briefs shall not exceed 14,000 words. Accordingly, the Commission is revising § 3.52(c) to restore the inadvertently deleted language.

G. Update to Description of the Public Record of the Commission

In § 4.9(b)(5)(ii), the Commission is adding a reference to recommended decisions of ALJs to reflect that ALJs will issue “recommended” decisions rather than “initial” decisions under the July 2023 Amendments.

H. Revision of Methods To Submit FOIA Requests

Section 4.11(a)(1)(i)(A) provides the methods that may be used to submit a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. 552, to the Commission. The Commission is revising § 4.11(a)(1)(i)(A) to specify that FOIA requests may be submitted via the FTC's online FOIA portal; indicate that FOIA requests may be submitted via the Federal government-wide National FOIA Portal; and remove facsimile and email as methods to submit a FOIA request. Currently, § 4.11(a)(1)(i)(A) indicates that FOIA requests may be submitted “by the form located on the FTC's FOIA website.” The Commission has an online FOIA portal instead of an online FOIA request form. To better reflect current practice, the Commission is replacing the rule language referencing “the form” with “the online FOIA portal.” Section 4.11(a)(1)(i)(A) is also updated to add that FOIA requests may be submitted “by the National FOIA Portal, found at www.foia.gov,” which was created by the FOIA Improvement Act of 2016, 5 U.S.C. 552(m), to allow the public to centrally submit a FOIA request to any agency from a single website. The Commission is eliminating facsimile because it is a rarely used transmission method and postal mail remains available as an alternative to online submission. The Commission is also removing email as a method to submit a FOIA request

³ See 15 U.S.C. 18a(b)(1)(B), for the applicable time periods.

⁴ See 15 U.S.C. 18a(f).

⁵ See 16 CFR 803.20(c).

⁶ 88 FR 42872 (Jul. 5, 2023), as corrected by 88 FR 45063 (Jul. 14, 2023).

because both the FTC's online FOIA portal and the National FOIA Portal provide an electronic form that helps requesters submit necessary information for a proper FOIA request, and requests submitted via these online portals are automatically received by the FTC.

I. Clarification of the Commission's Quorum Rule

Section 4.14(b) sets forth how the Commission calculates a quorum for the conduct of Commission business. Specifically, it provides that "[a] majority of the members of the Commission in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise) constitutes a quorum for the transaction of business in that matter." When the Commission adopted this language in 2005, it understood that one Commissioner constitutes a "majority" under the rule—and therefore qualifies as a quorum—if there is only a single Commissioner in office or only a single Commissioner not recused from participating in a matter. Accordingly, consistent with § 4.14(b), the Commission occasionally has taken action with a quorum of one.⁷ To provide clear and unambiguous guidance to the public and avoid any misconceptions about the meaning of the Commission's quorum rule, the Commission is amending § 4.14(b) to specify how the Commission calculates a quorum under the rule in every possible scenario. The Commission is also revising § 4.14(b) to refer to

"Commissioners" rather than "members of the Commission" for consistency with other language in § 4.14(b). Finally, to make the revisions more readable, the amendments use "available to participate in a matter" as a shorthand for "in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise)."

J. Additional Procedural Requirements When Resolving Motions Seeking Disqualification of Commissioners

Section 4.17 governs motions seeking the disqualification of a Commissioner in any rulemaking or adjudicative proceeding. Under § 4.17, any participant in a proceeding before the Commission may file a motion to disqualify a Commissioner. Such a motion is first addressed by the Commissioner in question; if that Commissioner declines to recuse himself or herself, the Commission determines the motion without the participation of the challenged Commissioner. Section 4.17 specifies that the motion is to be determined in accordance with the legal standards applicable to the proceeding in which the motion is filed.

Section 4.17 currently does not include any requirement for a challenged Commissioner, or the Commission, to explain in writing the reasons for their decisions regarding disqualification motions. In practice, challenged Commissioners and the Commission have provided and made publicly available written explanation for their § 4.17 decisions. The amendments to § 4.17(b)(3)(ii) codify this current practice. The amendments require that in the event a Commissioner declines to recuse himself or herself from further participation in a proceeding, he or she will issue a written statement explaining the reasons for this decision and provide it to the other Commissioners. The amendments also require that if the challenged Commissioner declines to recuse and the Commission must then determine the motion without the participation of the challenged Commissioner, the Commission will issue an order ruling on the motion that sets forth the Commission's reasons for its decision. Both the Commissioner's statement and Commission's order will be made part of the public record, consistent with § 4.9.

In addition, § 4.17 does not currently include any requirement that a challenged Commissioner inform agency ethics officials about a disqualification motion. As a matter of agency practice, challenged Commissioners and the remaining

Commissioners already inform agency ethics officials and other officials in the FTC's Office of the General Counsel about motions under § 4.17 and work with those officials when addressing the motions. The Commission believes that codifying these practices into § 4.17 will promote public understanding of the § 4.17 process. The amendment adds the requirement that a challenged Commissioner must inform agency ethics officials of a § 4.17 motion.

II. Procedural Requirements

A. The Administrative Procedure Act and Regulatory Flexibility Act

Because these rule revisions relate solely to agency personnel, procedure, or practice, publication for notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(a)(2), (b).

For this reason, the requirements of the Regulatory Flexibility Act are also inapplicable. 5 U.S.C. 601(2), 604(a).

B. E.O. 14215, Ensuring Accountability for All Agencies; E.O. 12866, Regulatory Planning and Review; E.O. 14192, Unleashing Prosperity Through Deregulation

E.O. 12866 states that agencies should assess the 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, and distributive impacts). E.O. 14215 requires all executive branch departments and agencies, including independent agencies, to submit all their proposed and final significant regulatory actions to the Office of Budget and Management (OMB) for review. OMB determined that this final rule is not a significant regulatory action under E.O. 12866.

Executive Order 14192 requires that any new incremental costs associated with certain significant regulatory actions "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." Because this final rule is not a significant regulatory action under E.O. 12866, E.O. 14192's offset requirement does not apply.

C. Congressional Review Act

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

⁷ See, e.g., Press Release, FTC, FTC Secures Major Settlement with Caremark, Resolving Antitrust Case against Second Drug Middleman (July 14, 2026) (noting that a two-member Commission voted 1–0 to accept a consent agreement for public comment with one Commissioner recused), <https://www.ftc.gov/news-events/news/press-releases/2026/07/ftc-secures-major-settlement-caremark-resolving-antitrust-case-against-second-drug-middleman>; Press Release, FTC, FTC Secures Agreement with Haveas to Restore Competition in the Digital Advertising Ecosystem (June 30, 2026) (noting that a two-member Commission voted 1–0 to issue a complaint and final order with one Commissioner recused), <https://www.ftc.gov/news-events/news/press-releases/2026/06/ftc-secures-agreement-havas-restore-competition-digital-advertising-ecosystem>; Press Release, FTC, FTC Secures Landmark Settlement with Express Scripts to Lower Drug Costs for American Patients, (Feb. 4, 2026) (noting that a two-member Commission voted 1–0 to accept a consent agreement for public comment with one Commissioner recused), <https://www.ftc.gov/news-events/news/press-releases/2026/02/ftc-secures-landmark-settlement-express-scripts-lower-drug-costs-american-patients>; Press Release, FTC, FTC Adds Requirements to 2014 Order to Remedy CoreLogic Inc.'s Compliance Deficiencies (Mar. 15, 2018) (noting that a two-member Commission voted 1–0 to modify a consent order with one Commissioner recused), <https://www.ftc.gov/news-events/news/press-releases/2018/03/ftc-adds-requirements-2014-order-remedy-corelogic-incs-compliance-deficiencies>.

List of Subjects**16 CFR Part 0**

Organization and functions.

16 CFR Part 1

Administrative practice and procedure, Reporting and recordkeeping requirements.

16 CFR Part 2

Administrative practice and procedure, Investigations.

16 CFR Part 3

Administrative practice and procedure.

16 CFR Part 4

Administrative practice and procedure.

For the reasons set forth in the preamble, the Federal Trade Commission amends chapter I of title 16 of the Code of Federal Regulations as follows:

PART 0—ORGANIZATION

- 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 552(a)(1); 15 U.S.C. 46(g).

- 2. In § 0.8, revise the section heading, introductory text, and paragraph (c) to read as follows:

§ 0.8 The Chairman.

The Chairman of the Commission is designated by the President, and, subject to the general policies of the Commission, is the executive and administrative head of the agency. The Chairman presides at meetings of and hearings before the Commission and participates with other Commissioners in all Commission decisions. In rulemaking proceedings under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)), the Chairman serves as or may designate another Commissioner to serve as the Chief Presiding Officer or may appoint another person to serve as Chief Presiding Officer who is not responsible to any other official or employee of the Commission. Attached to the Office of the Chairman, and reporting directly to the Chairman, and through the Chairman to the Commission, are the following staff units:

* * * * *

(c) The Office of Equal Employment Opportunity, which advises and assists the Chairman and the organizational units in EEO issues;

* * * * *

- 3. In § 0.19, revise paragraphs (a) and (c) to read as follows:

§ 0.19 The Regional Offices.

(a) These offices are investigatory and enforcement arms of the Commission, and have responsibility for investigational, trial, compliance, and consumer educational activities as delegated by the Commission. They are under the general supervision of the Bureau of Consumer Protection.

* * * * *

(c) Each of the regional offices is supervised by a Regional Director, who is available for conferences with attorneys, consumers, and other members of the public on matters relating to the Commission's activities.

PART 1—GENERAL PROCEDURES

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

Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 552; 5 U.S.C. 601 note.

- 5. In § 1.101, amend the table in paragraph (b) by:

- a. Removing the entry for “0132”; and
■ b. Adding in numerical order entries for “0169”, “0171”, “0174”, and “0176”.

The additions read as follows:

§ 1.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

Current OMB control number (all numbers begin with 3084—)	16 CFR part where the information collection requirement is located (or alternate part(s) if issued by another agency, co-enforced by the Federal Trade Commission)
* * * * *	* * * * *
0169	1, 4, and 6.
0171	314.
0174	456.
0176	464.

PART 2—NONADJUDICATIVE PROCEDURES

- 6. The authority citation for part 2 continues to read as follows:

Authority: 15 U.S.C. 46.

- 7. In § 2.20, revise paragraph (b)(3) to read as follows:

§ 2.20 Petitions for review of requests for additional information or documentary material.

* * * * *

(b) * * *

(3) *Modification of requests.* The authorized representative may modify the request for additional information or documentary material, or recommend such modification to the responsible Assistant Director of the Bureau of Competition. In determining whether to modify the request or recommend a modification, the authorized representative may consider all relevant factors, including timing agreement negotiations, the competitive issues involved, the manner in which information and documents are maintained by the recipient, the type of information available to the recipient, the relative burdens to the recipient(s) of producing the requested information, and whether a less burdensome request would be consistent with the needs of the investigation. A request for additional information or documentary material may be modified only in writing signed by the authorized representative.

* * * * *

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

- 8. The authority citation for part 3 continues to read as follows:

Authority: 15 U.S.C. 46.

- 9. In § 3.42, revise paragraph (b) to read as follows:

§ 3.42 Presiding officials.

* * * * *

(b) *How assigned.* The presiding Administrative Law Judge will be designated by the Chief Administrative Law Judge or, when the Commission or one or more of its members preside, by the Commission, who will notify the parties of the Administrative Law Judge designated. Designations by the Chief Administrative Law Judge will be made by rotation so far as practicable, and the Chief Administrative Law Judge may depart from the rotation only as needed to ensure the just and expeditious disposition of proceedings.

* * * * *

■ 10. In § 3.52, add paragraph (c)(2) to read as follows:

§ 3.52 Exceptions to recommended decision.

* * * * *

(c) * * *

(2) The opening brief shall not, without leave of the Commission, exceed 14,000 words.

* * * * *

PART 4—MISCELLANEOUS RULES

■ 11. The authority citation for part 4 continues to read as follows:

Authority: 15 U.S.C. 46.

■ 12. In § 4.9, revise paragraph (b)(5)(ii) to read as follows:

§ 4.9 The public record.

* * * * *

(b) * * *

(5) * * *

(ii) Initial decisions and recommended decisions of administrative law judges;

* * * * *

■ 13. In § 4.11, revise paragraph (a)(1)(i)(A) to read as follows:

§ 4.11 Disclosure requests.

(a) * * *

(1) * * *

(i) * * *

(A) A request under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, for access to Commission records shall be in writing and transmitted by one of the following means: by the online FOIA portal located on the FTC's FOIA website, found at www.ftc.gov; by the National FOIA Portal, found at www.foia.gov; or by mail to the following address: Freedom of Information Act Request, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

* * * * *

■ 14. In § 4.14, revise paragraph (b) to read as follows:

§ 4.14 Conduct of business.

* * * * *

(b) A majority of the Commissioners available to participate in a matter constitutes a quorum for the transaction of business in that matter. For purposes of this paragraph, any Commissioner in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise) is considered available to participate in that matter, and a majority is calculated as follows:

(1) If the number of Commissioners available to participate is five or four, then a majority consists of three Commissioners;

(2) If the number of Commissioners available to participate is three or two, then a majority consists of two Commissioners; and

(3) If the number of Commissioners available to participate is one, then a majority consists of one Commissioner.

* * * * *

■ 15. In § 4.17, revise paragraph (b)(3) to read as follows:

§ 4.17 Disqualification of Commissioners.

* * * * *

(b) * * *

(3)(i) Such motion will be addressed in the first instance by the Commissioner whose disqualification is sought. The Commissioner must inform agency ethics officials of the motion.

(ii) In the event such Commissioner declines to recuse himself or herself from further participation in the proceeding, he or she must issue a written statement explaining the reasons for this decision and provide it to the other Commissioners. The Commission will then determine the motion without the participation of such Commissioner, and must issue an order ruling on the motion that sets forth the Commission's reasons for its decision. Both the Commissioner statement and Commission order will be made part of the public record, consistent with § 4.9.

* * * * *

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2026-19597 Filed 9-23-26; 8:45 am]

BILLING CODE 6750-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2024-0362; FRL-13404-02-R4]

Air Plan Approval; Alabama; Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is approving a State Implementation Plan (SIP) revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM) on April 7, 2026. The SIP revision replaces the previously approved transportation conformity memorandum of agreement (MOA) with an updated MOA concerning transportation conformity criteria and

procedures related to interagency consultation, conflict resolution, public participation, and enforceability of certain transportation-related control and mitigation measures. The SIP revision also makes a minor stylistic change to the Transportation Conformity and General Conformity rules in the Alabama SIP. The EPA has determined that Alabama's April 7, 2026, SIP revision is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

DATES: This rule is effective October 26, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2024-0362 at www.regulations.gov. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Weston Freund, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8773. Mr. Freund can also be reached via electronic mail at freund.weston@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this rule, the use of "we," "us," or "our" is intended to refer to the EPA. We use multiple abbreviations and terms in this rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

ADEM—Alabama Department of Environmental Management

CAA—Clean Air Act
 EPA—Environmental Protection Agency
 MOA—Memorandum of Agreement
 NPRM—Notice of Proposed Rulemaking
 SIP—State Implementation Plan

Table of Contents

- I. Executive Summary
- II. Background
- III. Incorporation by Reference
- IV. Statutory and Executive Order Reviews

I. Executive Summary

The EPA is approving a SIP revision submitted by ADEM on April 7, 2026. The revision replaces the existing Alabama Interagency Transportation Conformity MOA with a revised MOA signed by the Federal and State transportation and air quality partners and the Birmingham Planning Organization, which is subject to the transportation conformity requirements. The MOA establishes procedures for interagency consultation, dispute resolution, public participation, and enforceability of certain transportation-related control measures and mitigation measures. The EPA is also approving minor stylistic changes to Rules 335–3–17–.01, *Transportation Conformity*, and 335–3–17–.02, *General Conformity*, in the Alabama SIP.¹ The State made this stylistic change to be more consistent with Alabama’s Legislative Agency Service Requirements. The EPA has reviewed the April 7, 2026, submittal, and has determined that it is consistent with the CAA and the applicable requirements of the Conformity Rule.

II. Background

Through a notice of proposed rulemaking (NPRM), published on July 2, 2026,² the EPA proposed to approve the April 7, 2026, changes to the conformity MOA and updates to Rules 335–3–17–.01 and 335–3–17–.02 in the Alabama SIP. The details of Alabama’s submission, as well as the EPA’s rationale for approving these changes, are described in more detail in the July 2, 2026, NPRM. Comments on the July 2, 2026, NPRM were due on August 3, 2026. One comment supportive of the EPA’s proposed action and one comment that was outside the scope of

this rulemaking were received on the NPRM. These comments are available in the docket for this action.

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in section I of this preamble, the EPA is finalizing the incorporation by reference of Rules 335–3–17–.01, *Transportation Conformity*, and 335–3–17–.02, *General Conformity*, State effective February 12, 2024, which removes “(1) General” from the beginning of their respective paragraphs. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.³

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not exempt under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.⁵

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

Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements.⁶

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

¹ The changes to Rules 335–3–17–.01 and 335–3–17–.02 were initially submitted to the EPA on December 20, 2023, as part of a package that contained revisions to several other SIP-approved rules. The changes to Rules 335–3–17–.01 and 335–3–17–.02 were resubmitted to the EPA along with the updated MOA and together they comprise the April 7, 2026, conformity submission. The only revisions addressed in this final rule are the updated MOA and the changes to Rules 335–3–17–.01 and 335–3–17–.02. See clarification email from Lisa Edwards, ADEM, to Denisse Diaz, EPA Region 4, on May 18, 2026, available in the docket for this final rule.

² See 91 FR 40491.

³ See 62 FR 27968 (May 22, 1997).

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

⁵ See 65 FR 67249 (Nov. 9, 2000).

⁶ See CAA section 307(b)(2).

requirements, Volatile organic compounds.

Dated: September 14, 2026.

Kevin McOmber,
Regional Administrator, Region 4.

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

PART 52—APPROVAL AND
PROMULGATION OF
IMPLEMENTATION PLANS

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

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

Subpart B—Alabama

■ 2. Section 52.50 is amended by:
■ a. In table 1 to paragraph (c) under the heading “Chapter No. 335–3–17 Conformity of Federal Actions to State

Implementation Plans” by revising the entries for “Section 335–3–17–.01” and “Section 335–3–17–.02”; and
■ b. In the table to paragraph (e) by adding an entry for “Alabama Interagency Transportation Conformity Memorandum of Agreement” at the end of the table.

The revisions and addition read as follows:

§ 52.50 Identification of plan.

* * * * *
(c) * * *

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter No. 335–3–17 Conformity of Federal Actions to State Implementation Plans				
Section 335–3–17–.01	Transportation Conformity	2/12/2024	9/24/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Section 335–3–17–.02	General Conformity	2/12/2024	9/24/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * * * * (e) * * *

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	*
Alabama Interagency Transportation Conformity Memorandum of Agreement.		4/7/2026	9/24/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Supersedes the previous Alabama Interagency Transportation Conformity Memorandum of Agreement approved by the EPA on 5/11/2000.

Proposed Rules

Federal Register

Vol. 91, No. 184

Thursday, September 24, 2026

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 93 and 94

[Docket No. APHIS–2023–0069]

RIN 0579–AE77

Amendments To Import Requirements for Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: Current APHIS regulations specify that live birds and other avian commodities may not be exposed to highly pathogenic avian influenza (HPAI) or sourced from premises quarantined for HPAI within the 90 days immediately preceding export to the United States. We are proposing to reduce this timeframe to 28 days preceding export to the United States. This action is necessary to align APHIS regulations with international standards regarding HPAI transmission. This action would allow foreign regions to resume the export of live birds and other avian commodities to the United States sooner following an outbreak of HPAI, while still providing adequate safeguards that the importation of the birds or other avian commodities does not present a risk of disseminating HPAI within the United States.

DATES: We will consider all comments that we receive on or before November 23, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2023–0069 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0069, Regulatory Analysis and Development, PPD, APHIS, 5601

Sunnyside Avenue, #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *Regulations.gov* or in our reading Room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Kelly Rhodes, Director, Live Animal Imports, Strategy and Policy, Veterinary Services, APHIS, George Washington Carver Center, 5601 Sunnyside Ave., 3–WS–3129, Beltsville, MD 20705.

SUPPLEMENTARY INFORMATION:

Background

Section 8303 of the Animal Health Protection Act (AHPA) authorizes the Secretary of Agriculture to restrict the importation of any animal or article if the Secretary determines that the restriction is necessary in order to prevent the introduction or dissemination of pests or diseases of livestock within the United States, and to promulgate such regulations as are necessary to carry out these restrictions. Within the United States Department of Agriculture (USDA), the Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS).

Consistent with this authority, APHIS has issued regulations governing the importation of live birds and avian products. The APHIS regulations governing the importation of live birds are contained in 9 CFR part 93, subpart A, “Birds” (9 CFR 93.100–93.107) and Subpart B, “Poultry” (9 CFR 93.200–93.220). The APHIS regulations governing the importation of avian carcasses, meat, parts, products, and eggs (except hatching eggs) are generally contained in 9 CFR 94.6, with the exception of regulations governing the importation of avian products from a region of Europe termed the “APHIS-defined European Poultry Trade Region,” which are contained in 9 CFR 94.28.

The regulations referenced above currently provide that live birds and avian products may not be exposed to highly pathogenic avian influenza

(HPAI) or sourced from premises quarantined for HPAI within the 90 days immediately preceding export to the United States. This 90-day waiting period reflected the prevailing international understanding regarding the transmission of HPAI at the time these provisions were established. For example, under the 2004 edition of the Terrestrial Animal Health Code issued by the World Organization for Animal Health (WOAH) (formerly the Office of International des Epizooties or OIE), if depopulation of affected poultry is used, a country may be considered free “3 months after the slaughter of the last infected poultry and disinfection of all affected establishments” (See Article 2.7.12.7 of Chapter 2.7.12 of Section 2.7 the 2004 code).

However, in the intervening time period, scientific understanding of HPAI has advanced. Importantly, the WOAH Scientific Commission on Animal Diseases determined that, based on the available scientific literature, the incubation period for HPAI was shorter than previously believed: 14 days as opposed to the previous 21-day period. In addition, the Scientific Commission concluded that the minimum recovery period for regaining HPAI free status could be reduced from 90 to 28 days (*i.e.*, two flock-level incubation periods). This evolving understanding of HPAI ultimately led to a May 2021 revision to the Terrestrial Animal Health Code to adopt these changes. In 2022, in response to a specific request, APHIS entered into an import protocol with Canada to adopt this 28-day period with regard to live birds and avian products from Canada on a provisional basis and pending future rulemaking.

Accordingly, in this proposed rule, to align the regulations with prevailing international standards, we are making this current allowance for Canada generally applicable to all foreign regions and we are accordingly proposing to lower the waiting period for HPAI from 90 days to 28 days throughout 9 CFR parts 93 and 94.

Harmonizing Changes

We are also making minor editorial revisions to the sections of the regulations impacted by this rule to ensure listed addresses and websites are up to date. For example, in § 93.101, we are updating footnote 4, which discusses the means of requesting an

import permit for live birds, to ensure that the mailing address and web address for such requests are current.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. As a proposed rule, it also is not subject to Executive Order 14192.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

APHIS is proposing to amend its regulations under the AHPA to allow greater flexibility in managing HPAI-related trade restrictions. Current APHIS regulations specify that live birds and other avian commodities may not be exposed to HPAI or sourced from premises quarantined for HPAI within the 90 days immediately preceding export to the United States. We are proposing to reduce this timeframe to 28 days preceding export to the United States. This action is necessary to align APHIS regulations with international standards regarding HPAI transmission.

The rationale for reducing the timeframe from 90 days to 28 days is due to the findings of the WOAHP Scientific Commission on Animal Diseases that, based on the available scientific literature, the incubation period of HPAI was shorter than previously believed: 14 days as opposed to the previous 21-day period. The Scientific Commission also concluded that the minimum recovery period for regaining HPAI free status could be reduced from 90 to 28 days (*i.e.*, two flock-level incubation periods). This

evolving understanding of HPAI ultimately led to a May 2021 revision to the WOAHP Terrestrial Animal Health Code to adopt these changes.

This proposed rule would align U.S. regulations with updated WOAHP guidance issued in May 2021. The new guidance recognized that two flock-level incubation periods (28 days) are sufficient for regaining disease-free status. APHIS has already adopted this approach in its 2022 bilateral agreement with Canada, and extending this regulatory flexibility would enhance negotiations with additional trading partners while supporting continuity in poultry trade.

The U.S. poultry sector, valued at \$81.7 billion in 2025, is highly integrated into global markets.¹ Reducing the waiting period from 90 to 28 days would provide significant benefits to producers, processors, wholesalers, and consumers by minimizing disruptions in supply, particularly during HPAI-related product shortages. For example, more timely access to imported eggs from the European Poultry Trading Region could yield benefits of \$1.1 million to \$4.4 million annually.

We expect the overall impact on affected entities to be positive. Businesses would be able to have access to their products sooner, due to the approval of imports occurring more quickly (from 90 to 28 days). In some instances, entities may bear some level of additional business competition sooner than they would with the 90-day restriction in place.

The majority of affected businesses, including poultry producers, hatcheries, processors, and wholesalers qualify as small entities under Small Business Administration standards. The rule is expected to provide net benefits through improved market access and reduced duration of trade disruptions.

The proposed action does not duplicate or conflict with existing regulations and carries minimal additional reporting or compliance burdens.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings

¹ USDA National Agricultural Statistics Service. Poultry-Production and Value 2025 Summary. April 2026: https://www.nass.usda.gov/Publications/Todays_Reports/reports/plva0426.pdf.

will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping requirements included in this proposed rule are approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0245 and 0579–0328.

List of Subjects

9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Reporting and recordkeeping requirements.

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 93 and 94 as follows:

- 1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

- 2. Amend § 93.101 by:
 - a. Revising paragraph (d) to read as set forth below.
 - b. Revising footnote 4 to read as set forth below.

§ 93.101 General prohibitions; exceptions.

- * * * * *
- (d) The provisions in this subpart relating to birds shall not apply to healthy birds, except ratites, not known to be infected with or exposed to highly pathogenic avian influenza (HPAI) within the 28 days preceding the date of export from the region of origin and not known to be infected with or exposed to other communicable diseases of poultry within the 90 days preceding the date of export from the region of origin, if an import permit⁴ has been obtained under § 93.103 of this chapter and all conditions therein are observed; and if such birds are handled as follows:
- 3. Amend § 93.104 by:

⁴ Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, 5601 Sunnyside Ave., Beltsville, MD 20705, or by visiting <https://efile.aphis.usda.gov/s/>.

Applicants must submit a form VS 17–129. Instructions are available online at <https://www.aphis.usda.gov/animal-product-import/animal-health-permits>. Requests for approval of facilities should be made directly to the Port Services office with authority over the transit port. Contact information for the Port Services office in different states is available at <https://www.aphis.usda.gov/contact/animal-animal-product-trade-contacts>.

- a. Revising paragraph (b)(3) to read as set forth below.
- b. Revising paragraph (b)(5) to read as set forth below.
- c. Revising paragraph (c)(4) to read as set forth below.
- d. Revising paragraph (c)(6) to read as set forth below.
- e. Revising paragraph (d)(4) to read as set forth below.
- f. Revising paragraph (d)(5) to read as set forth below.

§ 93.104 Certificate for pet birds, commercial birds, zoological birds, and research birds.

* * * * *

(b) * * *

(3) That insofar as has been possible to determine, the birds were not exposed to Newcastle disease, chlamydiosis, or other communicable disease of poultry other than HPAI during the 90 days immediately preceding their exportation, or exposed to HPAI during the 28 days immediately preceding their exportation;

* * * * *

(5) That Newcastle disease did not occur anywhere on the premises from which the birds were to be exported or on adjacent premises during the 90 days immediately preceding the exportation of the birds, and that HPAI did not occur anywhere on the premises from which the birds were to be exported or on adjacent premises during the 28 days immediately preceding the exportation of the birds;

* * * * *

(c) * * *

(4) That insofar as has been possible to determine, the birds in the flock of origin were not exposed to Newcastle disease, chlamydiosis, or other communicable disease of poultry other than HPAI during the 90 days immediately preceding their exportation, or exposed to HPAI during the 28 days immediately preceding their exportation;

* * * * *

(6) That Newcastle disease did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 90 days immediately preceding the exportation, and that HPAI did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 28 days immediately preceding the exportation;

* * * * *

(d) * * *

(4) That insofar as has been possible to determine, the flock of origin was not exposed to Newcastle disease, chlamydiosis, or other communicable

disease of poultry other than HPAI during the 90 days immediately preceding the exportation of the hatching eggs, or exposed to HPAI during the 28 days immediately preceding the exportation of the hatching eggs;

(5) That Newcastle disease did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 90 days immediately preceding the exportation of the hatching eggs, and that HPAI did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 28 days immediately preceding the exportation of the hatching eggs.

* * * * *

■ 4. Amend § 93.201 by:

■ a. Revising paragraph (b) to read as set forth below.

■ b. Redesignating footnotes 2, 3 and 4 as footnotes 1, 2, and 3.

■ c. Revising redesignated footnote 2 to read as set forth below.

§ 93.201 General prohibitions; exceptions.

* * * * *

(b) The provisions in this part 93 relating to poultry shall not apply to healthy poultry not known to be infected with or exposed to highly pathogenic avian influenza (HPAI) within the 28 days preceding the date of export from the region of origin and not known to be infected with or exposed to other communicable diseases of poultry within the 90 days preceding the date of export from the region of origin, if an import permit ² has been obtained under § 93.204 of this chapter and all conditions therein are observed; and if such poultry are handled as follows:

* * * * *

■ 5. Amend § 93.205 by:

■ a. Revising paragraph (a)(1) to read as set forth below.

■ b. Redesignating paragraph (a)(2) as (a)(9).

■ c. Revising paragraph (b) to read as set forth below.

§ 93.205 Certificate for live poultry and hatching eggs.

(a) *Live poultry.* All live poultry, except eggs for hatching, offered for

² Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services by calling 301-851-3300 or by visiting <https://efile.aphis.usda.gov/s/>. Applicants must submit a form VS 17-129. Instructions are available online at <https://www.aphis.usda.gov/animal-product-import/animal-health-permits>. Requests for approval of facilities should be made directly to the Port Services office with authority over the transit port. Contact information for the Port Services office in different states is available at <https://www.aphis.usda.gov/contact/animal-animal-product-trade-contacts>.

importation from any region of the world shall be accompanied by a certificate stating that:

(1) Such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such region and were then found to be free of evidence of communicable diseases of poultry;

(2) As far as it has been possible to determine, during the 28 days prior to movement, the poultry were not exposed to HPAI and the premises were not in any area under quarantine for this disease;

(3) As far as it has been possible to determine, during the 90 days prior to movement, the poultry were not exposed to any communicable diseases of poultry other than HPAI and the premises were not in any area under quarantine for such diseases;

(4) The poultry have not been vaccinated with a vaccine for the H5 or H7 subtype of avian influenza;

(5) The poultry have been kept in the region from which they are offered for importation since they were hatched, or for at least 90 days immediately preceding the date of movement;

(6) The poultry have not originated from or been moved through a region referenced in § 94.6(a) of this subchapter as a region where any form of HPAI exists;

(7) As far as it has been possible to determine, no case of Newcastle disease occurred on the premises where such poultry were kept, or on adjoining premises, during the 90 days immediately preceding the exportation of the poultry, and no case of HPAI occurred on the premises where the poultry were kept, or adjoining premises, during the 28 days immediately preceding the exportation of the poultry;

(8) The birds were placed into new or appropriately sanitized packaging materials at the premises from which the birds were to be exported; and

* * * * *

(b) *Hatching eggs.* All eggs for hatching offered for importation from any part of the world shall be accompanied by a certificate stating that:

(1) The flock or flocks of origin were found upon inspection to be free from evidence of communicable diseases of poultry;

(2) The hatching eggs are from poultry that have not been vaccinated with a vaccine for the H5 or H7 subtype of avian influenza;

(3) During the 90 days prior to movement, the flock or flocks of origin

were not exposed to communicable diseases of poultry other than HPAI and the premises were not in any area under quarantine for such diseases;

(4) With respect to HPAI, during the 28 days prior to movement, the flock or flocks of origin were not exposed to this disease and the premises were not in any area under quarantine for this disease;

(5) The hatching eggs and the flock or flocks of origin have not originated in or been moved through a region referenced in accordance with § 94.6(a) of this subchapter as a region where any form of HPAI exists; and

(6) The hatching eggs were placed into new or appropriately sanitized packaging materials at the premises from which the hatching eggs were to be exported.

* * * * *

§ 93.207 [Amended]

■ 6. In § 93.207, remove the words “All poultry found to be free from communicable disease and not to have been exposed thereto within 90 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other poultry shall be refused entry” and add the words “Poultry shall be admitted subject to the other provisions of this part if found free of communicable disease and not to have been exposed to communicable diseases other than HPAI within the 90 days prior to their exportation to the United States, and not to have been exposed to HPAI within the 28 days prior to their exportation to the United States; all other poultry shall be refused entry” in their place.

PART 94—FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 7. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 8. Amend 94.6 by:

■ a. Revising paragraph (c)(1)(ix)(A) to read as set forth below.

■ b. Revising paragraph (c)(1)(ix)(B) to read as set forth below.

§ 94.6 Carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where Newcastle disease or highly pathogenic avian influenza is considered to exist.

* * * * *

(c) * * *

(1) * * *

(ix) * * *

(A) No Newcastle disease occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed, and no HPAI occurred on the premises of origin or on adjoining premises during the 28 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to Newcastle disease during the 90 days before the certificate was signed or exposed to HPAI during the 28 days before the certificate was signed.

* * * * *

■ 9. Amend § 94.28 by:

■ a. Revising paragraph (a)(1)(ii).

■ b. Redesignating paragraph (a)(1)(iii) as (a)(i)(iv).

■ c. Adding new paragraph (a)(1)(iii).

■ d. Revising paragraph (b)(1)(ii).

The revisions and addition read as follows:

§ 94.28 Restrictions on the importation of poultry meat and products, and live birds and poultry, from the APHIS-defined European Poultry Trade Region.

(a) * * *

(1) * * *

(ii) A restricted zone in the APHIS-defined European Poultry Trade Region established because of detection of Newcastle disease in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the country or until 3 months (90 days) following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

(iii) A restricted zone in the APHIS-defined European Poultry Trade Region established because of detection of HPAI in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the country or until 28 days following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

* * * * *

(b) * * *

(1) * * *

(ii) A restricted zone in the APHIS-defined European Poultry Trade Region established because of detection of Newcastle disease in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the country or until 3 months (90 days) following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or a restricted zone in the APHIS-defined European Poultry Trade Region established because of detection of HPAI in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the country or until 28 days following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

* * * * *

Done in Washington, DC, this 17th day of September 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–19532 Filed 9–23–26; 8:45 am]

BILLING CODE 3410–34–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AI67

Small Business Size Standards

AGENCY: U.S. Small Business Administration.

ACTION: Extension of comment periods.

SUMMARY: On August 20, 2026, the U.S. Small Business Administration (SBA or the Agency) published a notice of proposed rulemaking and a notice of availability of Revised Size Standards Methodology in the **Federal Register** to solicit public comments on the revised methodology and proposed Small Business Size Standards. Effective as of filing on September 21, 2026, SBA is extending the comment period for an additional 60 days until November 20, 2026.

DATES: The comment periods for the notice of proposed rulemaking published on August 20, 2026 (91 FR 53741) and the Revised Size Standards Methodology published on August 20, 2026 (91 FR 54096) are extended for an additional 60 days from September 21,

2026. Comments must be received on or before November 20, 2026.

ADDRESSES: For the Small Business Size Standards notice of proposed rulemaking, you may submit comments identified by RIN 3245-AI67 or Docket No. SBA-2026-0199 by one of the following methods:

(1) *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments; or

(2) *Mail/Hand Delivery/Courier:* Ryan Lambert, Associate Administrator Office of Industrial Base Resilience & Contracting, 409 Third Street SW, Mail Code 6530, Washington, DC 20416.

SBA will post all comments on this proposed rule on www.regulations.gov. If you wish to submit confidential business information (CBI) as defined in the User Notice at www.regulations.gov, you must submit such information to GCBDRregs@sba.gov with “RIN 3245-AI67” in the subject heading. Highlight the information that you consider to be CBI, and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found on www.regulations.gov.

For the Small Business Size Standards: Revised Size Standards Methodology, you may submit comments identified by Docket No. SBA-2026-0265 by one of the following methods:

(1) *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments; or

(2) *Mail/Hand Delivery/Courier:* Ryan Lambert, Associate Administrator, Office of Industrial Base Resilience & Contracting, 409 Third Street SW, Mail Code 6530, Washington, DC 20416.

SBA will post all comments on this Revised Methodology on www.regulations.gov. If you wish to submit confidential business information (CBI) as defined in the User Notice at www.regulations.gov, you must submit such information to GCBDRregs@sba.gov with “2026 Revised Methodology” in the subject heading. Highlight the information that you consider to be CBI, and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Ryan Lambert, Associate Administrator,

Office of Industrial Base Resilience & Contracting, GCBDRregs@sba.gov.

SUPPLEMENTARY INFORMATION: On August 20, 2026, SBA published a notice of availability of Revised Size Standards Methodology for comments at 91 FR 54096 and a notice of proposed rulemaking for Small Business Size Standards at 91 FR 53741. In the Revised Size Standards Methodology, SBA advised the public that it has revised its white paper explaining how it establishes, reviews, and modifies small business size standards. The revised white paper provided a detailed description of SBA’s size standards methodology, including changes from SBA’s 2024 Revised Size Standards Methodology. In the Small Business Size Standards notice of proposed rulemaking, SBA proposed new size standards for 338 industry groups and industries.

The Agency requested comments on its size standards notice of proposed rulemaking and methodology. Initially, SBA established a 30-day comment period for the proposed rulemaking and methodology, with closing dates of September 21, 2026. In response to requests for additional time to comment and following the SBA’s clarification of the impacts of SBA’s proposed changes, the Agency is extending the comment periods for an additional 60 days after September 21, 2026, the date the initial comment periods were scheduled to close. Comments must now be received on or before November 20, 2026.

Ryan Lambert,

Associate Administrator, Office of Industrial Base Resilience & Contracting.

[FR Doc. 2026-19546 Filed 9-21-26; 6:00 pm]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-2277; Project Identifier MCAI-2023-00733-T]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) that would have applied to certain Bombardier, Inc., Model BD-700-2A12

airplanes. This action revises the NPRM by citing new material required for the revision of the existing maintenance or inspection program. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM 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 www.regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at www.regulations.gov under Docket No. FAA-2025-2277; 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 SNPRM, 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 Bombardier material identified in this proposed AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-2999; email ac.yul@aero.bombardier.com; website bombardier.com.

- 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: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include

“Docket No. FAA–2025–2277; Project Identifier MCAI–2023–00733–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 SNPRM.

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 SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would have applied to all Bombardier, Inc., Model BD–700–2A12 airplanes. The NPRM was published in the **Federal Register** on September 9, 2025 (90 FR 43400). The NPRM was prompted by Transport Canada AD CF–2023–38, dated June 1, 2023 (Transport Canada AD CF–2023–38), issued by Transport Canada, which is the aviation authority for Canada. Transport Canada AD CF–2023–38 states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, Transport Canada superseded Transport Canada AD CF–2023–38 and issued Transport Canada AD CF–2023–38R1, dated November 13, 2025 (Transport Canada AD CF–2023–38R1) (also referred to as the MCAI), to correct an unsafe condition for certain Model BD–700–2A12 airplanes. The MCAI states that the applicability was revised to limit the affected airplanes by excluding airplanes on which the intent of Transport Canada AD CF–2023–38 is incorporated in production and therefore are not affected by the unsafe condition.

The FAA is proposing this AD to address reduced structural integrity of the airplane and reduced controllability of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–2277.

Comments

The FAA received comments from an anonymous commenter who supported the NPRM without change and three anonymous commenters who supported the NPRM but had additional comments.

The FAA received additional comments from Bombardier, The Citizens Rulemaking Alliance, NetJets, and three anonymous commenters. The following presents the comments received on the NPRM and the FAA’s response to each comment.

Request for Service Information

NetJets requested that the FAA explain how operators can comply with the cited material: Bombardier Global 7500 Revision Submission, RS–BD700–2A12–052, dated May 7, 2025. NetJets stated it received a response from Bombardier Maintenance Programs and Planning explaining that Bombardier Global 7500 Revision Submission, RS–BD700–2A12–052, dated May 7, 2025; is not provided to operators as it is an internal document.

Bombardier also commented that Bombardier Global 7500 Revision Submission, RS–BD700–2A12–052, is not yet published and will not be available to operators. Bombardier stated that the RS–BD700–2A12–052 contents will be published in the next airworthiness limitations manual.

The FAA acknowledges that Bombardier Global 7500 Revision

Submission, RS–BD700–2A12–052, dated May 7, 2025, will not be available to operators. However, Bombardier has issued Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, which includes the same additional mandatory maintenance tasks (AMMTs) as those specified in Bombardier Global 7500 Revision Submission, RS–BD700–2A12–052, dated May 7, 2025.

Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, will be incorporated by reference and available in the AD docket at *regulations.gov* under Docket No. FAA–2025–2277 when the final rule is published.

The FAA has revised paragraph (g)(1) of this proposed AD to refer to Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, for incorporating AMMTs. The FAA has also revised paragraph (g)(2) of this proposed AD to provide an option to incorporate all applicable airworthiness limitations specified in Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025.

Request To Allow Later Revisions

An anonymous commenter requested that the FAA permit operators to adhere to the most recent iterations of Bombardier’s Time Limits/Maintenance Checks (TLMC) manuals if more stringent safety regulations are included in those updates. The commenter stated that operators might have to hold off on implementing updated procedures until after another AD. The commenter stated that adopting the most recent safety data more quickly and in accordance with contemporary safety management principles would be facilitated by permitting the use of future revisions and would improve efficiency and safety. The commenter noted that Bombardier frequently updates its maintenance programs to reflect new findings.

The FAA cannot allow the use of future revisions because the agency may not refer to any document that does not yet exist in an AD. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to

such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the proposed AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this proposed AD under the provisions of paragraph (i)(1) of this proposed AD. As stated previously, the FAA has revised paragraph (g)(2) of this proposed AD to allow the use of a later revision of the airworthiness limitations document.

Request To Include the Cost Savings

An anonymous commenter requested that the FAA include the average repair costs that would occur if preventative or frequent maintenance is not done. The commenter stated that the cost of updating an operator's maintenance/inspection program to adopt the latest airworthiness limitations (\$7,650) is the practical choice when considering the cost of repairs without preventive maintenance. The commenter also stated that the NPRM did not quantify the risk associated with the unsafe condition, so operators may see the proposed regulation as lacking a clear cost benefit argument.

The FAA cannot quantify the safety cost savings for this proposed AD. However, the FAA has estimated the proposed AD's compliance cost impact in response to another commenter (see Request to Consider Impact on Small Entities), which determined that this proposed AD would not have a significant impact on a substantial number of the affected operators. Further, the FAA has determined that an unsafe condition exists and therefore the actions required by this proposed AD must be done.

Request for Guidance

An anonymous commenter requested the FAA give clear guidance or a standard template for updating the maintenance procedures. The commenter stated this would make it easier for airlines to follow the rules correctly and reduce mistakes. The commenter also noted that meeting the new requirements in stages could help airlines handle costs and training without causing delays. The commenter concluded these changes would make the proposed AD easier to implement while keeping flights safe.

The FAA disagrees that guidance on revising the maintenance or inspection

program is needed. Operators may accomplish the maintenance or inspection program revision using their own procedures, which vary among operators. The FAA has not revised this proposed AD in this regard.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, or convert this action to an NPRM and stay the effective date while soliciting comments. The commenter asserted the FAA has not adequately justified use of the good cause exemption to bypass notice and comment and the 30-day delayed effective date.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This SNPRM also provides a 30-day comment period. Therefore, no change to this proposed AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance requested that the FAA make IBR material available and free to the public during the comment period. The commenter asserted that this AD incorporates by reference proprietary service information that is not reasonably available to the public.

The FAA's practices comply with 5 U.S.C. 552(a) of the Administrative Procedure Act and 1 CFR part 51. The FAA makes IBR materials available in the AD docket when the final rule is published in the **Federal Register**, following formal approval of the IBR by the Office of the Federal Register. Materials may only be posted before the final rule's publication if they are already publicly available or if there is written consent from the owner of the IBR material. All relevant materials incorporated by reference will be accessible in the AD docket on *Regulations.gov*, which the public can access without registration or fees.

The FAA also provides summaries and access details in the preamble and regulatory text, makes materials available for inspection at FAA and National Archives and Records Administration (NARA) offices, offers publisher contact information, and obtains formal IBR approval from the Office of the Federal Register. These efforts are intended to ensure that all IBR materials meet the "reasonably available" standard required by 1 CFR part 51. The FAA did not change this

proposed AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove or clarify that no reporting is required. The commenter stated that the PRA requires providing the applicable OMB control number(s), required PRA statements, and burden estimates in the AD and docket.

The FAA notes this proposed AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled "Paperwork Reduction Act" that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this proposed AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term "small entities" comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The FAA identified the primary North American Industry Classification System (NAICS) industry of each entity or each entity's parent company and then used data from different sources (e.g., company annual reports, Bureau of Transportation Statistics) to determine whether the entity meets the applicable size standard. The following table provides the Small Business Association (SBA) size standards for all industries

with at least 1 impacted relevant entity and the estimated number of affected small entities within each NAICS industry.

SMALL BUSINESS SIZE STANDARDS AND NUMBER OF ENTITIES ¹

NAICS code	Description	Size standard	Entities	Small entities	Percent small entities
336611	Ship Building and Repairing	1,300 employees	1	0	0
454110	Electronic Shopping and Mail-Order Houses	\$47.0 million	1	0	0
481211	Nonscheduled Chartered Passenger Air Transportation	1,500 employees	9	9	100
522110	Commercial Banking	\$850 million in assets	1	0	0
522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.	\$47.0 million	1	0	0
523910	Miscellaneous Intermediation	\$47.0 million	1	1	100
524126	Direct Property and Casualty Insurance Carriers	1,500 employees	2	0	0
541110	Offices of Lawyers	\$15.5 million	1	0	0
541614	Process, Physical Distribution and Logistics Consulting Services	\$20.0 million	1	0	0
Total .....	.....	.....	18	10	56

¹ Sources: U.S. SBA, Table of Small Business Size Standards (2023). *sba.gov*; Dun & Bradstreet D&B Hoovers, retrieved August 11, 2026. *app.hoovers.dnb.com*; Zoominfo, retrieved August 11, 2026. *zoominfo.com*.

While the FAA has determined this proposed AD affects a substantial number of small entities, the compliance cost of the proposed AD is minimal relative to each small entity's annual revenue. The proposed AD's

\$7,650 per-entity cost as a percentage of annual revenue imposes a burden no greater than 1.7%. Therefore, as provided in section 605(b), the FAA certifies this proposed AD will not result in a significant economic impact

on a substantial number of small entities. The FAA did not change this proposed AD as a result of this comment. The table below displays the cost impact of the proposed AD on all 10 small entities.

AVERAGE ANNUALIZED COST OF COMPLIANCE PER SMALL ENTITY ¹

NAICS industry	Small entities	Average revenue	Average cost as a percent of revenue	Range of cost as a percent of revenue
Miscellaneous Intermediation	1	\$1,930,000	0.4	0.4–0.4
Nonscheduled Chartered Passenger Air Transportation	9	23,535,381	0.3	0.0–1.7

¹ Sources: US SBA, Table of Small Business Size Standards (2023). *sba.gov*; Dun & Bradstreet D&B Hoovers, retrieved August 11, 2026. *app.hoovers.dnb.com*; Zoominfo, retrieved August 11, 2026. *zoominfo.com*.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the data supporting its cost estimate, including assumptions about labor, parts availability, airplane downtime, and fleet size and confirm and explain the FAA's determination that the AD is not significant under Executive Order 12866.

The FAA notes that in preamble of the proposed AD, the FAA certified that this regulation is not a "significant regulatory action" under Executive Order 12866, which means, in part, that the regulation will not have an annual effect on the economy of \$100 million or more. Further, in the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected airplanes on the U.S. registry, estimated number of work hours to comply with the proposed AD, and the aggregate costs. The work-hour estimate is based on a survey of transport operators, which found that the mean average is 90 work-hours to revise an

operator's maintenance or inspection program. Parts availability is not considered in the cost estimate because this proposed AD does not require any airplane parts.

Further, the FAA has determined that the current labor rate of \$85 per hour remains accurate for this proposed AD. The FAA evaluates this rate periodically, based on U.S. Department of Labor Statistic (BLS) data found at <https://data.bls.gov/oes>, and will change the rate when appropriate. The FAA used a blended wage rate to estimate the labor rate for this proposed AD, where the FAA assumes 60 percent weight for aircraft mechanics (at a fully burdened mean wage rate of \$69.85 per hour) and 40 percent for general and operations managers (at a fully burdened mean wage rate of \$108.15 per hour). To calculate the blended wage rate, the FAA multiplied each wage rate by its corresponding weight and added up the products to obtain a wage rate of \$85.17, which the FAA rounded down to \$85.

Since the FAA has assessed and disclosed all known costs of the

proposed AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, the FAA determined that the existing analysis is complete. Based upon the analysis provided throughout the proposed AD and in the previous comment response, the FAA certifies that this proposed AD is not a "significant regulatory action" under Executive Order 12866. The FAA did not change this proposed AD as a result of this comment.

Explanation of Change to the Applicability

The applicability of the proposed AD specified all Model BD-700-2A12 airplanes were affected. However, the applicability of this proposed AD has been revised to exclude airplanes that are not affected by the unsafe condition. Although the applicability of Transport Canada AD CF-2023-38R1 specified affected airplane serial numbers, the applicability of this proposed AD specifies Model BD-700-2A12

airplanes, except for airplanes on which the information specified in Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, or later revisions of Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, approved by Transport Canada, has been incorporated into the existing maintenance or inspection program, as applicable. The airplanes identified in the exception meet the intent of the requirements of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

Bombardier Global 7500 Airworthiness Limitations, BD700–3AB48–11400–01, Issue No. 017, dated February 28, 2023. This service information specifies new or more restrictive airworthiness limitations for fuel tank systems, safe life limits, certification maintenance requirements, and candidate certification maintenance requirements (CCMRs).

The FAA also reviewed Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025. This service information specifies airworthiness limitations, which includes new airworthiness limitations identified as AMMTs, which replace the CCMRs for the FAA.

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 SNPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed AD Requirements in This SNPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to

incorporate new or more restrictive airworthiness limitations.

Costs of Compliance

The FAA estimates that this proposed AD affects 58 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the 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 determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2025–2277; Project Identifier MCAI–2023–00733–T.

(a) Comments Due Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, except for airplanes on which the information specified in Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, or later revisions of Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, approved by Transport Canada, has been incorporated into the existing maintenance or inspection program, as applicable.

(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 and reduced controllability of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, do the actions specified in paragraph (g)(1) or (2) of this AD.

(1) Revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in paragraph (g)(1)(i) and (ii) of this AD. The initial compliance time for doing the tasks is at the time specified in Bombardier Global 7500 Airworthiness Limitations, BD700–3AB48–11400–01, Issue No. 017, dated February 28, 2023, and in the “Additional mandatory maintenance tasks—General” section of Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, as applicable, or within 90 days after the effective date of this AD, whichever occurs later.

(i) Bombardier Global 7500 Airworthiness Limitations, BD700–3AB48–11400–01, Issue No. 017, dated February 28, 2023, except for the information specified in the “Candidate CMR Limitations—General” section.

(ii) The “Additional mandatory maintenance tasks—General” section of Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025.

(2) Revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025. The initial compliance time for doing the tasks is at the time specified in Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) 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 (j) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal

inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Bombardier Global 7500 Airworthiness Limitations, BD700–3AB48–11400–01, Issue No. 017, dated February 28, 2023.

(ii) Bombardier Global 7500/8000 Airworthiness limitations BD700–3AB48–11400–01, Issue No. 024, dated December 15, 2025.

(3) For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email ac.yul@aero.bombardier.com; website bombardier.com.

(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 21, 2026.

Hollister B. Thorson,

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

[FR Doc. 2026–19561 Filed 9–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 91 and 135**

[Docket No. FAA–2026–12145; Notice No. 26–17]

RIN 2120–AM24

Flight Operations: Pilot requirements; Use of oxygen

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FAA proposes to raise the altitudes at which a pilot is required to don an oxygen mask for commuter and on demand operations, as directed by the FAA Reauthorization Act of 2024, and revise the pilot oxygen mask requirements applicable to general aviation operations in pressurized aircraft. The proposed amendments would allow the operation of airplanes at higher altitudes without requiring at least one pilot at the controls to wear and use an oxygen mask. If adopted, these proposed changes would reduce regulatory and economic burdens on operators by changing certain requirements pertaining to pilots’ use of oxygen masks.

DATES: Send comments on or before November 23, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–12145 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W58–213, West Building 5th Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at <https://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC

20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Part 135 information: Chris Morris, Air Transportation Division, AFS-200, Federal Aviation Administration, Room 834, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-8166; email 9-AFS-200-Correspondence@faa.gov.

Part 91 information: Jamelle Poppe, General Aviation and Commercial Division, AFS-800, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267-1100; email 9-AFS-800-Correspondence@faa.gov.

SUPPLEMENTARY INFORMATION:

List of Abbreviations and Acronyms Frequently Used in This Document

AC: Advisory Circular
AD: Airworthiness Directive
AFM: Airplane Flight Manual
CAA: Civil Aviation Authority
FL: Flight Level
hPa: Hectopascals
ICAO: International Civil Aviation Organization
MSL: Mean Sea Level
NPRM: Notice of Proposed Rulemaking
NTSB: National Transportation Safety Board
PO₂: Partial Pressure of Oxygen
SARPs: Standards and Recommended Practices
SpO₂: Blood Oxygen Saturation Level
TUC: Time of Useful Consciousness
USAF: United States Air Force
USN: United States Navy

Table of Contents

I. Executive Summary	
II. Authority for This Rulemaking	
III. Background	
A. History	
B. International Discrepancies in Mask Requirements	
C. Safety Risk Analysis and NTSB Findings & Recommendations	
D. United States Military Oxygen Mask Requirements and Pressurization Events	
E. Related Regulatory Actions	
IV. Proposal	
A. Revising Part 135 Oxygen Mask Requirements With More Than One Pilot on the Flightdeck	
B. Revising Part 135 Mask Requirement to Flight Level 350 if One Pilot Is on the Flightdeck	
C. Revising Part 91 Oxygen Mask Requirements	
D. Terminology Changes	
V. Regulatory Notices and Analyses	
A. Regulatory Impact Analysis (RIA)	
B. Regulatory Flexibility Act	
C. International Trade Impact Assessment	
D. Unfunded Mandates Assessment	
E. Paperwork Reduction Act	
F. International Compatibility	
G. Environmental Analysis	
VI. Executive Order Determinations	
A. Executive Order 13132, Federalism	

- B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments
- C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use
- D. Executive Order 13609, Promoting International Regulatory Cooperation
- E. Executive Order 14192, Unleashing Prosperity Through Deregulation
- VII. Additional Information
 - A. Comments Invited
 - B. Confidential Business Information
 - C. Electronic Access and Filing
 - D. Small Business Regulatory Enforcement Fairness Act

I. Executive Summary

As directed by section 834 of the FAA Reauthorization Act of 2024 (“the Act”), FAA is issuing this notice of proposed rulemaking (NPRM) to propose the amendment of 14 CFR 135.89(b)(3) to increase the flight level ¹ at which at least one pilot at the controls must wear an oxygen mask in a pressurized aircraft from Flight Level (FL) 350 to FL410. As required by section 834 of the Act, FAA is proposing to revise § 135.89(b)(4) to increase the flight level at which a single pilot at the controls on the flightdeck must wear an oxygen mask in a pressurized aircraft, from current FL250 to FL350. This amendment would change the current altitude at which a pilot must wear an oxygen mask when the pilot is the only pilot at the controls and would clarify that § 135.89(b)(4) applies to operations when only a single pilot is assigned to the flight. Section 834 also directed FAA to consider applicable safety data, risks, and investigations and recommendations of the National Transportation Safety Board (NTSB) in its NPRM. Based on that evaluation, FAA is proposing to amend § 135.89(b)(4) to increase the flight level at which a single pilot on the flightdeck must wear an oxygen mask from current FL250 to FL350.

In addition to satisfying the statutory mandate to publish an NPRM proposing amendments to § 135.89(b)(3) and (4), FAA is proposing to amend part 91 supplemental oxygen requirements in this NPRM. Although assessing the risk associated with the proposed part 135 amendment, FAA found that at higher altitudes, pressurization events in modern business aircraft are rare. Given that operators may fly these aircraft in accordance with the requirements of either part 135 or part 91, FAA proposes

revising the part 91 supplemental oxygen mask regulation to allow a pilot to operate at any altitude without donning a mask when a quick-donning mask is available to the pilot. The proposed change would align part 91 regulations with International Civil Aviation Organization (ICAO) Annex 6, Part II Standards and Recommended Practices (SARPs) more closely. In addition, the proposed changes to part 91 would uphold the Safety Continuum ² by tolerating more risk in general aviation operations than in commercial operations.

Currently, § 91.211(b)(1)(ii) requires one pilot at the controls of a civil aircraft of U.S. registry with a pressurized cabin to wear an oxygen mask that is secured and sealed at all times when the aircraft is operated above FL410, and also requires that if the aircraft is operated above FL350 with only one pilot at the controls, that pilot must wear an oxygen mask that is secured and sealed. The proposal would amend § 91.211(b)(1) to state that, if quick-donning masks ³ are available to the pilot(s), then operations are allowed at any altitude for which the aircraft is certified without a pilot at the controls wearing an oxygen mask. In an aircraft without quick-donning masks, however, at flight altitudes above FL350, one pilot at the controls would be required to wear an oxygen mask that is secured and sealed.

FAA anticipates the effect from these changes would be reduced oxygen usage by aircraft flying between the current and proposed flight level thresholds, generating savings for operators needing less frequent oxygen tank servicing, which FAA estimates can cost between \$100 to \$400 per fill-up. Without exact data on the potential reduction in oxygen usage and subsequent need for service to estimate cost savings, FAA instead estimates that for every percentage point decrease of the roughly 4.7 million parts 91 and 135 turbojet and multiengine turboprop operations that no longer require servicing due to this rulemaking, applicable aircraft operators would save between \$4.7

² See The Safety Continuum—A Doctrine for Application Sept. 2014, https://downloads.regulations.gov/FAA-2015-1621-0018/attachment_1.pdf, and Section III. 4. of this preamble for additional discussion about safety continuum application to parts 91 and 135 pilot oxygen mask requirements.

³ 14 CFR 25.1447 (c)(2)(i) defines a quick-donning mask as one that can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand, within five seconds and without disturbing eyeglasses or causing delay in proceeding with emergency duties and allows, while in place, the performance of normal communication functions.

¹ Flight level is defined as a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Flight levels are stated in three digits that represent hundreds of feet. For example, FL250 represents a barometric altimeter indication of 25,000 feet; FL255 indicates 25,500 feet. 14 CFR 1.1.

million to \$18.6 million in oxygen servicing fees annually.

II. Authority for This Rulemaking

FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (U.S.C.) Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of FAA's authority. FAA is issuing this NPRM under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for cybersecurity and other practices, methods, and procedures necessary for safety in air commerce and national security. This NPRM is within the scope of that authority.

In addition, section 834 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63) (the Act) directs the Administrator to issue an NPRM concerning whether to revise § 135.89(b)(3) and (4) to apply only to aircraft operating at altitudes above FL410.

III. Background

A. History

1. Regulatory History

In 1961, FAA published a final rule⁴ that required one pilot of a two-pilot crew engaged in commercial operations to wear and use an oxygen mask above FL250.⁵ However, if each crewmember on the flight deck was provided with a quick-donning oxygen mask, the one pilot did not need to wear and use an oxygen mask until the airplane was operated above FL350. FAA maintained these requirements in the 1964 rule establishing § 135.83, *Requirements for use of oxygen*.⁶ In the 1964 final rule, FAA noted that many comments on the NPRM expressed that the minimum altitudes at which the use of oxygen was required should be increased. FAA disagreed, stating that increasing the minimum altitudes required for pilot supplemental oxygen would

compromise safety. In 1978, § 135.83 was recodified as § 135.89 and remains unchanged.⁷

In 1967, FAA published an NPRM proposing requirements pertaining to the use of oxygen equipment in all aircraft operating under part 91.⁸ Specifically, FAA proposed § 91.32, which, in pertinent part, would require a pilot operating a civil aircraft with a pressurized cabin to wear an oxygen mask, secured and sealed, at flight altitudes above FL350. Based on the comments received, the 1970 final rule instead required that on any aircraft having more than one pilot at the controls, it was not necessary that one pilot breathe supplemental oxygen at all times at flight levels at or below FL410 if each flight crewmember at the controls had a quick-donning type oxygen mask. If only one pilot was at the controls while operating above FL350, that pilot was required to wear an oxygen mask.⁹ In 1989, part 91 was recodified and § 91.32 became § 91.211, but the content of the regulation remained the same and is unchanged to this day.¹⁰

2. Withdrawn Notice of Proposed Rulemaking 82–11

In 1982, FAA issued an NPRM, *Pilot Oxygen Mask Requirement*, (“the 1982 NPRM”) ¹¹ proposing to amend the pilot oxygen mask requirements in parts 91, 121, and 135. The NPRM proposed not requiring one pilot to wear and use an oxygen mask on a pressurized aircraft with a total pressure volume of at least 20,000 cubic feet operating under parts 91 and 121 up to and including FL450, or the maximum certified altitude of the airplane, whichever was lower. The NPRM noted FAA had issued exemptions from § 135.89(b)(3) to permit operation of pressurized airplanes up to and including FL410 under part 135 without requiring one pilot at the controls to wear and use an oxygen mask.¹² The NPRM suggested the FL350 limitation in § 135.89(b) was unnecessarily restrictive and therefore proposed to remove the differences

between part 91 and part 135 pilot oxygen mask requirements.

The 1982 NPRM received 16 public comments. Three commenters disagreed with the proposal. Several companies, labor organizations, and industry associations supported the proposal. However, the Aerospace Industries Association of America, an unnamed aeronautical consultant, and the United States Air Force (USAF) raised questions about the severe physiological consequences resulting from high altitude decompression and the potential for flightcrew incapacitation.

In 1986, FAA withdrew the 1982 NPRM, citing concerns regarding insufficient data related to rapid depressurization events.¹³ Specifically, there was a lack of information on pilot reaction times, the interval before initiation of emergency descent procedures, the rate of increase in cabin altitude, the maximum cabin altitude reached, and the time required to descend to an altitude where supplemental oxygen was no longer necessary for the occupants. The withdrawal notice indicated that this lack of comprehensive data precluded a rational assessment of regulatory alternatives to the existing requirement for at least one pilot to wear and use an oxygen mask at altitudes above FL410.

FAA noted in the withdrawal of the NPRM that USAF opposed changes in the 1982 NPRM that would have relaxed the civil pilot oxygen requirements. Their objection was focused on USAF requirements for an oxygen mask to be worn by the pilot and available to all other crewmembers when flying pressurized aircraft above FL410 as a mitigation to the physiological effects caused by exposure to high altitude. At the time, most pressurized aircraft in USAF inventory, such as the VC–140 and CT–29,¹⁴ were designed in the 1950s and lacked the robust design standards of modern business jets in operation today. FAA has learned that since at least 2010, USAF has permitted operations above FL410 without either pilot wearing an oxygen mask in certain aircraft such as the C–37, which is based on the Gulfstream V.¹⁵

Since that time, significant advancements have been made in data collection, processing, and interpretation. In addition,

⁴ Oxygen Mask Requirements and Altitude Training for Flight Crewmembers Assigned to Duty on Turbine-Powered Airplanes Operated Above 25,000 Feet final rule, 26 FR 1055 (Feb. 3, 1961).

⁵ The 1961 rule used both mean sea level (MSL) and FL when referring to the altitude at which pilots must use oxygen masks. This NPRM uses FL rather than MSL when referencing altitudes to match current regulatory notations.

⁶ Miscellaneous Amendments to parts 1, 42, 47, 61, 91, and 135 final rule, 29 FR 2988 (Mar. 5, 1964).

⁷ Regulatory Review Program; Air Taxi Operators and Commercial Operators final rule, 43 FR 46742 (Oct. 10, 1978).

⁸ Installation and Operating Requirements for Oxygen Equipment and Supply NPRM, 32 FR 10602 (July 19, 1967).

⁹ Installation and Operating Requirements for Oxygen Equipment and Supply final rule, 35 FR 6385 (Apr. 21, 1970).

¹⁰ Revision of General Operating and Flight Rules final rule, 54 FR 34284 (Aug. 18, 1989).

¹¹ Pilot Oxygen Mask Requirement NPRM, 47 FR 35146 (Aug. 12, 1982).

¹² See 47 FR 35146.

¹³ Pilot Oxygen Mask Requirements Withdrawal of Notice of Proposed Rulemaking, 51 FR 9432, 9433 (Mar. 18, 1986).

¹⁴ *Air Force Magazine*, May 1982, pages 161 and 162 https://www.airandspaceforces.com/app/uploads/2024/09/AFmag_1982_05.pdf.

¹⁵ Air Force Instruction 11–2VIP, Vol. 3. (Feb. 12, 2010), Supplement, Flight Operations (May 19, 2011).

improvements in aircraft design and manufacturing have resulted in more aircraft operating above FL410, thereby increasing opportunities to gather data on pressurization events at higher altitudes. Accordingly, FAA believes that sufficient data now exists to estimate the risks associated with the proposed changes to the regulations accurately.

3. Petitions for Exemption

Since 1979, there have been 46 petitions for exemption from § 135.89(b)(3) or (b)(4), or both. The exemption requests asked to permit one or both pilots at the controls to operate pressurized aircraft without utilizing supplemental oxygen above the levels required by the regulation. To support these exemption requests, petitioners included decision features of their aircraft. These included mitigators such as type certification resulting in a highly improbable decompression failure rate at altitude, automatic Emergency Descent Mode, dual pressure bulkheads, cabin pressure warning systems, and quick-donning masks. The petitioners noted that providing the relief the petitioner requested would save them money on oxygen servicing and enable more frequent or longer flights at high altitudes where greater fuel economy is achieved. FAA routinely issued grants or partial grants of exemption until 1986. Since 1986, following the withdrawal of the 1982 NPRM, FAA has denied 15 petitions for exemption from § 135.89.¹⁶ Since the mid-1990s, six part 91 operators have petitioned for exemption from § 91.211(b)(1)(ii), which requires one pilot to wear and use an oxygen mask any time the aircraft is above FL410.¹⁷ FAA denied all of these petitions for both § 91.211 and § 135.89 because the petitioners did not present safety mitigations unique to their operations. The mitigations the petitioners proposed—such as having certain aircraft design features and performance during depressurization—would apply to anyone operating that make and model of aircraft rather than just that particular operator. In its denials, FAA typically stated “[s]hould the FAA determine that it is appropriate to allow the relief requested, it will take appropriate action to change the rules

rather than issue an exemption so that all persons may benefit from such a change.”

In the years following the exemption denials for both parts 91 and 135, FAA gathered and analyzed millions of hours of flight data at high altitude. This information has significantly enhanced understanding of the effects and likelihood of decompression, crewmember best practices, improved design features, and common causes of decompression.¹⁸ Despite these advancements, current regulations have not been updated to reflect this new information and improved practices. This improved understanding informed this proposed rulemaking to update the oxygen mask regulations.

4. Safety Continuum Application to Parts 91 and 135 Pilot Oxygen Mask Requirements

Since 2012, FAA has utilized the Safety Continuum to balance the needs of aircraft manufacturers, aircraft owners, and aircraft operators with the need for public safety. The Safety Continuum guides FAA in determining the proper level of safety for the type of operation. Under 49 U.S.C. 44701(d), FAA must consider both the duty of an air carrier to provide service with the highest possible degree of safety and the differences between air transportation and other air commerce when prescribing regulations and minimum standards. In accordance with the statute, the Safety Continuum provides that there is the need for a higher level of safety as the type of aircraft and operations become more complex and as occupants become further removed from understanding and managing risks.

One way FAA implements the Safety Continuum is by setting different aircraft design standards based on the intended use for those aircraft. The Safety Continuum also addresses differences in operational risks by promulgating different operating regulations such as part 91 and part 135. When considering regulatory changes, FAA employs the Safety Continuum to determine the appropriate regulatory level of safety for the intended operations. This balanced approach allows FAA to meet or exceed safety objectives while imposing appropriate requirements on the aviation industry and the public.¹⁹

Part 91 generally applies to general aviation operators, while part 135²⁰

generally applies to holders of an air carrier or operating certificate issued under part 119²¹ who conduct commuter or on-demand operations or both. The two parts must account for, among other things, risk assumed by the pilot and flightcrew and risk assumed by passengers. Part 135 requires a higher level of safety due to the statutory requirement for an air carrier to provide service with the highest possible degree of safety in the public interest.²² Therefore, FAA has imposed more stringent regulatory requirements under part 135 than part 91 because there is a higher expectation of safety when carrying passengers or cargo for compensation. For example, FAA requires more extensive training programs with more frequent competency²³ and proficiency checks²⁴ under part 135 than it does under part 91. With a loosening of the oxygen mask requirements for part 135, part 135 requirements would now be more flexible and lenient than the requirements of part 91. This result would be inconsistent with FAA's safety continuum which would call for more stringent requirements for part 135 operations that involve the transportation of passengers and cargo for compensation. Therefore, FAA is proposing to revise part 91 supplemental oxygen mask usage requirements.

B. International Discrepancies in Mask Requirements

FAA oxygen mask regulations are currently more stringent than ICAO standards. This places a greater burden on part 91 and part 135 domestic operators as compared to their international peers, requiring domestic operators to perform additional maintenance and incur additional expenses due to increased oxygen usage.

ICAO is a specialized agency of the United Nations established in 1944 by the Convention on International Civil Aviation (Chicago Convention). The Chicago Convention established rules of airspace, aircraft registration, and safety, among other things, and remains in effect to this day. In accordance with Article 37 of the Chicago Convention, ICAO member states, including the United States, agree to collaborate to achieve the highest practicable degree of uniformity in aircraft and personnel regulations, and in all matters where it will facilitate and improve air navigation. To achieve this, ICAO

¹⁶ FAA most recently denied Springfield Aircraft Charter and Sales, Inc.'s petition for exemption from § 135.89. In the denial, FAA stated that if it found it could grant relief from the current regulation, it would initiate a rulemaking rather than issue grants of exemption. FAA Denial of Exemption No. 11613, Docket No. FAA-2014-0315 (May 18, 2015).

¹⁷ Exemption Nos. 21408, 11994, 8499, 8479, 6141, and 6817.

¹⁸ See section III.C. of this preamble.

¹⁹ See The Safety Continuum—A Doctrine for Application (Sept. 2014), https://downloads.regulations.gov/FAA-2015-1621-0018/attachment_1.pdf.

²⁰ 14 CFR 135.1.

²¹ 14 CFR 119.1; 14 CFR 119.21(a).

²² See 49 U.S.C. 44701(d).

²³ 14 CFR 135.293.

²⁴ 14 CFR 135.297.

adopts Standards and Recommended Practices (SARPs) for a variety of aviation issues.

SARPs are published in 19 Annexes to the Chicago Convention. FAA's policy is to meet its obligations under the Chicago Convention by conforming to ICAO SARPs to the maximum extent practicable.²⁵ Member States' Civil Aviation Authorities (CAAs) each integrate, to the maximum extent practicable,²⁶ the ICAO SARPs into their national legal frameworks and practices and are responsible for regulatory oversight.

Annex 6, Part I contains SARPs applicable to the operation of airplanes

by operators authorized to conduct international commercial air transport operations. If adopted by FAA, these SARPs would be applicable to part 135 operations in the United States.

Specifically, § 4.4.5.2 of Annex 6, Part I, requires that all flight crewmembers of pressurized airplanes at flight duty stations operating above an altitude where the atmospheric pressure is less than 376 Hectopascals (hPa) (FL250) shall have available a quick-donning type of oxygen mask which readily supplies oxygen on demand.

For part 91 operations, Annex 6, Part II establishes SARPs applicable to the operation of general aviation

airplanes.²⁷ Attachment 2.A of Annex 6, Part II supplements § 2.2.3.8, and places the same requirements that would apply to part 135 operators by requiring quick-donning oxygen masks be accessible when operating above an altitude where the atmospheric pressure is less than 376 hPa (FL250).

Although ICAO requires quick-donning masks be available above FL250, there is no requirement for flight crewmembers to wear oxygen masks at any specified altitude in either commercial air transport or general aviation operations as currently exist in the United States.

TABLE 1—COMPARISON OF ICAO SARPs AND CURRENT FAA RULES

ICAO SARP	Current FAA rule
Annex 6, Part I, 4.4.5.2: All flight crew members of pressurized airplanes operating above an altitude where the atmospheric pressure is less than 376 hPa (FL250) shall have available at the flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.	14 CFR 135.89(b)(3) Two pilots at the controls: Whenever a pressurized aircraft is operated at altitudes above 35,000 feet MSL, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask required by paragraph (b)(2)(i). 14 CFR 135.89(b)(4) One pilot at the controls: If one pilot leaves a pilot duty station of an aircraft when operating at altitudes above 25,000 feet MSL, the remaining pilot at the controls shall put on and use an approved oxygen mask until the other pilot returns to the pilot duty station of the aircraft.
Annex 6, Part II, 3.4.4.2.2: All flight crew members of pressurized airplanes operating above an altitude where the atmospheric pressure is less than 376 hPa (FL250) shall have available at the flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.	14 CFR 91.211(b)(1)(ii) Two pilots at the controls: No person may operate a civil aircraft of U.S. registry with a pressurized cabin at flight altitudes above FL350 unless one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below FL410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within five seconds, supplying oxygen and properly secured and sealed. 14 CFR 91.211(b)(2) One pilot at the controls: Notwithstanding paragraph (b)(1)(ii), if for any reason at any time it is necessary for one pilot to leave the controls of the aircraft when operating at flight altitudes above FL350, the remaining pilot at the controls shall put on and use an oxygen mask until the other pilot has returned to that crewmember's station.

C. Safety Risk Analysis and NTSB Findings & Recommendations

1. Introduction

Section 834 of the Act mandated that, in issuing this proposal, FAA consider applicable safety data and risks, including pertinent incidents and accidents as well as the investigations and recommendations of the NTSB. FAA considered the physiological risks of higher altitude flights, the severity of those risks, data on decompression

events, and the likely causes of decompression.

Modern advancements in aircraft design have reduced the likelihood of explosive decompression events, as discussed in III.D. of this NPRM. In addition, over the last fifty years FAA has gathered more data on decompression and the likely causes of decompression events from information sources that are both publicly available or information protected from public disclosure under 14 CFR 193, as

discussed in III.C.2 of this NPRM. This, in conjunction with the ongoing industry interest in reducing the burden imposed by current oxygen mask requirements as expressed in the exemption requests noted in section III.A.3 of this preamble, discussions between FAA and industry, and the mandates of section 834, has led FAA to believe that raising the minimum altitude at which a pilot must don an oxygen mask will reduce regulatory burden on part 91 and part 135

²⁵ FAA Order 1240.11, *Assessing Compliance with ICAO Standards and Recommended Practices (SARPs) and Implementing their Provisions* (Nov. 6, 2007), available at: https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/17693.

²⁶ Although Article 37 of the Chicago Convention requires each contracting state to collaborate to achieve the highest practicable degree of uniformity in aircraft and personnel regulations with ICAO SARPs, Article 38 of the Chicago Convention provides member states the option to file a difference from the SARPs that notifies the ICAO

Council of the differences between the member states' regulations and ICAO SARPs.

²⁷ ICAO Annex 6, Part II Applicability states “The Standards and Recommended Practices of Annex 6, Part II, are applicable to international general aviation operations with aeroplanes.”

operators while maintaining an appropriate level of safety during high-altitude flight. These challenges include reduced oxygen availability in emergencies, impaired pilot communication, hygiene concerns, disease risk, and increased fatigue.

In addition to the changes to part 135 proposed by section 834 of the Act, FAA wanted to assess the risk associated with a possible change to part 91. Specifically, FAA was considering an amendment to § 91.211(b)(1)(ii), proposing that if two pilots are at the controls of an airplane that has been designed so that the occupants will not be exposed to cabin pressure altitude that exceeds 40,000 feet for any duration after decompression from any failure condition not shown to be extremely improbable, and each pilot has a quick-donning oxygen mask available, then one pilot need not wear and use an oxygen mask while at or below the aircraft's maximum certified altitude.

However, based on the data and analysis explained in section IV.C. of this preamble, FAA decided to propose a change to § 91.211(b)(1) to allow operations at any altitude provided quick donning masks are available to the pilots.

2. Likelihood Analysis of Decompression Events and NTSB Findings and Recommendations

In the FAA Safety Risk Management review process, risk is determined by considering both the likelihood of an event occurring and the severity of its potential consequences. These factors are incorporated into a safety risk matrix to determine the risk level for each severity-likelihood combination based on the operation's safety expectations.

To determine the risk associated with the proposed amendments, FAA assessed the likelihood of a decompression event occurring above FL250. FAA used data from the 2023 General Aviation Survey to estimate the number of flight hours flown above FL250 by part 91 and part 135 operators.²⁸ Considering significant factors over the past decade, such as the impact of the COVID-19 pandemic and advancements in modern aircraft capabilities, FAA adopted a conservative approach. Consequently, FAA estimated that between January 2015 and May 2025 part 91 and part 135

operators collectively logged over 20 million flight hours above FL250.

FAA then reviewed reported pressurization events that occurred during that 10-year period. Out of the over 20 million flight hours flown above FL250 by part 91 and part 135 operators, FAA found approximately 200 reports of decompression events. Of those reports, 75 percent occurred from FL260 up to and including FL410, while 25 percent took place above FL410. FAA categorized each event as "explosive," "rapid," or "gradual."²⁹ Among the 200 reported events, three were possible rapid decompressions and one was an explosive decompression. Of these four events, two rapid decompressions resulted in accidents (discussed below), while the remaining rapid decompression and the explosive decompression both landed safely without further incident.

Only one accident resulted in fatalities: an event involving a Cessna 560 on June 4, 2023, operated under part 91 by a single pilot.³⁰ NTSB concluded that the probable cause of this accident was pilot incapacitation due to loss of cabin pressure for undetermined reasons and that the owner/operator's decision to operate the airplane without supplemental oxygen onboard contributed to the outcome. FAA does not consider the accident relevant to the risk analysis because it was determined that the aircraft was not flown in an airworthy³¹ condition. Furthermore, the pilot lost consciousness before reaching an altitude at which current regulations require the use of an oxygen mask.

In addition to the accident noted above, on May 23, 2016, a Cessna Citation 501SP experienced a complete decompression at FL430 due to multiple failures in the pressurization system.³² Upon recognizing the depressurization, the pilot delayed the donning of his oxygen mask. Had he immediately donned his oxygen mask after noticing

the depressurization, it is likely that the event would not have resulted in damage to the airplane.³³ There were no fatalities or serious injuries resulting from this accident; however, the pilot and two passengers sustained minor injuries. Consequently, NTSB did not issue any safety recommendations in response to this accident.

In summary, due to the rarity of decompressions occurring above FL250, combined with advances in aircraft design and safety standards, FAA finds that increasing the minimum altitude at which oxygen masks must be worn continuously will not adversely affect safety. The two accidents that occurred during the review period and within the operational parameters relevant to this NPRM occurred due to failure to follow required procedures and regulations. FAA concludes that the proposed rule would not have changed the outcome of either event. In all other cases, the aircraft that experienced a decompression event landed successfully without further incident, and in several cases, the pilots admitted they were not wearing their oxygen masks prior to the occurrence.

In addition to the two events discussed above, another accident FAA considered during its risk analysis was the crash of a Learjet 35 that occurred on October 25, 1999.³⁴ The accident resulted in the deaths of all six people on board, including golfer Payne Stewart. Though the accident did not occur within the 10-year review period, its notoriety and subsequent safety recommendations warranted inclusion in this analysis. The Learjet 35 lost cabin pressure for undetermined reasons. Air traffic control received the last communication from the aircraft while it was climbing through 23,200 feet. Subsequently, the aircraft continued climbing to more than 46,000 feet, flew on autopilot for nearly four hours, deviated from its intended course, and ultimately ran out of fuel and crashed in South Dakota. The NTSB determined that the probable cause of the accident was pilot incapacitation due to failure to receive supplemental oxygen.

Following the Learjet 35 accident, the NTSB issued 11 safety recommendations to FAA.³⁵ These

²⁹ For purposes of the assessment, an explosive depressurization is defined as a loss of cabin pressure resulting in ambient pressure being reached within three seconds or less. A rapid depressurization is one in which ambient pressure is reached in more than three seconds, but less than 60 seconds and a gradual depressurization occurred when it took more than 60 seconds for cabin pressure to reach ambient pressure.

³⁰ NTSB Aviation Investigation Final Report ERA23FA256 (May 13, 2025), available at: <https://data.ntsb.gov/carol-rep-gen/api/Aviation/ReportMain/GenerateFinalReport/192300/pdf>.

³¹ 14 CFR 3.5(a)—Airworthy means the aircraft conforms to its type design and is in a condition for safe operation.

³² NTSB Aviation Accident Final Report CEN16LA197 (Jul. 5, 2018), available at: <https://www.faa.gov/sites/aa.files/2023-12/CEN16LA197.pdf>.

³³ See Safety Risk Assessment for Use of Pilot Oxygen Masks in CFR parts 91 and 135 Operations, Section 3.

³⁴ NTSB Aviation Accident Final Report DCA00MA005 (Nov. 28, 2000).

³⁵ NTSB Safety Recommendation A-00-109 through -119 (Dec. 20, 000), available at: https://www.google.com/goto?url=CAESagHuR6pN0k8H6P0_7pcGzmAcaJrM_-

²⁸ The 2023 total landings data for parts 91 and 135 turbojets and multiengine turboprops is found in table 2.3 of the 2023 General Aviation and Part 135 Activity Surveys, https://www.faa.gov/data-research/aviation_data_statistics/general_aviation/cy2023.

included: installing automatic emergency pressurization systems on aircraft to maintain safe cabin pressure if the primary system fails; the importance of thorough maintenance practices including improved documentation and follow-up on recurring pressurization issues; and improving pilot training to better recognize and respond to the early signs of hypoxia during cabin pressurization events. Of the 11 safety recommendations, NTSB closed 10 as acceptable, while one was found unacceptable. Two safety recommendations were due to an underlying issue that greatly exacerbated the problem created by depressurization.

Safety Recommendation A-00-113 proposed that FAA mandate clear and explicit emergency procedures for all pressurized aircraft approved to fly above FL250. These procedures should include instructions for flightcrews to don oxygen masks as the first and immediate action upon the onset of a cabin altitude warning, followed by steps to identify, to manage, and to resolve the condition that triggered the warning. This recommendation sought to ensure that pilots prioritize donning oxygen masks in the event of a pressurization problem.

FAA responded by reviewing Airplane Flight Manuals (AFMs) for all part 25 and part 23 aircraft certified to fly above FL250. The Learjet 35/36 Airplane Flight Manual (AFM) did not contain an emergency procedure requiring the flightcrew to don oxygen masks immediately after the cabin altitude warning activated. The AFM contained an abnormal procedures checklist allowing the flightcrew to troubleshoot the pressurization system before donning oxygen masks. FAA noted during a 1999 Special Certification Review that the flightcrew may become incapacitated due to this delayed practice. On June 8, 2000, FAA issued a final rule "Airworthiness Directives; Learjet Model 35, 35A, 36, and 36A Series Airplanes," proposing to require revising the AFM to add emergency procedures instructing the flightcrew to first don oxygen masks prior to troubleshooting activities.³⁶ FAA issued the AD on November 6, 2000 and became effective on January 4, 2001.³⁷

In addition, Airworthiness Directives (ADs) were issued to mandate all AFMs for part 25 and part 23 aircraft certified to fly above FL250 be revised to include donning oxygen masks as the first step following a cabin altitude warning. The NTSB closed Safety Recommendation A-00-113 as acceptable on January 28, 2004, recognizing the positive impact of these changes on aviation safety. By requiring checklists for Learjet airplanes and all other airplanes certified to fly above FL250 to include an immediate and explicit procedure for the flightcrew to don oxygen masks before troubleshooting the pressurization system, FAA mitigated risk associated with high altitude operations and the rule change being proposed today.

Similarly, Safety Recommendation A-00-112 also focused on the importance of flightcrew procedures in the event of a pressurization issue. The recommendation addressed the need for immediate action items to be explicitly included in checklists. It recommended FAA change FAA Order 8400.10, "Air Transportation Operations Inspectors Handbook,"³⁸ which prior to the accident stated that immediate action items "may be stated as policies rather than checklist items when appropriate." The order had provided an example of flightcrews donning oxygen masks in the event of a loss of cabin pressure. It stated, "in this example the loss of cabin pressure checklist would contain subsequent items based on the assumption that the flight crew is on oxygen" NTSB believed that FAA should remove this specific example and review the appropriateness of allowing policies to substitute for checklist items. On June 10, 2003, FAA made a change to Order 8400.10 that NTSB found acceptable, resulting in widespread improvements in checklist design and enhancing flight safety at high altitudes.

The unacceptable action was Safety Recommendation A-00-109, which recommended FAA update guidance on high altitude operations to reflect more accurately the time of useful consciousness (TUC) and rate of pilot performance degradation following a depressurization, and to highlight the effect of hypoxia on a pilot's ability to perform complex tasks in a changing environment. FAA responded to the recommendation by twice revising AC 61-107, "Operations of Aircraft at Altitudes Above 25,000 Feet MSL and/

or Mach numbers (Mmo) Greater than .75;" however, the NTSB found both revisions inadequate and closed the recommendation as "unacceptable" on September 18, 2013.³⁹

Even though the recommendation was officially closed, two years later, FAA revised AC 61-107 again, adding a CAUTION note to Figure 2-3, "Times of Useful Consciousness Versus Altitude" table. The note currently warns that many factors can affect a pilot's TUC, and pilots should use the lowest (*i.e.*, shortest) TUC value as their limit at a given flight altitude. Therefore, the table now indicates that at 43,000 feet or above, during a gradual decompression, TUC is less than 9 seconds, and after a rapid decompression there is only a very short "nominal" time to don an oxygen mask. By updating this guidance, FAA has helped to ensure that pilots are more aware of the risks associated with depressurization at altitude, understand the importance of immediately donning oxygen masks, and are better equipped to handle such situations.

Similar to the above discussion, FAA's review has shown that, due the numerous actions taken by FAA in response to this accident combined with the other advances discussed elsewhere in this NPRM, this proposed rule would not adversely affect the safety issues identified by NTSB.

3. Safety Risk: High Altitude Physiology

Though high altitude flight poses several physiological hazards, for the development of this proposed rule, FAA analyzed and focused upon the safety risk of hypoxia and the associated TUC. The proposed changes to parts 135 and 91 would require pilots to use oxygen masks at certain altitudes where time to don oxygen masks is measured in single-digit seconds before hypoxia causes unconsciousness. As for risks posed by other threats such as hyperventilation, barotrauma, and altitude decompression sickness, this proposal does not impact those risks and therefore they are not discussed further.

Hypoxia, discussed in detail below, is the most common threat following an aircraft decompression event. FAA

³⁹ AC 61-107B was revised to its current version (AC 61-107B Change 1) on September 9, 2015, after continued discussions between the NTSB's Chief Medical Officer and FAA's Office of Aerospace Medicine. The principal changes involved additional information about the reasons for individual variability in hypoxia tolerance, the considerable range in TUC at a given flight altitude, and a caution statement related to the TUC times presented in Figure 2-3 of the advisory circular. NTSB Safety Recommendation A-00-109 remains classified as "Closed—Unacceptable Action."

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³⁶ See 65 FR 36391.

³⁷ Airworthiness Directives; Learjet Model 35, 35A, 36, and 36A Series Airplanes, 65 FR 71239.

³⁸ FAA Order No. 8400.10 (Aug. 23, 1988), canceled by FAA Order No. 8900.1A "Flight Standards Information Management System," (Sept. 13, 2007) available at <https://drs.faa.gov/browse/excelExternalWindow/869F1EB61A16C5ED852571AA005BE67A.0001>.

recognizes that hypoxia resulting from decompression is a catastrophic, time-sensitive physiological hazard for which preventive measures have traditionally provided robust risk mitigation. The proposed rule does not impact the underlying physiological risks associated with hypoxia and the inherent limits on pilot response time once impairment begins.

FAA therefore emphasizes the continued importance of preventive strategies to mitigate safety risk, including oxygen mask use and operator procedures, training, and risk awareness to address hypoxia-related hazards. Although the proposed amendments to existing regulations would permit operations at certain altitudes without a pilot continuously wearing an oxygen mask, thereby limiting the effectiveness of oxygen mask usage as a preventive strategy, the changes do not prohibit operators from requiring stricter oxygen masks at any altitude. Operators and air carriers, upon considering the risks to and effects on human physiology, may choose to require oxygen masks be donned at lower altitudes than the minimum requirements proposed in this NPRM.

i. Hypoxia/Hypoxic (Altitude) Hypoxia

Hypoxia is a state of oxygen deficiency in the blood, tissues, and cells sufficient to cause an impairment of body functions.⁴⁰ Though any tissue will die if deprived of oxygen long enough, the greatest concern regarding hypoxia during flight is lack of oxygen to the brain since it is particularly vulnerable to oxygen deprivation. Hypoxic hypoxia, which is related to altitude, is the only type of hypoxia discussed in this NPRM.

Hypoxic hypoxia refers to an insufficient oxygen supply due to the reduced partial pressure of oxygen (PO₂) in the inhaled air as barometric pressure decreases with increasing altitude. Though PO₂ in the inhaled air decreases with increasing altitude (*i.e.*, the gas molecules spread further apart), the percentage of oxygen remains unchanged at 21 percent. Hypoxia can result from the loss of cabin pressure due to an aircraft decompression and can significantly reduce mental and physical performance of aircraft occupants at altitude due to decreased blood oxygen saturation levels (S_pO₂). Hypoxia poses the greatest potential

physiological threat during high altitude flight.

The human body is well-adapted to the Physiological Efficient Zone (*i.e.*, sea level to 10,000 feet) where pressure altitudes are sufficient to maintain S_pO₂ levels for normal cognitive and physical performance. Aircraft cabin pressurization creates and maintains this protective zone for cabin occupants in flight. Ten thousand feet is an important physiological threshold⁴¹ where most healthy individuals start to display mild hypoxic symptoms, such as drowsiness/fatigue, dizziness, and mild headache. Between 10,000 and approximately 15,000 feet, the cardiopulmonary system compensates for reduced oxygen availability by increasing both heart rate and the rate and depth of breathing. Above 15,000 feet—the maximum cabin pressure altitude at which passenger oxygen masks automatically deploy—these reflexive cardiopulmonary responses are no longer sufficient to compensate fully, leading to a steady decline in brain oxygen saturation and more pronounced hypoxic symptoms, including cognitive and physical impairment.^{42–43} At 25,000 feet most people become profoundly hypoxic and lose consciousness within three to five minutes unless given highly concentrated oxygen.^{44–46} Brain cells cannot store oxygen and rapidly use the oxygen delivered to them.

If hypoxia is allowed to progress at 25,000 feet, objective signs of impairment begin to appear such as mental confusion, poor judgment, muscle incoordination, and, ultimately, unconsciousness. Subjectively, the hypoxic symptoms most frequently felt are fatigue, headache, dizziness, poor visual acuity, hot and cold flashes,

numbness, and tingling. In most people, hypoxia induces a sense of euphoria, which makes it difficult to convince them to don the oxygen mask and treat themselves by breathing 100 percent supplemental oxygen.⁴⁷ If hypoxia occurs at 40,000 feet due to an explosive (one to three seconds) or rapid decompression (three to 60 seconds), unconsciousness is highly likely due to the sudden increase in cabin pressure altitude and administration of 100 percent oxygen under positive pressure is needed within seconds. Moreover, administration of 100 percent oxygen is needed within three to four minutes to prevent irreversible brain cell damage or death.^{48–49}

ii. Time of Useful Consciousness

FAA considered the safety risk and data around the TUC,⁵⁰ which is the amount of time from the moment a person is deprived of adequate oxygen to when the person is no longer able to think clearly or take effective action to correct the situation prior to losing consciousness (*i.e.*, quickly don an oxygen mask in the event of a cabin depressurization). FAA analyzed results from altitude chamber studies conducted from the early 1940s⁵¹ into the early 1970s.⁵² These studies

⁴⁷ Dart, T., Pilmanis, A., & Wurmstein, A., *High altitude physiology* [Symposium session], High Altitude Symposium, Medical University of South Carolina, Charleston, SC (Aug 12–14, 2024).

⁴⁸ Guyton, A.C., & Hall, J.E., *Aviation, high-altitude, and space physiology*. In A.C. Guyton & J.E. Hall (Eds.), *Textbook of medical physiology*, 11th ed., pp. 537–541, Elsevier (2006).

⁴⁹ Pickard, J.S., & Gradwell, D.P., *Respiratory physiology and protection against hypoxia*, In J.R. Davis, R. Johnson, J. Stepanek, & J.A. Fogarty (Eds.), *Fundamentals of aerospace medicine*, 4th ed., pp. 20–45, Lippincott Williams & Wilkins (2008).

⁵⁰ Time of Useful Consciousness (TUC) or Effective Performance Time (EPT). This is the period of time from interruption of the oxygen supply, or exposure to an oxygen-poor environment, to the time when an individual is no longer capable of taking proper corrective and protective action (*e.g.*, donning an oxygen mask) (AC 61–107B CHG 1). It is not the time to total unconsciousness.

The definition of “Time of Useful Consciousness (TUC)” and “Effective Performance Time (EPT)” is the same and the two terms are used interchangeably; however, EPT is used for pilots and flight attendants with assigned operational flight duties and TUC is used for passengers/individuals with no assigned operational flight duties. TUC is the more common term and will be used throughout the remainder of this document.

⁵¹ Comfort, E., & Wilson, J.W., *Some factors affecting time consciousness at high altitudes* (U.S. Air Force Technical Report No. 5970), U.S. Air Force Air Materiel Command (1950).

⁵² Ernsting, J., Denison, D.M., Byford, G.H., & Fryer, D.I., *Hypoxia induced by rapid decompression from 8,000 feet to 40,000 feet—the influence of rate of decompression* (Flying Personnel Research Committee Report No. AD-A009 006), Royal Air Force Institute of Aviation Medicine (1973).

⁴⁰ Federal Aviation Administration (2015), *Aircraft operations at altitudes above 25,000 feet mean sea level or Mach numbers greater than .75* (Advisory Circular [AC] 61–107B CHG 1), available at: https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_61-107B_CHG_1_FAA.pdf.

⁴¹ This corresponds to the inflection point and sharp decrease in the sigmoid-shaped oxygen-hemoglobin dissociation curve at approximately 60 mmHg PO₂ and 87%–88% S_pO₂.

⁴² Guyton, A.C., & Hall, J.E., *Aviation, high-altitude, and space physiology*. In A.C. Guyton & J.E. Hall (Eds.), *Textbook of medical physiology*, 11th ed., pp. 537–541, Elsevier (2006).

⁴³ McArdle, W.D., Katch, F.I., & Katch, V.L., *Exercise physiology, nutrition, energy, and human performance* (8th ed.), Wolters Kluwer (2015).

⁴⁴ Green, N., Gaydos, S., Hutchison, E., & Nicol, E., *Acute hypoxia and hyperventilation*, In N. Green, S. Gaydos, E. Hutchison, & E. Nicol (Eds.), *Handbook of aviation and space medicine*, pp. 51–60, CRC Press (2019).

⁴⁵ Pickard, J.S., & Gradwell, D.P., *Respiratory physiology and protection against hypoxia*, In J.R. Davis, R. Johnson, J. Stepanek, & J.A. Fogarty (Eds.), *Fundamentals of aerospace medicine*, 4th ed., pp. 20–45, Lippincott Williams & Wilkins (2008).

⁴⁶ Federal Aviation Administration, *Aircraft operations at altitudes above 25,000 feet mean sea level or Mach numbers greater than .75*, Advisory Circular 61–107B with Change 1 (2015), available at: https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.list?g=AC+61-107B&statusID=2.

provided experimental evidence for the TUC values listed in Table 2 and form the basis of the current pilot oxygen use rules.

Table 2 compares current rules, TUC, and the proposed rule changes for part

91 and part 135. As stated previously, TUC is the amount of time from the moment a person is deprived of adequate oxygen to when they are no longer able to think clearly or take effective corrective action (e.g., don an

oxygen mask). TUC does not mean the onset of unconsciousness. Impaired performance may be immediate, and the prompt use of 100 percent oxygen is critical.

TABLE 2—TIME OF USEFUL CONSCIOUSNESS & CURRENT AND PROPOSED RULES COMPARISON

Current rule	Altitude (feet)	Time of useful consciousness: following a gradual decompression	Time of useful consciousness: following a rapid decompression	Proposed rule
(FL250) Part 135: One Pilot	18,000	20 to 30 minutes	10 to 15 minutes	
	22,000	10 minutes	5 to 6 minutes	
	25,000	3 to 5 minutes	1.5 to 2.5 minutes	
(FL350) Part 135: Two Pilots Part 91: One pilot (FL410) Part 91: Two Pilots	28,000	2.5 to 3 minutes	1 to 1.5 minutes	(FL350) Part 135: One Pilot.
	30,000	1 to 2 minutes	30 to 60 seconds	
	35,000	30 to 60 seconds	15 to 30 seconds	
	40,000	15 to 20 seconds	Nominal/Likely immediate loss of consciousness.	(FL 410) Part 135: Two Pilots.
	43,000	9 to 12 seconds	Nominal/Likely immediate loss of consciousness.	
	50,000	9 to 12 seconds	Nominal/Likely immediate loss of consciousness.	
				(No Limit) Part 91: w/Quick Donning Masks.

** “nominal” = in name only, very short amount of time.

Importantly, the TUC times in Table 2 are based on altitude chamber research studies during which the subjects were at rest or performing very simple tasks, not the cognitively or physically demanding tasks associated with flying an aircraft at high altitude while managing an emergency situation. In research studies during which subjects performed more complex or physically demanding tasks, TUC was much shorter.^{53 54 55} Therefore, it is strongly recommended that pilots assume the lesser TUC time at each flight level is limiting.

These studies were performed in anticipation that subsonic transport aircraft would fly at higher altitudes (i.e., FL400–FL500) to take advantage of less congested airspace and there were concerns about the physiological protection and survival of pilots and passengers in the event of a high-altitude depressurization.⁵⁶ In the late

1960s to early 1970s, the focus of this work shifted to physiological protection in supersonic aircraft.

Important results from these studies include:

- TUC decreases with altitude, and a rapid decompression dramatically reduces TUC. In general, TUC is reduced by 50 percent following a rapid decompression to altitudes between 25,000 feet and 43,000 feet. Above 43,000 feet, TUC is reduced to the time it takes for blood to circulate from the lungs to the brain; approximately nine seconds from the start of a rapid decompression to the loss of functional capability.^{57 58}

- In chamber rapid decompressions to altitudes at and below 30,000 feet^{59 60} and controlled in-flight aircraft

aircraft in the 1960s could reach cruising altitudes of 30,000 to 40,000 feet. Grant, R.G., *Flight: 100 years of aviation*, DK Publishing, Inc. (2002).

⁵⁷ Guyton, A.C., & Hall, J.E., *Aviation, high-altitude, and space physiology*, In A.C. Guyton & J.E. Hall (Eds.), *Textbook of medical physiology*, 11th ed., pp. 537–541, Elsevier (2006).

⁵⁸ Luft, U.C., Clamann, H.G., & Optiz, E., The latency of hypoxia on exposure to altitude above 50,000 feet, *The Journal of Aviation Medicine*, 22(2), 117–136 (1951).

⁵⁹ O'Connor, W.F., & Pendergrass, G.E., *Effects of decompression on operator performance* (Federal Aviation Agency Report No. AM 66–10), Office of Aviation Medicine, Federal Aviation Agency (1966).

⁶⁰ Hoffer, G.W., Turner, H.S., Wick, R.L., & Billings, C.E., Behavior of naive subjects during rapid decompression from 8,000 to 30,000 feet, *Aerospace Medicine*, 45(2), pp. 117–122 (1974).

depressurizations where the cabin pressure altitude did not exceed 30,000 feet,⁶¹ most pilots were able to don their oxygen mask and return their hands to the flight controls or initiate an emergency descent within the TUC of 30–60 seconds. Although these recognition reaction times and mask donning were fast enough to prevent severe hypoxic symptoms at 30,000 feet, similar reaction times at higher altitudes will lead to pilot incapacitation.^{62 63}

- In rapid decompressions (two to 12 seconds) from 8,000 feet to 40,000 feet, the oxygen mask must be donned, sealed, and supplying 100 percent oxygen within eight seconds before the onset of impairing hypoxia symptoms (e.g., dimmed/blurred vision, mental confusion). If mask donning is delayed by 10 seconds or more, yet still accomplished, the pilot will become severely hypoxic and lose consciousness within 15 seconds and remain unconscious for an additional 20–40 seconds despite having the mask in place and supplying 100 percent

⁶¹ Bennett, G., Reactions and performance of pilots following decompression, *Aerospace Medicine*, 32(2), pp. 134–136 (1961).

⁶² Ernsting, J., The ideal relationship between inspired oxygen concentration and cabin altitude, *Aerospace Medicine*, 34(11), pp. 991–997 (1963).

⁶³ Donaldson, R.T., Carter, E.T., Billings, C.E., & Hitchcock, F.A., Acute hypoxia during rapid decompression and emergency descent in a commercial jet aircraft, *Aerospace Medicine*, 31(10), pp. 842–851 (1960).

⁵³ Noble, J., Jones, J.G., & Davis, E.J., Cognitive function during moderate hypoxemia, *Anesthesia and Intensive Care*, 21(2), pp. 180–184 (1993).

⁵⁴ Kelman, G.R., & Crow, T.J., Impairment of mental performance at a simulated altitude of 8,000 feet, *Aerospace Medicine*, 40(9), pp. 981–982 (1969).

⁵⁵ Harding, R.M. (revised by Gradwell, D.P.), Hypoxia and hyperventilation, In D.P. Gradwell & D.J. Rainford (Eds.), *Ernsting's aviation and space medicine*, 5th ed., pp. 59, CRC Press (2016).

⁵⁶ The Boeing 307 Stratoliner, the first commercial use aircraft with a pressurized cabin, entered revenue service in July 1940 with a cruising altitude of 15,000 to 20,000 feet. Pressurized jet

oxygen.⁶⁴ The severe hypoxia and loss of consciousness are due to gas expansion of the 80 percent nitrogen in the lungs from breathing ambient cabin air prior to depressurization. The removal (*i.e.*, clearance) of this nitrogen takes time, during which the PO₂ in the lungs is too low to oxygenate the blood to support brain function. Even if the first breath post-depressurization is 100 percent oxygen, it still takes approximately 20–40 seconds to clear the nitrogen from the lungs to oxygenate the blood adequately.

- In rapid decompressions to 40,000 feet and above, breathing oxygen continuously for several minutes prior to decompression (to saturate the lungs and upper respiratory tract) is needed to prevent severe hypoxia and loss of consciousness. An air-oxygen mixture of at least 40 percent oxygen must be breathed at 8,000 feet cabin pressure altitude before decompression, with 100 percent oxygen supplied within two seconds (essentially the first breath immediately after depressurization) to prevent mental and physical performance decrements. This equates to breathing an air-oxygen mixture of at least 40 percent whenever the aircraft is above FL350.⁶⁵

Although the majority of these studies were conducted in the 1960s, altitude chamber research continued in support of rulemaking activities similar to this NPRM. A 1990 study by Marotte *et al.*⁶⁶

⁶⁴ Bryan, C.A., & Leach, W.G., Physiologic effects of cabin pressure failure in high altitude passenger aircraft, *Aerospace Medicine*, 31(4), pp. 267–275 (1960); Blockley, W.V., & Hanifan, D.T., *An analysis of the oxygen protection problem at flight altitudes between 40,000 and 50,000 feet*, Federal Aviation Agency Final Report on Contract No. FA–955, Psychological Research Associates (1961); Barron, C.L., & Cook, T.J., Effects of variable decompressions to 45,000 feet, *Aerospace Medicine*, 36(5), pp. 425–430 (1965); Ernsting, J., McHardy, G.J.R., & Roxburgh, H.L., *The choice of gas mixture for breathing in high performance aircraft* (Flying Personnel Research Committee Report No. FPRC/1142), Royal Air Force Institute of Aviation Medicine (1960); Ernsting, J., The ideal relationship between inspired oxygen and cabin altitude, *Aerospace Medicine*, 34(11), pp. 991–997 (1963); Ernsting, J., *The physiological effects of failure of the pressure cabins of passenger aircraft flying at altitudes between 35,000 feet and 65,000 feet* (Flying Personnel Research Committee Report No. FPRC/313), Royal Air Force Institute of Aviation Medicine (1965); and Ernsting, J., Denison, D.M., Byford, G.H., & Fryer, D.L., *Hypoxia Induced by rapid decompression from 8,000 to 40,000 feet—the influence of rate of decompression* (Flying Personnel Research Committee Report No. AD–A009 006), Royal Air Force Institute of Aviation Medicine (1973).

⁶⁵ Ernsting, J., *The physiological effects of failure of the pressure cabins of passenger aircraft flying at altitudes between 35,000 feet and 65,000 feet* (Flying Personnel Research Committee Report No. FPRC/313), Royal Air Force Institute of Aviation Medicine (1965).

⁶⁶ Marotte, H., Toure, C., Clere, J.M., & Vieillefond, H., Rapid decompression of a transport

evaluated the effect of decompression in transport aircraft from cabin pressure altitudes of 8,000 feet to final cabin pressure altitudes ranging from 16,000 feet to 45,000 feet. Their findings indicated that delays in mask donning times correlated with significant decreases in S_pO₂ and the onset of hypoxia symptoms. They concluded oxygen mask wear and use should be mandated below FL410 and recommended they be mandated at FL380 or above.

iii. Time of Useful Consciousness and the Proposed Oxygen Use Rule Changes

Mental and physical impairment and eventual incapacitation from hypoxia are the greatest physiological threats at high altitude in the event of an aircraft decompression, be it gradual, explosive, or rapid. Explosive and rapid decompressions are extremely rare events, but still possible.⁶⁷ Gradual decompressions are more frequent operationally but potentially more dangerous—a gradual decompression may go unnoticed and the resultant hypoxia unrecognized.

In the worst-case explosive decompression scenario at high altitude, for which FAA has found no recorded instances during the 10-year review period, if the cabin pressure altitude nearly instantly equalizes to the aircraft's current flight level, human physiology is the limiting factor. A significant advantage of wearing an oxygen mask at high altitude is to prevent severe hypoxia and loss of consciousness by facilitating nitrogen gas clearance from the lungs before exposure to explosive or rapid decompression. The proposed rules relax the requirement to wear an oxygen mask, thus negating this beneficial effect; however, explosive and rapid decompressions of an aircraft are extremely rare events. Commenters should be fully aware of the potential severe physiological consequences of depressurization events at high altitudes, as well as the unlikelihood of an occurrence when responding to this NPRM.

D. Other factors

i. United States Military Oxygen Mask Requirements and Pressurization Events

In addition to the safety risk assessment, FAA requested information from each branch of the U.S. military regarding their operating requirements

aircraft cabin: protection against hypoxia, *Aviation, Space, and Environmental Medicine*, 61(1), pp. 21–27 (1990).

⁶⁷ See Section III.C.8. See also Safety Risk Management report.

and any data they could provide on pressurization events in aircraft used in both military and civilian operations (*e.g.*, Gulfstream V, known as the C–37), as the U.S. military uses several aircraft based on civilian designs.

The U.S. Army publishes Army Regulation 95–1, *Aviation Flight Regulations*, which specifies regulations for flightcrews in pressurized aircraft that mirror current FAA part 91 oxygen requirements.

The U.S. Navy (USN) NATOPS General Flight Operation Instructions Manual, CNAF M–3710.7, only requires one pilot to wear an oxygen mask above FL400 if quick-donning oxygen masks are installed.

Air Force Manual 11–202 Volume 3, *Flight Operations*, permits operations up to and including FL500 in pressurized airplanes without requiring at least one pilot wearing an oxygen mask, provided the airplane is equipped with an automatic emergency descent mode. Otherwise, one pilot is required to always wear an oxygen mask when operating above FL410. This marks a change from the Air Force's response to the 1982 proposal, where the Air Force opposed raising the altitudes at which oxygen masks would be required.

USN responded to FAA's request for data on pressurization events in aircraft used by both USN and civilian operators. USN provided data for 29 events in total over a 28-year period. Of those 29 events, seven were in aircraft that are like those used by civilian business aircraft operators, the Gulfstream IV designated as the C–20D and C–20G. In all events, there were no reported injuries or fatalities, and the aircraft landed safely.

ii. Aircraft Design Modernization for Safety Mitigations

In the 1986 withdrawal of the 1982 NPRM, FAA noted that advances in aircraft engines and airframe designs are only one component of high-altitude flight, citing the physiological limitations of the human body and the effects of low atmospheric pressure. At the time, FAA determined it was in the interest of public safety not to raise the minimum altitude at which at least one pilot at the controls was required to wear and use an oxygen mask in parts 91, 121, and 135. As part of that determination, FAA recognized the available data on decompression events was inadequate to justify a change to the minimum altitude requirements for supplemental oxygen masks. However, there have been advancements in design features since 1986 that help reduce the risk of high-altitude decompressions.

In 1996, FAA amended § 25.841(a), *Pressurized Cabins*, to require that cabin pressure altitude not exceed 40,000 feet⁶⁸ for any duration, or 25,000 feet for more than two minutes, after any failure that has not been shown to be extremely improbable.⁶⁹ This two-minute threshold at 25,000 feet is within the three to five minutes of TUC following a gradual decompression and within the median of TUC following a rapid decompression (see Table 2, Time of Useful Consciousness & Current and Proposed Rules Comparison). For transport category airplanes certified under § 25.841(a), it is very unlikely that the cabin pressure will ever go above 40,000 feet during the plane's lifetime.

For general aviation airplanes certified under part 23 prior to 2012, FAA established special conditions for those intended to operate above 40,000 feet. Although the special conditions were issued individually for each aircraft model, many of the requirements were common across multiple models and were documented in the Type Certification Data Sheet. In general, to gain FAA approval under these special conditions, design approval holders must have demonstrated that following any probable malfunction or failure of the pressurization system—combined with any undetected latent failures—the cabin pressure altitude would not exceed 25,000 feet. For other additional potential failures, design approval holders must have demonstrated that the cabin pressure altitude would not exceed 40,000 feet.

In 2012, FAA revised § 23.841, *Pressurized cabins*, to incorporate the minimum design standards that had been previously established via special conditions. Amendment 23–62 mandated that airplanes certificated to operate above 45,000 feet must ensure that the cabin pressure altitude would not exceed 40,000 feet after decompression from any failure condition not shown to be extremely improbable. In 2017, FAA replaced § 23.841 with § 23.2320, *Occupant physical environment*, and the means of compliance was detailed in American Society for Testing and Materials F3227, *Standard Specification for Environmental Systems in Aircraft*. FAA

defines an “extremely improbable” failure condition for commuter airplanes as those failure conditions so unlikely that they are not anticipated to occur during the entire operational life of all airplanes of one type.⁷⁰ In commuter aircraft certified to § 23.841 at amendment 23–62, or § 23.2320 at amendment 23–64 or equivalent, cabin pressure altitudes exceeding 40,000 feet are unlikely to occur during the service life of the aircraft fleet.

Updated part 23 and part 25 design requirements serve as safety mitigations by maintaining a controlled cabin environment that protects passengers and crew from the risks associated with high-altitude flight, even if the minimum flight level for pilot supplemental oxygen is raised. By ensuring that cabin pressure altitude does not exceed critical thresholds, the regulations help prevent hypoxia and other altitude-related health issues, providing a vital safety net in scenarios where pilots may operate at higher altitudes without supplemental oxygen. This ensures a safe and breathable environment, reducing the risk of incapacitation due to insufficient oxygen levels.

In addition to the aircraft design itself, the standards governing pilot oxygen masks and regulators have become more robust since the 1982 rulemaking efforts and warrant consideration in this discussion. Aircraft certified to operate at high altitudes usually have quick-donning oxygen masks installed for the flightcrew on the flightdeck. The oxygen masks and regulators typically meet the minimum performance standards defined in Technical Standard Order TSOC78a and Technical Standard Order C89a. During normal operations, oxygen is delivered to the user at varying concentrations based on cabin pressure altitude. An oxygen mask regulator setting is also available to supply 100 percent oxygen regardless of altitude. Furthermore, aircraft that fly at altitudes where it is not extremely improbable for a decompression event to expose the flightcrew to cabin pressure altitudes exceeding 34,000 feet are typically equipped with pressure-demand oxygen systems on the flightdeck. Pressure-demand systems provide oxygen under pressure to force oxygen into the user's lungs and bloodstream, improving oxygen absorption and reducing the risk of hypoxia, even at high altitudes.

As discussed in section III.C. of this rulemaking, a thorough review of

pressurization events in the last 10 years was conducted. During that review, the positive effects of these advancements in aircraft design were apparent. Most events occurred during climb-out, and the flightcrew identified the problem before reaching an altitude at which hypoxia would have become a significant concern. Although the exact cause of the pressurization problem was not always reported, often it was a door seal or other minor failure which resulted in a gradual decompression of the cabin. Even in events that occurred at high altitude, many of the reports reviewed noted that both flightcrew members donned their masks after the first indication of a problem, which was often after reaching altitudes at which oxygen mask use is required by current regulations. FAA attributes the rarity of catastrophic decompression events, in part, to the advances in aircraft design discussed previously.

E. Related Regulatory Actions

The FAA Reauthorization Act of 2018⁷¹ directed FAA to issue a final rule revising § 121.333(c)(3) to apply only to flight altitudes above FL410. At the time of the enactment of this Act, § 121.333(c)(3) required if for any reason it is necessary for one pilot to leave their station at the controls of an airplane when operating at flight altitudes above FL250, the remaining pilot at the controls must put on and use their oxygen mask until the other pilot has returned to their duty station. FAA published a final rule in response to the Congressional mandate amending the part 121 flight level threshold at which one pilot at the controls must put on and use an oxygen mask while the other pilot leaves their control station from FL250 to FL410.⁷² The 2020 revision to § 121.333 rendered part 121 less restrictive than parts 91 and 135 pilot supplemental oxygen rules. Although the changes proposed in this NPRM to parts 91 and 135 would alleviate that incongruity, part 135 would still be more restrictive than part 121. This discrepancy is acceptable to FAA because the cabin volume of most airplanes operated under part 121 is significantly greater than that of those operated under part 135, and airplanes operated under part 121 are therefore less likely to experience a rapid decompression.

⁶⁸ At 40,000 feet, TUC is 15 to 20 seconds following a gradual decompression and is nominal following a rapid decompression. See Table 2, Time of Useful Consciousness & Current and Proposed Rules Comparison and the related discussion in section III.C.3.ii of this rulemaking.

⁶⁹ As described in 14 CFR 25.4(c)(4) and FAA AC 25.1309–1B, the term “extremely improbable” means a failure condition that is not anticipated to occur during the total operational life of all aircraft of a given type.

⁷⁰ FAA Advisory Circular (AC) 23.1309–1E, *Safety Analysis and Assessment for Part 23 Airplanes* (Nov. 17, 2011), available at: https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_23_1309-1E.pdf.

⁷¹ Section 579 of Public Law 115–254.

⁷² Oxygen Mask Requirement: Supplemental Oxygen for Emergency Descent and for First Aid Turbine Engine Powered Airplanes with Pressurized Cabins, 85 FR 16897 (Mar. 25, 2020).

IV. Proposal

As discussed in the Executive Summary, section 834(a) of the Act directs FAA to issue an NPRM on whether to revise the requirements for paragraphs (3) and (4) of § 135.89(b) to raise the required flight level at which pilots must don an oxygen mask to FL410. Section 834(b) of the Act further states that FAA shall consider applicable safety data and risks, including data from incidents and accidents and NTSB investigations and recommendations, as discussed in section III.C. of this preamble.

FAA has weighed the considerations for oxygen mask requirements in paragraphs (3) and (4) of § 135.89(b)

based on the available data and the safety risk assessment. FAA has determined there is sufficient reason to raise the altitude requirement for donning a supplemental oxygen mask from FL350 to FL410 in § 135.89(b)(3), as directed by the Act. However, FAA has determined that the data and safety considerations when applied to § 135.89(b)(4) do not justify raising the minimum altitude at which a lone pilot must don a supplemental oxygen mask from FL250 to FL410.

Instead, FAA has determined that raising the minimum altitude in § 135.89(b)(4) to FL350 is acceptable based on safety data. FAA requests comments and pertinent information on

whether the appropriate flight level for this requirement should be FL350 or FL410. In addition, in considering proposed changes to § 135.89(b), FAA also decided that § 91.211(b)(1)(ii) should be amended to align the supplemental oxygen mask requirements in part 91 with safety expectations, considering the proposed changes to part 135. These decisions are based on the limited TUC available above FL350, the available data on pressurization events, and the Safety Continuum's mandate to ensure part 135 certificate holders are held to a higher level of safety than general aviation flights conducted under part 91.

TABLE 3—COMPARISON OF CURRENT AND PROPOSED FAA RULES

Current FAA rule	Proposed FAA rule
14 CFR 135.89(b)(3) Two pilots at the controls: Whenever a pressurized aircraft is operated at altitudes above 35,000 feet MSL, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask required by paragraph (b)(2)(i).	14 CFR 135.89 Two pilots at the controls: Whenever a pressurized aircraft is operated at altitudes above FL410, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask required by paragraph (b)(2)(i).
14 CFR 135.89(b)(4) One pilot at the controls: If one pilot leaves a pilot duty station of an aircraft when operating at altitudes above 25,000 feet MSL, the remaining pilot at the controls shall put on and use an approved oxygen mask until the other pilot returns to the pilot duty station of the aircraft.	14 CFR 135.89 One pilot at the controls: Whenever only one pilot is at the controls of an aircraft when operating above FL350, that pilot shall put on and use an approved oxygen mask.
14 CFR 91.211(b)(1)(ii) Two pilots at the controls: At flight altitudes above FL350 unless one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 41,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below FL410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within five seconds, supplying oxygen and properly secured and sealed.	14 CFR 91.211(b)(1)(ii) One or two pilots at the controls: At flight altitudes above FL350 unless one pilot at the controls of the aircraft is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the aircraft exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask if each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within five seconds, supplying oxygen and properly secured and sealed.
14 CFR 91.211(b)(2) One pilot at the controls: Notwithstanding paragraph (b)(1)(ii), if for any reason at any time it is necessary for one pilot to leave the controls of the aircraft when operating at flight altitudes above FL350, the remaining pilot at the controls shall put on and use an oxygen mask until the other pilot has returned to that crewmember's station.	

A. Revising Part 135 Oxygen Mask Requirements With More Than One Pilot on the Flightdeck

FAA is proposing to amend § 135.89(b)(3) to raise the altitude above which at least one pilot must wear a secured and sealed approved quick-donning type oxygen mask from FL350 to FL410. Part 135 prescribes the requirements for commuter and on-demand operations of each person who is required to hold an air carrier certificate or operating certificate under part 119. Section 135.89 outlines pilot requirements for use of oxygen when conducting commercial operations in pressurized and unpressurized aircraft. Currently, when a pressurized aircraft is operated at altitudes above FL350,

§ 135.89(b)(3) requires at least one pilot at the controls to wear a quick-donning oxygen mask. These FAA rules on pilot oxygen mask use are stricter than ICAO standards, as explained in section III.B. of this preamble. Safety data shows that revising these requirements will not have a noticeable negative impact on safety, as discussed in section III.C. of this preamble. FAA finds that with two pilots at the controls on the flightdeck, in the event of a depressurization at or below FL410, as quick-donning masks can be donned within five seconds as per regulatory requirements,⁷³ it is very

⁷³ See 14 CFR 25.1447(c)(2). For general aviation aircraft certified in accordance with 14 CFR part 23, similar guidance is provided in industry consensus standard American Society for Testing and

likely that at least one pilot will be able to don an oxygen mask successfully before useful consciousness is lost.⁷⁴

In addition, FAA recognizes that other CAAs and the U.S. Air Force currently have less restrictive regulations regarding donning oxygen masks. This, in conjunction with the expenses incurred through unnecessary oxygen tank servicing and concerns regarding effects on pilots and crew coordination including reduced oxygen availability in emergencies, disease transmission risk, difficulty in pilot communications, and increased fatigue have led FAA to consider raising the minimum altitudes

Materials F3227 for aircraft certified for operation above FL410.

⁷⁴ See TUC table in Table 1.

for oxygen mask donning. Therefore, FAA is proposing to amend § 135.89(b)(3) to raise the altitude above which at least one pilot must wear a secured and sealed approved quick-donning type oxygen mask from FL350 to FL410.

B. Revising Part 135 Mask Requirement to Flight Level 350 if One Pilot Is on the Flightdeck

In addition to the proposed revision to § 135.89(b)(3), FAA is proposing to revise § 135.89(b)(4) so that if one pilot leaves a pilot duty station, the remaining pilot at the controls shall put on and use an approved oxygen mask when operating at altitudes above FL350 until the other pilot returns to the pilot duty station of the aircraft. Section § 135.89 contains requirements for pilots to use oxygen when there is only one crewmember at the controls of the aircraft. Currently, when a pressurized aircraft is operating at altitudes above FL250, § 135.89(b)(4) requires that if one pilot leaves a pilot duty station the remaining pilot at the controls shall put on and use an oxygen mask until the other pilot returns to the pilot duty station of the aircraft.

Section 834 of the Act directs FAA to issue an NPRM concerning whether to change § 135.89(b)(4) to require a pilot to wear an oxygen mask when one pilot leaves the pilot duty station when flying above FL410. The Act further directs FAA to consider applicable safety data, risks, and investigations and recommendations of NTSB. FAA identified risks associated with changing § 135.89(b)(4) to FL410. This is due to the very short TUC that a lone pilot at the controls would have to recognize the depressurization and take action to don an oxygen mask. AC 61–107B CHG1, *Aircraft Operations at Altitudes Above 25,000 feet Mean Sea Level or Mach Numbers Greater Than .75*, lists average TUC values in Figure 2–3. At 35,000 feet, the TUC is approximately 30 to 60 seconds. In the event of a rapid decompression, that time is cut in half, yielding a TUC of 15 to 30 seconds. Figure 2–3 does not list a value for 41,000 feet, but at 40,000 feet, the TUC is 15–20 seconds. A rapid decompression has a nominal TUC.

Due to the very brief time period available for the pilot to detect a decompression and don an oxygen mask, 15 to 20 seconds following gradual decompression and nominal or likely immediate loss of consciousness following rapid decompression (see Table 2), FAA considers an amendment to § 135.89(b)(4) allowing a single pilot on the flightdeck to not wear an oxygen mask until above FL410 would not

provide an acceptable level of safety in part 135 operations. As such, FAA is proposing that if one pilot leaves a pilot duty station, the remaining pilot at the controls shall put on and use an approved oxygen mask when operating at altitudes above FL350 until the other pilot returns to the pilot duty station of the aircraft.

FAA further notes that operations in pressurized aircraft may occur when only one pilot is assigned to the flight. This is permissible in aircraft that are type certificated for single pilot operations, when the pilot-in-command is qualified for single pilot operations and the certificate holder has been issued the appropriate operations specifications. The current regulatory text only refers to situations when two flightcrew members are assigned to the flight. FAA is proposing to clarify that § 135.89(b)(4) is applicable when only one pilot is assigned to the flight and operating above FL350 in addition to when one pilot leaves the controls. Due to the risk of depressurization, if it is necessary for one pilot to use an oxygen mask when a second pilot leaves the controls, it stands to reason that in situations where only one pilot is assigned to a flight, that pilot must wear an oxygen mask whenever the aircraft is above FL350.

C. Revising Part 91 Oxygen Mask Requirements

Part 91 is the default set of flight rules for non-commercial and general aviation aircraft in the United States. FAA is proposing to revise § 91.211(b) in two substantive ways. First, it would amend § 91.211(b)(ii) to expand the current exception from the requirement that one pilot wear and use an oxygen mask. FAA proposes to eliminate the current FL410 altitude limitation for the exception, allowing pilots to fly above that previous altitude limit without donning an oxygen mask as long as each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand within five seconds. FAA would also delete paragraph (b)(2) from § 91.211 altogether, thereby removing the requirement that if one pilot leaves the controls while the aircraft is flying above FL350, the other pilot put on and use an oxygen mask. In other words, if the proposal is finalized, no pilot would be required to wear and use an oxygen mask above FL350 if quick-donning masks are available on the flight deck. If the aircraft does not have available quick-donning oxygen masks, then at least one pilot would need to wear and use an oxygen mask.

Although the proposed changes would not make § 91.211 identical to

the corresponding ICAO standards, it would bring the regulation and the standards into closer alignment than they are at present. The proposed changes to part 91 would also uphold the Safety Continuum⁷⁵ by tolerating more risk in general aviation operations than in part 135 operations. Therefore, FAA has chosen to use this NPRM as an opportunity to propose changes to § 91.211(b)(1)(ii). Please see section III.A.4 for more details.

D. Terminology Changes

In addition to the changes described previously, FAA also proposes a few terminology changes. First, FAA proposes to change the term “airplane” to “aircraft” to remove ambiguity on whether the requirements of § 91.211 apply to all aircraft rather than only applying to airplanes. Second, FAA proposes to replace references to feet MSL when discussing altitude with the term “flight level” to align altitude terminology in parts 91 and 135 with other parts of title 14 where appropriate.

V. Regulatory Notices and Analyses

Executive Order (E.O.) 12866 (“Regulatory Planning and Review”) and E.O. 13563 (“Improving Regulation and Regulatory Review”) require agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” The Office of Management and Budget has determined this proposed rule is not a significant regulatory action as defined in section 3(f) of E.O. 12866.

A. Regulatory Impact Analysis (RIA)

1. Introduction

FAA is proposing to update oxygen mask usage requirements for part 135 operations in compliance with the Act. Following a comprehensive safety risk analysis, FAA has determined it is feasible to raise the flight level for mandatory oxygen mask usage from FL250 to FL350 when a single pilot is at the controls, and to FL410 when two pilots are on the flightdeck at the controls with quick-donning masks available. In addition, FAA proposes to eliminate the requirement for oxygen mask usage above FL350 in part 91 operations, provided that quick-donning masks are readily accessible. These

⁷⁵ See The Safety Continuum—A Doctrine for Application (Sept. 2014), https://downloads.regulations.gov/FAA-2015-1621-0018/attachment_1.pdf, and Section III.4. of this preamble for additional discussion about safety continuum application to parts 91 and 135 pilot oxygen mask requirements.

amendments aim to enhance operational flexibility while maintaining safety standards.

2. Need for Regulation

The need for this proposed regulation stems from a congressional mandate included in the Act. Specifically, section 834 of the Act requires that FAA issue an NPRM on whether to revise the requirements of 14 CFR 135.89(b)(3) and (4) to apply only above FL410, while considering applicable safety data and risks. Although not required by statute, FAA is also proposing additional deregulatory actions for part 91 oxygen mask requirements, since the same aircraft flown under part 135 are frequently operated under part 91. This keeps part 91 operations and part 135 operations in the appropriate frame of reference with respect to the Safety Continuum and reduces the regulatory burden on operations that are conducted under part 91 by relaxing when oxygen masks need to be worn. Further information is discussed in Section III of this preamble.

3. Baseline for the Analysis

Currently, when only one pilot is at the controls of a part 135 flight, that pilot must wear and use an oxygen mask above FL250. Part 91 requires one pilot to wear and use an oxygen mask if the pilot is the only pilot at the controls above FL350. With two pilots at the controls, one of those pilots must wear and use an oxygen mask above FL350 if operating under part 135, and above FL410 in part 91 operations. Operators may choose to fly below these thresholds to avoid using pilot oxygen, but would miss out on competing benefits to flying higher such as decreased fuel burn and avoiding weather or turbulence.⁷⁶ FAA assumes for this analysis the benefits of flying above the thresholds outweigh the costs of oxygen usage to operators, and so the regulatory analysis baseline is that applicable aircraft are currently operating above the flight levels at which using an oxygen mask is required. FAA currently lacks data to assess the number of applicable operations above the flight level thresholds, or if aircraft are operating below the thresholds solely to conserve pilot oxygen, and requests comment with supporting data.

⁷⁶ An Aircraft Owners and Pilots Association (AOPA) article on some of the benefits of flying at higher altitudes for part 91 aircraft can be found at <https://www.aopa.org/news-and-media/all-news/2025/june/pilot/flying-smart-the-benefits-of-getting-high>.

4. Cost Savings

Under the regulatory baseline that aircraft are currently operating above oxygen mask use altitude thresholds, the primary effect of the proposed rule would be reduced utilization of pilot oxygen during normal flights, having the resulting benefit of requiring less frequent refill servicing. Oxygen tank size and capacity vary by model, and are filled according to their pressure specification. By virtue of using pressure to measure the refill of oxygen, it is difficult to measure the exact amount of oxygen consumed, and so refill services are usually charged as a flat fee. Cost can vary significantly by location, FAA market research indicates it can range between \$100 to \$400 per recharge, regardless of how much oxygen is refilled.⁷⁷

Based on these estimates, FAA calculates the annual cost savings range for operators by multiplying the servicing cost with the amount of reduced oxygen recharges due to no longer needing to consume as much oxygen during normal flight. Without data on the current total number of oxygen refills or roughly how many flights typically occur between servicing, FAA is unable to estimate the exact reduction in refills and resulting cost savings this rule could generate. Instead, FAA estimates what a percentage point reduction in affected operations no longer requiring oxygen servicing saves applicable aircraft operators.

As a proxy for operations, FAA uses the total landings data for turbojets and multiengine turboprops from the 2023 General Aviation and Part 135 Activity Surveys.⁷⁸ Although the 2023 landing counts are the most current survey data, FAA acknowledges that the number of operations, and resulting cost savings, varies from year-to-year and may change in the future. FAA also notes this landing data is potentially an overcount, as it may include two-engine turboprops that are not capable of operating above the flight level thresholds requiring oxygen use. Based on the landing data, each percentage point reduction of the roughly 4.7 million general aviation and part 135 turbojet and multiengine turboprop operations per year no longer

⁷⁷ For example, the Cessna Owner Organization notes that oxygen refill pricing varies by location and often costs \$150 or more, found at <https://cessnaowner.org/how-to-fill-your-own-oxygen-cylinder/>.

⁷⁸ The 2023 total landings data for parts 91 and 135 turbojets and multiengine turboprops is found in table 2.3 of the 2023 General Aviation and Part 135 Activity Surveys, available at: https://www.faa.gov/data_research/aviation_data_statistics/general_aviation/cy2023.

requiring oxygen servicing would save operators \$4.7 million to \$18.6 million in oxygen servicing fees annually. FAA calculates this based on one percent of the total operations, or 46,589 operations, multiplied by the \$100 to \$400 servicing cost. FAA requests comment, with supporting documentation, on the estimated price of oxygen servicing, potential reduction in the frequency of oxygen servicing operators would realize due to the proposed rule, and any other assumption or estimate.

5. Costs

The proposed rule would enable operation of aircraft under parts 91 and 135 to higher altitudes before requiring use of an oxygen mask, provided there are quick-donning masks available to the pilots. As discussed in section III.C. of the preamble, the likelihood of depressurization is considered “extremely improbable” and therefore would have no expected impacts to safety from the changes proposed in this rule and no resulting costs. The only resulting estimated effect of the proposed rule would be cost savings from reduced oxygen use and frequency of refill servicing, as discussed in the benefits section. With no other major changes from the baseline, FAA anticipates no effects that would have notable costs and welcomes comment on this assessment, along with any other assumption or estimate presented in the RIA.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96–354 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

As described in the RIA above, FAA estimates the effect of this proposed rule would be cost savings for operators requiring less frequent oxygen refill servicing. If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as

provided in section 605(b) and based on the foregoing, the head of FAA proposes certifying that this rulemaking will not result in a significant economic impact for small entities. FAA welcomes comments on the basis for this proposed certification.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

FAA has assessed the potential effect of this proposed rule and determined that it brings its regulations in line with international practices and does not exclude imports that meet this objective. As a result, FAA does not consider this proposed rule as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. FAA determined that the proposed rule would not result in the expenditure of \$187 million or more by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that FAA consider the impact of paperwork and other information collection burdens imposed on the public. FAA has determined that there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In compliance with U.S. obligations under the Chicago Convention, FAA policy is to conform to ICAO SARPs to the maximum extent practicable. Therefore, FAA is revising its regulations under parts 91 and 135 to better align with ICAO Annex 6 SARPs for oxygen use. Annex 6 mandates that flight crewmembers in pressurized airplanes above 25,000 feet (376 hPa) have access to an oxygen mask that supplies oxygen on demand, but it does not require the masks to be worn continuously at any altitude. Currently, § 135.89 is stricter than the SARP. The proposed amendment to § 135.89 would still be more restrictive but would bring FAA regulations closer in alignment to the SARP. The proposed changes to § 91.211 would fully align FAA requirements with the SARP regarding mask usage. However, similar to the existing § 91.211, the proposed rule would remain less restrictive than the SARP by not requiring the installation of quick-donning masks; instead, it specifies that if such masks are not installed, one pilot must wear a mask above FL350.

G. Environmental Analysis

The Department has analyzed the environmental impacts of this notice of proposed rulemaking pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*). FAA has determined this rule is categorically excluded pursuant to FAA Order 1050.1G. Categorical exclusions are categories of actions FAA has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS).⁷⁹ In analyzing the applicability of a categorical exclusion, FAA must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS.⁸⁰ This rulemaking, which proposes to raise the altitudes at which a pilot is required to don an oxygen mask for commuter and on demand operations, is categorically excluded pursuant to FAA Order 1050.1G, Appendix B, Paragraph B–2.6(f), which categorically excludes issuance of regulatory documents. FAA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

⁷⁹ See DOT Order 5610.1D § 9.

⁸⁰ Id. § 9(b).

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

FAA has analyzed this proposed rule under the principles and criteria of E.O. 13132, Federalism. FAA has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with E.O. 13175, Consultation and Coordination with Indian Tribal Governments,⁸¹ and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,⁸² FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to affect uniquely or significantly their respective Tribes. At this point, FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this proposed rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. FAA has determined the proposed rule change would not be a “significant energy action” under the Executive order and would be unlikely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

E.O. 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to (1) meet shared challenges involving health, safety, labor, security, environmental, and other issues and reduce, eliminate, or (2) prevent unnecessary differences in regulatory requirements. FAA has analyzed this action under the policy and agency responsibilities of E.O. 13609. FAA has determined this action would reduce differences between U.S. aviation standards and those of other civil

⁸¹ 65 FR 67249 (Nov. 6, 2000).

⁸² FAA Order No. 1210.20 (Jan. 28, 2004), available at www.faa.gov/documentLibrary/media/1210.pdf.

aviation authorities by aligning with the ICAO Standards for Use of Oxygen found in Annex 6, Part I, Section 4.4.5. Currently, § 135.89 is more restrictive than the ICAO standard. Amending § 135.89 as proposed would still be more restrictive than ICAO Annex 6, Part I, but would bring it closer to the ICAO standard. Similarly, § 91.211 is currently more restrictive than the ICAO Standards for general aviation outlined in Annex 6, Part II, Attachment 2.A. However, the proposed amendment would align it more closely with the ICAO Standard.

E. Executive Order 14192, Unleashing Prosperity Through Deregulation

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

VII. Additional Information

A. Comments Invited

FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, FAA will consider all comments it receives on or before the closing date for comments. FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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." 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 the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Electronic Access and Filing

A copy of this NPRM, all comments received, any final rule, and all background material may be viewed online at <https://www.regulations.gov> using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at <https://www.federalregister.gov> and the Government Publishing Office's website at <https://www.govinfo.gov>. A copy may also be found at FAA's Regulations and Policies website at https://www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677. Commenters must identify the docket or notice number of this rulemaking.

All documents FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with

small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit https://www.faa.gov/regulations_policies/rulemaking/sbre_act/.

List of Subjects

14 CFR Part 91

Air carriers, Aircraft, Air taxis, Airmen, Aviation safety, Charter flights.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety.

The Proposed Amendment

For the reasons discussed in the preamble, the Federal Aviation Administration proposes to amend 14 CFR chapter I as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

- 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534; Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); sec. 828 of Pub. L. 118–63, 138 Stat. 1330 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

- 2. Amend § 91.211 by revising paragraph (b) to read as follows:

§ 91.211 Supplemental oxygen.

* * * * *

(b) *Pressurized cabin aircraft.* (1) No person may operate a civil aircraft of U.S. registry with a pressurized cabin at flight altitudes above flight level 250 unless at least a 10-minute supply of supplemental oxygen, in addition to any oxygen required to satisfy paragraph (a) of this section, is available for each occupant of the aircraft for use in the event that a descent is necessitated by loss of cabin pressurization.

(2) No person may operate a civil aircraft of U.S. registry with a pressurized cabin at flight altitudes above flight level 350 unless one pilot at the controls of the aircraft is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen

whenever the cabin pressure altitude of the aircraft exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask if each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within five seconds, supplying oxygen and properly secured and sealed.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 3. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40113, 41706, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 4. Amend § 135.89 by revising paragraphs (b)(2) introductory text, (b)(3) and (b)(4) to read as follows:

§ 135.89 Pilot requirements: Use of oxygen.

* * * * *

(b) * * *

(2) Whenever a pressurized aircraft is operated at altitudes above flight level 250 through flight level 350, unless each pilot has an approved quick-donning type oxygen mask—

* * * * *

(3) Whenever a pressurized aircraft is operated at altitudes above flight level 410, at least one pilot at the controls must wear, secured and sealed, an oxygen mask required by paragraph (b)(2)(i) of this section.

(4) Whenever only one pilot is at the controls of an aircraft when operating above flight level 350, that pilot shall put on and use an approved oxygen mask.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and section 834 of Public Law 118–63 in Washington, DC.

Hugh J. Thomas,

Executive Director, Flight Standards Service.

[FR Doc. 2026–19584 Filed 9–23–26; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1120

[CPSC Docket No. CPSC–2026–0463]

Substantial Product Hazard List: Amendments to Requirements for Window Covering Cords

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: To address window covering cord strangulation risks, the Commission proposes to designate certain window coverings a substantial product hazard. These include products with: accessible free hanging operating cords longer than 8 inches on custom window coverings; exposed continuous loops with and without tension devices on custom horizontal blinds; exposed continuous loops without tension devices on other custom window coverings; lack of a warning on exposed continuous loops and single retractable cords on custom window coverings; presence of stroke lengths longer than 36 inches on single retractable cord lift systems on custom window coverings; and a cord loop lift system on stock or custom roll up style shades.

DATES: Written comments must be received by November 23, 2026.

ADDRESSES: Submit comments, identified by Docket No. CPSC–2026–0463, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except through www.regulations.gov. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Confidential Written Submissions: If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by email to cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to <https://www.regulations.gov>. Do not submit through this website:

Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC–2026–0463, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT:

Rana Balci-Sinha, Director, Division of Human Factors, Directorate for Engineering Sciences, Office of Risk Reduction, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; Telephone: 301–987–2584; Email: rbalcisinha@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Product Description

Window coverings include a wide range of products, such as shades, blinds, curtains, and draperies. Generally, the industry considers blinds as “hard” window coverings, made of slats or vanes, and considers shades as “soft” window coverings, typically made of a continuous roll of material. Window coverings are produced as either “stock” products or “custom” products. “Stock” window coverings are completely or substantially fabricated prior to being distributed in commerce, while a “custom” window covering does not meet this definition and is not substantially fabricated prior to being distributed in commerce. Types of window covering products include, but are not limited to, horizontal blinds and vertical blinds that are composed of “hard” slats or vanes that are raised and lowered or traversed; cellular shades, pleated shades, roll up style shades, roller shades, Roman style shades, and sheer shades, all of which are composed of a continuous roll of material that is raised and lowered.

A key hazard arises from accessible window covering cords that are longer than 8 inches because children can wrap such cords around their necks, or insert their heads into a looped cord, and strangle. A cord or loop that consumers use to manipulate a window covering, such as to lift and lower the window covering, is called an “operating cord” and may be in the form of a single cord, multiple cords, or continuous loops. “Inner cords” transfer forces from operating cords to the components during operation. Cord loop lift systems work to raise a roll up style shade with the assistance of an operating cord. Both blinds and shades may have inner cords to raise, lower, or rotate the window covering to achieve a consumer’s desired level of light control.¹

¹ Manufacturers use inner cords on window coverings to open and close blinds and shades, using a variety of mechanisms, including traditional operating cords, motors, or spring-loaded systems, to manipulate inner cords. Curtains and draperies do not contain inner cords, but consumers can operate curtains and draperies using a continuous loop operating cord or a wand.

“Cordless” window coverings are products designed to function without an operating cord but may contain inner

cords. Figures 1 through 6 reflect window covering terminology and

examples of different window covering types.

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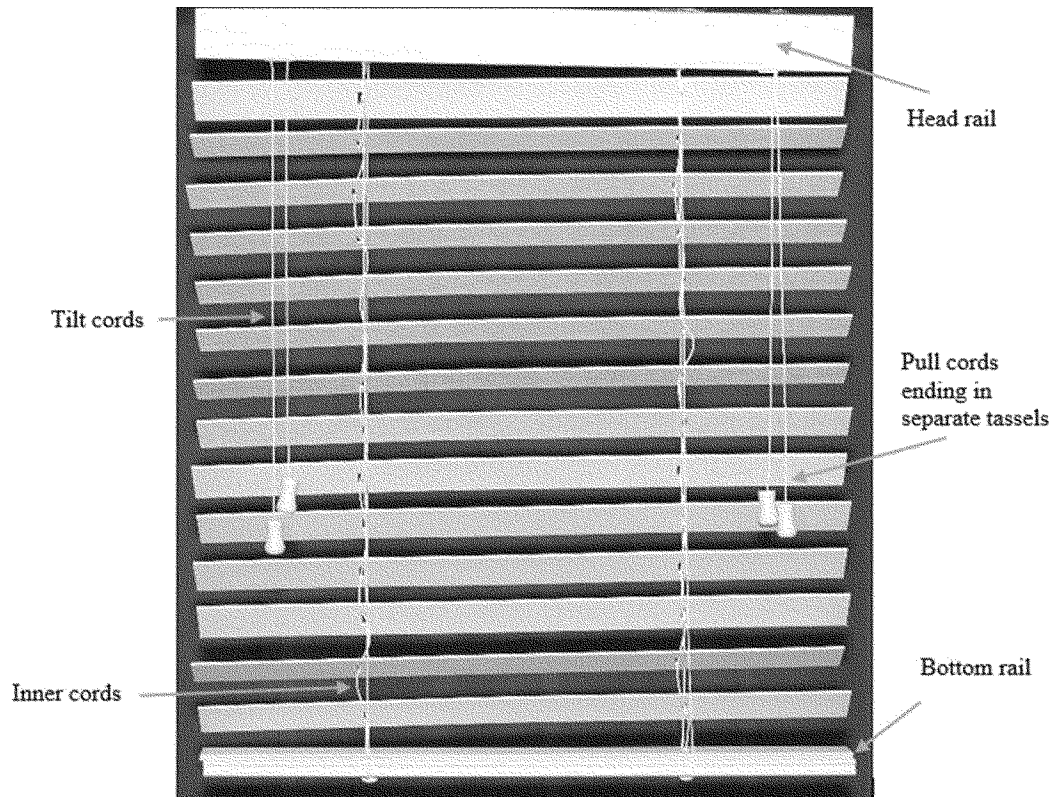


Figure 1. Horizontal blind

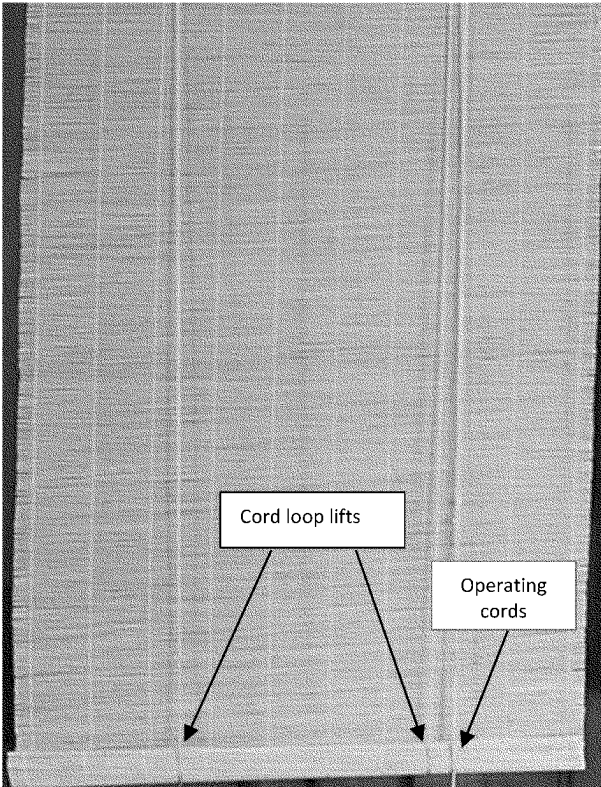


Figure 2. Roll-up shade with a cord loop lift system and accessible operating cords

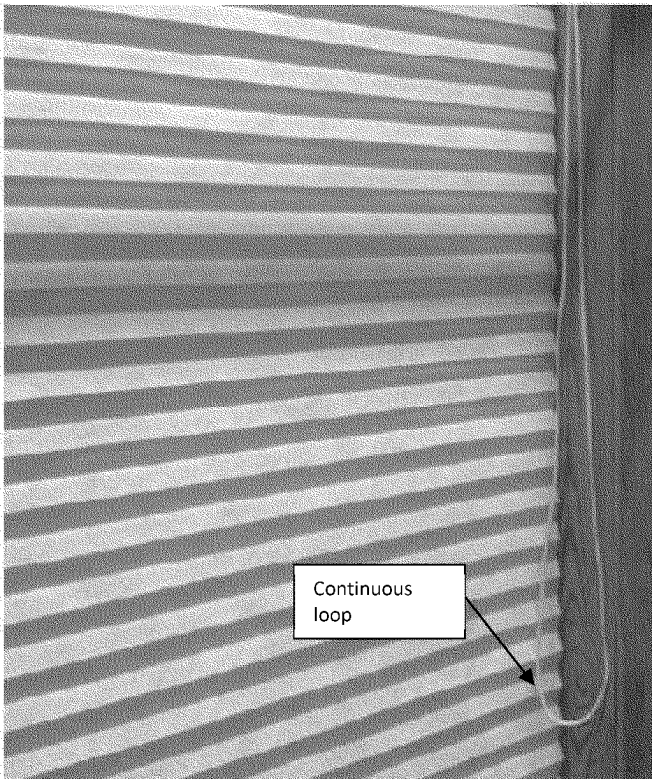


Figure 3. Cellular shade with a continuous loop

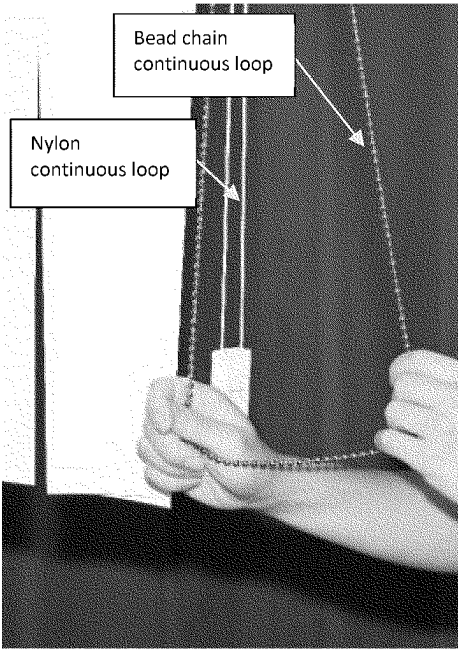


Figure 4. Vertical blind with bead chain and nylon continuous loops

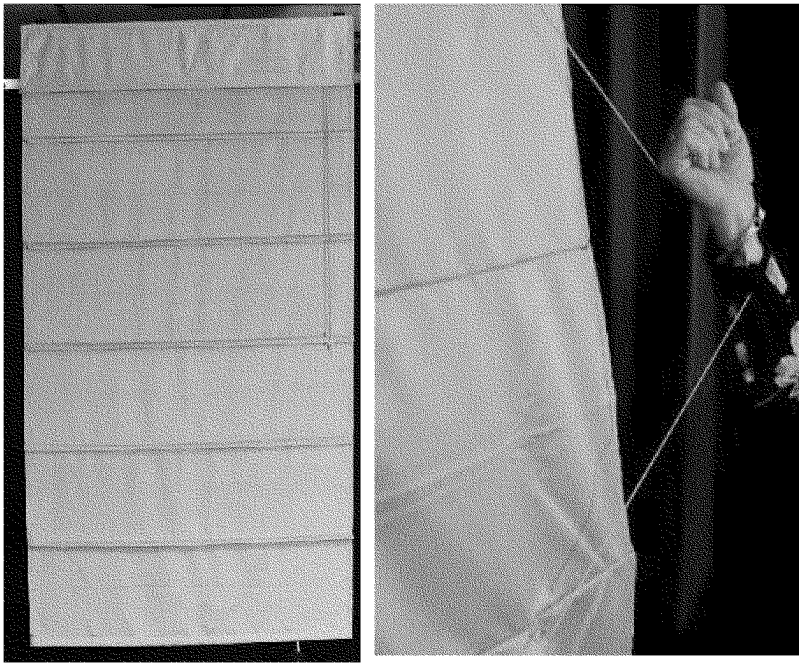


Figure 5. Roman shade with accessible operating cords (left) and inner cords (right)

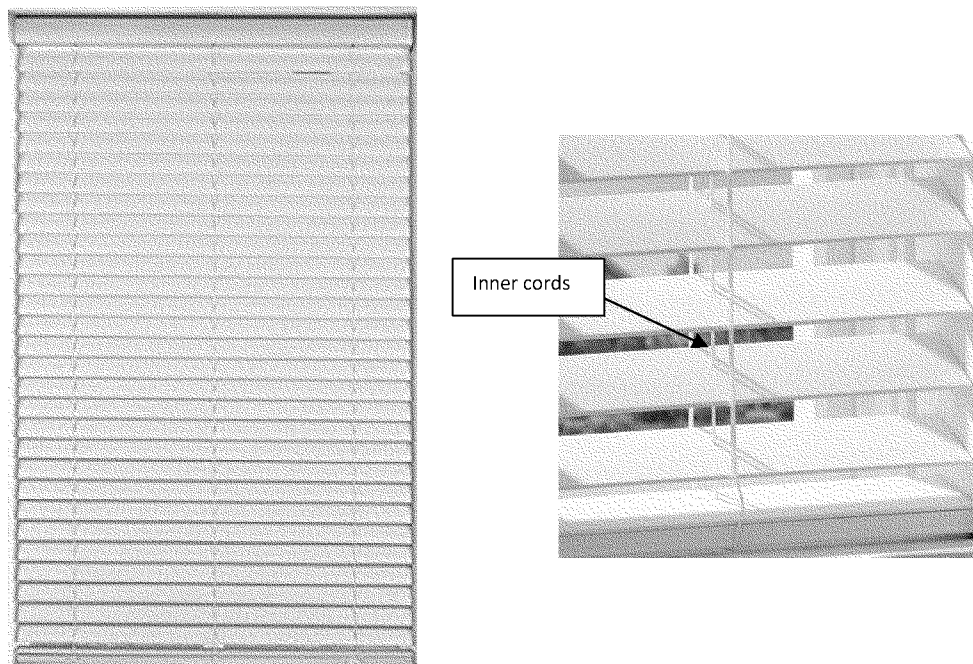


Figure 6. Cordless blind with no operating cords. Inner cords are present

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Figure 1 shows a horizontal blind containing inner cords, free hanging operating (pull) cords, and tilt cords. Figure 2 illustrates a roll-up shade containing cord loop lifts and free hanging operating cords. Figure 3 shows a cellular shade with inner cords between two layers of fabric and operating cords in the form of a continuous loop. Figure 4 presents a vertical blind with two operating cords, one in the form of a looped nylon cord to traverse the blind and the other in a looped bead chain form to tilt the vanes. Figure 5 shows a Roman shade with inner cords that run on the back side of the shade and free hanging operating cords. Figure 6 is a horizontal blind that is marketed as “cordless blind” because it has no operating cords, but it still contains inner cords.

II. Statutory Authority and Background

A. Statutory Authority

Section 15(j) of the Consumer Product Safety Act (CPSA) authorizes the Commission to issue rules identifying any consumer product or class of consumer products, characteristics whose existence or absence may be deemed a substantial product hazard under section 15(a)(2) of the CPSA if: (1) the characteristics are “readily observable,” (2) the characteristics have been addressed by a voluntary standard, (3) the voluntary standard is effective in reducing the risk of injury, and (4) products subject to the voluntary

standard substantially comply with the voluntary standard. 15 U.S.C. 2064(j)(1). Section 15(a)(2) of the CPSA defines a “substantial product hazard” (SPH), in relevant part, as a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public. 15 U.S.C. 2064(a)(2).

A rule under section 15(j) of the CPSA is not a consumer product safety rule and does not create a consumer product safety standard. Instead, a product listed in 16 CFR part 1120 that presents an SPH is subject to the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b). A manufacturer, importer, distributor, or retailer that fails to report an SPH to the Commission may be subject to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069, and criminal penalties under section 21 of the CPSA, 15 U.S.C. 2070. A product that presents an SPH may also be subject to voluntary corrective action or mandatory corrective action under sections 15(c) and (d) of the CPSA. 15 U.S.C. 2064(c) and (d).

Additionally, a product that is offered for import into the United States that presents an SPH shall be refused admission into the United States under section 17(a) of the CPSA, 15 U.S.C. 2066(a). Additionally, Customs and Border Protection (CBP) has the authority to seize certain products

offered for import under the Tariff Act of 1930 (19 U.S.C. 1595a) (Tariff Act), and to assess civil penalties that CBP, by law, is authorized to impose. Section 1595a(c)(2)(A) of the Tariff Act states that CBP may seize merchandise, and such merchandise may be forfeited if: “its importation or entry is subject to any restriction or prohibition which is imposed by law relating to health, safety, or conservation and the merchandise is not in compliance with the applicable rule, regulation, or statute.” Thus, if the Notice of Proposed Rulemaking (NPRM) is finalized, stock and custom window coverings that violate the rule are subject to CBP seizure and forfeiture.

B. Overview of the Current 15(j) Rule

The Commission has promulgated several rules under section 15(j) of the CPSA, codified in 16 CFR 1120.3.² Thus far, the Commission has deemed as “readily observable” product characteristics that are visually

² Previous 15(j) rules address: (1) drawstrings on children’s upper outerwear (76 FR 42502 (July 19, 2011)), (2) integral immersion protection on handheld hair dryers (76 FR 37636 (June 28, 2011)), (3) minimum wire size, sufficient strain relief, and overcurrent protection on seasonal and decorative lighting products (80 FR 25216 (May 4, 2015)); (4) extension cord minimum wire size, sufficient strain relief, proper polarity, proper continuity, outlet covers and jacketed cords (80 FR 44262 (July 27, 2015)); and (5) hazardous operating and inner cords on stock window coverings and hazardous inner cords on custom window coverings (87 FR 72873 (Nov. 28, 2022)).

observable or observable using a measurement.

In 2022, the Commission issued a 15(j) rule to address hazardous operating cords and inner cords on stock window coverings, and hazardous inner cords on custom window coverings. 87 FR 72873 (Nov. 28, 2022). In that rule, the Commission determined that window covering characteristics, including cord types (operating cords, inner cords) and cord length (more than 8 inches long), were “readily observable” because they involved visual observation of the presence and accessibility of a cord, and when cords are present, assessing the length of the cord using a direct measurement. 87 FR 78873, 72883–84. Specifically, the Commission determined that three hazardous, readily observable characteristics of stock window coverings, which are adequately addressed in the applicable voluntary standard, ANSI/WCMA A100.1–2018, American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA–2018), are a substantial product hazard (SPH): the presence of hazardous operating cords, the presence of hazardous inner cords, and the absence of a required manufacturer label. 87 FR 72873. The Commission also deemed that two readily observable characteristics of custom window coverings, the presence of hazardous inner cords and the absence of a manufacturer label, also addressed in ANSI/WCMA–2018, are an SPH. That rule is codified in 16 CFR 1120.3(e) (for stock window coverings) and (f) (for custom window coverings).

C. Overview of the Proposed Rule³

Consistent with the Commission’s 2022 window coverings 15(j) rule, the hazardous window covering cords addressed in this proposed rule are considered “readily observable” because the relevant characteristics for this rule, including cord type (accessible free hanging operating cords longer than 8 inches, exposed continuous loops, presence of a tension device, lack of warning labels and tags, single retractable cord lift systems and cord loop lifts), window covering type (horizontal blinds and roll up style shades), and cord accessibility, are typically visually observable. When free hanging operating cords or single retractable cords are present, for example, the length of such cords can be visually observed with a direct measurement of the cord length.

The Window Covering Manufacturers Association (WCMA) revised the ANSI/WCMA–2018 standard in 2022 to add requirements for custom window coverings and to clarify requirements for stock roll up style shades.⁴ This revision became effective on June 1, 2024. The Commission now proposes to revise part 1120 to include additional readily observable characteristics of window covering cords, addressed in ANSI/WCMA–2022. Compliance with these provisions of the voluntary standard removes the strangulation hazard to young children posed by certain accessible window covering cords. The Commission is proposing to update the references in 16 CFR 1120.2, 1120.3, and 1120.4 to replace ANSI/WCMA–2018 with ANSI/WCMA–2022 for all applicable requirements, including newly proposed ones.

The purpose of this notice of proposed rulemaking (NPRM) is to further address the risk of strangulation of children 8 years old and younger associated with hazardous cords on window coverings that have now been addressed by the revised voluntary standard ANSI/WCMA–2022. The Commission issues this NPRM under section 15(j) of the CPSA, 15 U.S.C. 2064(j), to revise the substantial product hazard list in 16 CFR 1120.3. Proposed changes to sections 1120.3(e) and (f) deem the presence of hazardous window covering cords on certain stock and custom window coverings, which have been adequately addressed by the most recent voluntary standard for window coverings, ANSI/WCMA–2022, as an SPH, as defined in section 15(a)(2) of the CPSA. 15 U.S.C. 2064(a)(2).

The NPRM proposes to deem the following readily observable characteristics of window coverings an SPH:

- (1) Free hanging operating cords on custom window coverings that are accessible to children and exceed 8 inches in length in any use position,
- (2) Exposed continuous loops on custom window coverings except horizontal blinds, without an installed tension device,⁵
- (3) Exposed continuous loops with or without an installed tension device on custom horizontal blinds,

⁴ ANSI/WCMA–2022 defines “Roll Up Style Shade” as, “A flexible sheet with no cords, whose operation consists of rolling up the sheet from the bottom or top, as the case may be. This would be secured by clips or other fastening means.” <https://wcmanet.com/wp-content/uploads/2023/04/WCMA-100.1-2022-FINAL-Read-Only.pdf>.

⁵ ANSI/WCMA–2022 defines a “Tension Device” as, “A device that is used to maintain Tension on the Cord to Bean Chain Loop.”

(4) Single retractable cords with a stroke length that exceeds 36 inches in length on custom window coverings,

(5) Cord loop lifts on stock and custom roll up style shades,

(6) Lack of a warning label and a warning tag on continuous loop operating systems containing a tension device on custom window coverings, and

(7) Lack of a warning label and a warning tag on single retractable cord lift systems on custom window coverings.

As detailed in this notice, the Commission determines preliminarily that the following are readily observable characteristics of window coverings:

(1) the presence of free hanging operating cords on custom window coverings that are accessible and exceed 8 inches in length in any use position,

(2) the presence of exposed continuous loops on custom horizontal blinds,

(3) the presence of exposed continuous loops on other custom window coverings without an attached tension device,

(4) the presence of a single retractable cord lift system with a stroke length that exceeds 36 inches on custom window coverings,

(5) the presence of cord loop lifts on stock and custom roll up style shades,

(6) the lack of warning label and/or lack of a warning tag on a continuous loop operating system containing a tension device on custom window coverings, and

(7) the lack of warning label and/or lack of a warning tag on a single retractable cord lift system on custom window coverings, collectively, the “identified readily observable characteristics.”

The Commission also determines preliminarily that the following readily observable characteristics have been adequately addressed by a voluntary standard, ANSI/WCMA–2022:

(1) free hanging operating cords are addressed in sections 4.4.2.2 (requiring a short static or access cord) and 4.4.2.3 (requiring an inaccessible operating cord),

(2) continuous loops on custom horizontal blinds are addressed in section 4.4.2.5.1 prohibiting continuous loops on custom horizontal blinds that contain a tension device,

(3) continuous loops on other custom window coverings are addressed in section 4.4.2.5 that requires an installed tension device, a loop cord and bead chain restraining device or a rigid cord shroud,

(4) single retractable cord lift system with a stroke length exceeding 36 inches

³ On September 22, 2026, the Commission voted 3–0 to publish this notice of proposed rulemaking.

for custom window coverings are addressed in section 6.1,

(5) roll up style shades are defined in section 3, definition 1.04, as being without cords,

(6) warning labels and warning tags associated with a continuous loop operating system containing a tension device for custom window coverings are addressed in sections 5.1 and 5.2, and

(7) warning labels and warning tags associated with a single retractable cord lift system for custom window coverings is addressed in sections 5.1 and 5.2.

In addition, the Commission determines preliminarily that window

coverings that conform to the identified readily observable characteristics in ANSI/WCMA–2022 are effective in reducing the risk of strangulation to children 8 years old and younger associated with hazardous cords on stock and custom window coverings. The Commission also preliminarily determines that stock and custom window coverings manufactured or imported for sale in the United States substantially comply with the identified readily observable characteristics in ANSI/WCMA–2022.

III. Hazard Patterns and Incident Data

A. Hazards Associated With Window Covering Cords

Window covering cords, including operating cords (*i.e.*, pull cords or continuous loop cords), inner cords, and cord loop lifts, can pose significant strangulation hazards to children. Strangulation hazards are present when cords are accessible and long enough to wrap around a child's neck. Figures 7 and 8 below depict the strangulation hazard for different window covering cord types relevant to this proposed rule.

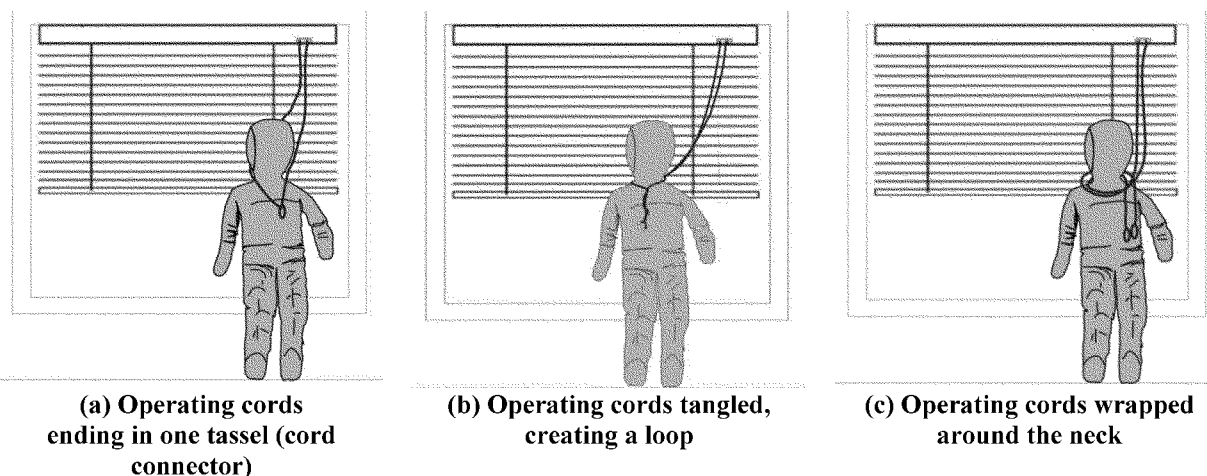


Figure 7. Free hanging operating cord hazards

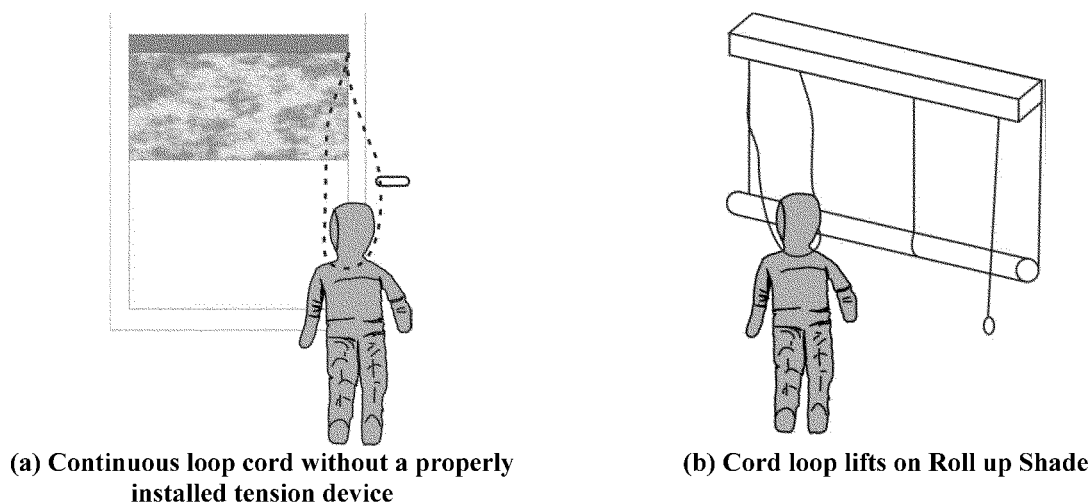


Figure 8. Continuous loop and cord loop lift hazards

Children can strangle from mechanical compression of the neck when they place a window covering cord around their neck, even in situations where the body is fully or partially supported. Strangulation is a form of asphyxia that can be partial

(hypoxia) when there is an inadequate oxygen supply to the lungs or total (anoxia) when there is total impairment of oxygen transport to tissues; loss of oxygen can lead to serious injuries with permanent debilitating outcomes or death. Strangulation is a complex

process resulting from multiple mechanisms and pathways that can involve obstruction of the airway passage, occlusion (blockage) of blood vessels in the neck, and nerve stimulation. Occlusion of the blood vessels can result in reduction in the

delivery of oxygen to tissues. Brain tissue is particularly sensitive and is often the most affected organ in the body due to oxygen depletion. Moreover, compression of the vagus nerve can result in an immediate decrease in heart rate, cardiac arrest, and death. The prognosis for hypoxic victims due to strangulation is dependent primarily on the extent of oxygen deprivation, the duration of unconsciousness, and the speed of resuscitation. Rapid reversal of the hypoxic state is essential to prevent or limit the development of pulmonary and cerebral edema that can lead to death. Thus, victims who are oxygen deprived for a short duration or quickly receive cardiopulmonary resuscitation to reestablish cerebral blood flow have the most favorable prognosis and recovery.

Experimental studies show that only 2 kg (4.4 lbs.) of pressure on the neck may occlude or block the jugular vein;^{6,7} and 3–5 kg (7–11 lbs.) may occlude the common carotid arteries.^{8,9,10} Minimal compression of any of these vessels can lead to unconsciousness within 15 seconds and death within 2 to 3 minutes.^{11,12,13,14} In consideration of the incident data when a child's body is fully or partially supported, CPSC staff assesses that head insertion into a preexisting window covering cord loop poses a higher risk of injury than when a cord is wrapped around a child's neck because a preexisting loop acts as a noose when a child's neck is inserted, and death can occur within minutes if a child loses footing.¹⁵

CPSC staff further concludes that reliance on parental supervision and warning labels are inadequate to address the risk of injury associated with

accessible window covering cords because caregivers reasonably are not always aware of the hazards cords pose nor are caregivers reasonably likely to review warnings when window coverings are a common household product not presumed hazardous.¹⁶ When evaluating the effectiveness of warning labels, CPSC staff has assessed that consumers are less likely to search for and read safety information about such products they frequently use and are familiar with.¹⁷ Consumers are very likely to have high familiarity with window coverings because they almost certainly have window coverings in their homes and use them daily, as well as likely had window coverings in their homes growing up. Therefore, window covering products do not appear overtly hazardous and even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product; consumers reasonably expect that such a product that they interact with daily is not hazardous. In fact, most of the window coverings involved in incidents contained the permanent warning labeling required by the ANSI/WCMA standard. Accordingly, the risk of injury and death associated with window coverings can most effectively be addressed through performance requirements as opposed to reliance on caregiver supervision or warning labels.

B. Incident Data Summary

CPSC staff searched two internal databases to identify incidents and hazard patterns associated with window covering cords for this NPRM:¹⁸ the Consumer Product Safety Risk Management System (CPSRMS)¹⁹ and

the National Electronic Injury Surveillance system (NEISS).²⁰ Across both systems, CPSC staff identified 73 incidents associated with window covering cords that reportedly occurred from January 2018 through December 2025 for this NPRM. Among these incidents, CPSC staff identified 21 incidents in CPSRMS involving window covering pull cords on four custom, two stock, and 15 window coverings where it was unknown whether they were stock or custom (unknown order type).²¹ CPSC staff also identified 7 incidents involving continuous loop operating cords associated with window coverings, one ordered as custom and 6 unknown order type, and one incident involving roll-up window coverings, with unknown order type, containing cord loop lifts. In addition, three incidents involved inner cords, which have already been addressed in the standard and 41 incidents involved unknown cord types. All incidents involved children 8 years old and younger.

1. Pull Cord Strangulation Incidents

All 21 reported incidents of window covering pull cord strangulations involved horizontal blinds. Of the 21 incidents, 18 resulted in death, two incidents required emergency department treatment, and one resulted in brain injury. Incidents involved children aged 12 months old to 4 years old. Four incidents involved custom products, while two incidents involved stock products. The 15 remaining incident reports did not provide enough information for CPSC to determine whether the product was stock or custom (see Table 1).

⁶ The jugular veins are veins in the neck that take blood from the head back to the heart.

⁷ Brouardel, P. (1897) *La pendaion, La strangulation, La suffocation, La submersion*. JB Bailliere et fil, Paris, France, pp. 38–40.

⁸ The common carotid arteries are blood vessels that supply oxygenated blood to the head and neck.

⁹ Brouardel (1897).

¹⁰ Polson, C.J. (1973) *Hanging In: Polson CJ and Gee DJ (eds.) Essentials of forensic medicine* Oxford England, 371–404.

¹¹ Digeronimo, R.J., Mayes T.C. (1994) Near-hanging injury in childhood: a literature review and report of three cases. *Pediatr Emerg Care*, 10(3):150–6.

¹² Hoff, B.H. (1978) Multiple organ failure after near-hanging. *Crit Care Med*; 6:366–9. Howell MA.

¹³ Iserson, K.V. (1984) Strangulation: A review of ligature, manual and postural neck compression injuries. *Ann. Emerg. Med.* 13:179–185.

¹⁴ Polson (1973).

¹⁵ Wana-Nakamura *Health Sciences Memorandum, Briefing Package Window Covering Petition*. 2014, https://www.cpsc.gov/s3fs-public/pdfs/foia_PetitionRequestingMandatoryStandardforCordedWindowCoverings.pdf

¹⁶ Levi, S., Benedick, A., Lerner, N., Leonardis D., Huey, R. (2016). Effectiveness of Safety Devices in Reducing the Risk of Child's Access to Hazardous Cords and Loops. Contract CPSC–Q–15–0064. <https://www.cpsc.gov/s3fs-public/Window%20Coverings%20Safety%20Devices%20Contractor%20Reports.pdf>.

¹⁷ Godfrey, S.S., Allender, L., Laughery, K.R., Smith, V.L. (1983). Warning Messages: Will the consumer bother to look? *Proceedings of the Human Factors Society Annual Meeting*, Volume: 27 issue: 11, page(s): 950–954. Issue published: October 1, 1983.

¹⁸ Staff searched for both stock and custom window coverings because the hazards associated with window covering cords are based on the characteristics of the cord, and not whether a product is classified as stock or custom. Product classification of stock or custom does not alter the risk of injury from accessible cords longer than 8 inches.

¹⁹ CPSRMS includes data primarily from three groups of sources: incident reports, death certificates, and in-depth follow-up investigation reports. A large portion of CPSRMS consists of incident reports from consumer complaints, media reports, medical examiner or coroner reports, retailer or manufacturer reports (incident reports received from a retailer or manufacturer involving

a product they sell or make), safety advocacy groups, law firms, and federal, state, or local authorities, among others. CPSRMS also contains death certificates that CPSC purchases from all 50 states, based on selected external cause of death codes (ICD–10). The third major component of CPSRMS is the collection of in-depth follow-up investigation reports. Based on the incident reports, death certificates, or National Electronic Injury Surveillance System (NEISS) injury reports, CPSC Field staff conduct in-depth investigations (on-site, telephone, or online) of incidents, deaths, and injuries, which are then stored in CPSRMS.

²⁰ NEISS is a statistically valid surveillance system for collecting injury data. NEISS is based on a nationally representative probability sample of hospitals in the U.S. and its territories. Each participating NEISS hospital reports patient information for every emergency department visit associated with a consumer product or a poisoning to a child younger than five years of age. The total number of product-related hospital emergency department visits nationwide can be estimated from the sample of cases reported in the NEISS. See <https://www.cpsc.gov/Research-Statistics/NEISS-Injury-Data>.

²¹ CPSC used a shorter time frame for this hazard scenario because of the large number of associated incidents.

As an example of a pull cord incident, in IDI 231005HCC3021, a 16-month-old male was found unresponsive with the pull cord from a custom horizontal blind around his neck. The child's

parents had tied the cord in a loop to elevate the cord further above a mattress, which was up against a wall and under a window. The bottom of the loop was seven inches from the top of

the mattress, but the child was able to reach the cord. Table 1 outlines the incident data for pull cord fatalities and injuries:

TABLE 1—PULL CORD INCIDENTS BY YEAR *

Year/stock or custom	Treated & released	Hospitalized	Death	Grand total
2018	1	0	2	3
Custom	1	0	0	1
Unknown	0	0	2	2
2019	1	1	1	3
Unknown	1	1	1	3
2021	0	0	6	6
Custom	0	0	1	1
Unknown	0	0	5	5
2022	0	0	5	5
Custom	0	0	2	2
Stock	0	0	1	1
Unknown	0	0	2	2
2023	0	0	4	4
Stock	0	0	1	1
Unknown	0	0	3	3
Grand Total	2	1	18	21

* Years and/or categorization of custom/stock/unknown not included in the above table did not have incidents within those categories.

ANSI/WCMA–2018 prohibits stock products from using accessible operating cords longer than 8 inches, and this requirement is codified in § 1120.3(e)(1). As of June 1, 2024, all of the remaining accessible free hanging operating cord incidents involving custom window coverings are addressed in the revised ANSI/WCMA–2022 standard, which does not allow accessible free hanging operating cords longer than 8 inches on custom window coverings. ANSI/WCMA–2022 requires those cords to be inaccessible or less than 8 inches in length. The requirement that those cords be

inaccessible or less than 8 inches in length addresses free hanging cord incidents by ensuring that children do not have access to cords longer than 8 inches.²²

2. Continuous Loop Cord Strangulation Incidents

CPSC staff identified 7 fatal incidents involving continuous loops on window coverings from 2018 through 2025. The incidents involved children 2–3 years of age. Incidents demonstrate that young children can strangle after inserting their head through a looped cord. For example, in IDI 211006CCC1032, the

mother of a 2-year-old male victim found her son hanging from the continuous loop cord of the vertical blinds in her bedroom. Officers observed deep indentations, appearing to be that of a beaded item, at the base of the victim's neck. No tension device to keep the loop taut was present. The victim's cause of death was "inadvertent hanging from the cords of the window blinds." Table 2 outlines the incident data for continuous loop cord incidents. Six of the incidents had an unknown order type (stock or custom) window covering, and one of the incidents involved a custom window covering.

TABLE 2—CONTINUOUS LOOP INCIDENTS BY YEAR *

Year/stock or custom	No injury	Treated & released	Hospitalized	Death	Total
2020	0	0	0	4	4
Custom	0	0	0	1	1
Unknown	0	0	0	3	3
2022	0	0	0	2	2
Unknown	0	0	0	2	2
2025	0	0	0	1	1
Unknown	0	0	0	1	1
Grand Total	0	0	0	7	7

* Years and/or categorization of custom/stock/unknown not included in the above table did not have incidents within those categories.

²² As stated in the September 28, 2022, Staff Briefing Package: Draft Final Rules for Corded Window Coverings (OS–73), the requirement for a short cord length of 8 inches is based on the anthropometric dimensions of the youngest child involved in an incident and is insufficient to

strangle a child because the neck circumference of a fifth percentile 6- to 9-month-old child is 8 inches. Because a child would need some extra length of cord to hold the cord out and wrap it around their neck, staff calculated that a cord 8 inches or longer causes strangulation. Staff Briefing

Package is available at <https://www.cpsc.gov/s3fs-public/Final-Rules-to-1-Add-Window-Covering-Cords-to-the-Substantial-Product-Hazard-List-and-2-Establish-a-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings.pdf?VersionId=nDxz9G5hfDy5k.SnXkqGKLiDsMK4hpe>.

ANSI/WCMA–2018 prohibits stock products from using a continuous loop operating system, with or without installed tension devices, and this requirement is codified in § 1120.3(e)(1). The ANSI/WCMA–2022 expands this prohibition to also prohibit exposed continuous loops on custom horizontal blinds. Horizontal blinds (custom or stock) that are compliant with ANSI/WCMA–2022 do not pose a strangulation risk associated with exposed continuous loops because the ANSI standard no longer allows such hazardous loops. The 2022 standard allows other custom window coverings (such as Roman shades, cellular shades, roll up shades, vertical blinds), to use a continuous loop system equipped with a tension device. For the remaining custom window coverings that use exposed continuous loops, the standard requires that the window covering contain one of the following devices: (1) a tension device that complies with section 6.3 of the standard or (2) a loop cord and bead chain restraining device that meets the requirements in section 6.4 or (3) a rigid cord shroud that meets the requirements in section 6.2. CPSC staff determined that none of the incident units with exposed continuous loops had these devices.

3. Cord Loop Lifts on Roll Up Style Shades Strangulation Incidents

CPSC identified one fatal incident in 2019 associated with cord loop lift

systems on roll up style shades. In this case (IDI 200702CCC2601), a 16-month-old male who was with his twin sister unattended in the family room while the parents were in the bedroom for 5–10 minutes. The father went to the family room to check on the twins because they had seemed quiet. When the victim's father reentered the family room, he found his daughter sitting on the couch and the victim hanging from the blinds cord. The cord was wrapped around the victim's neck as he was leaning forward.

Cord loop lifts containing accessible cords longer than 8 inches should not be present on stock roll up style shades manufactured or imported after the effective date of the current 15(j) rule (December 28, 2022), because ANSI/WCMA–2018, codified in 16 CFR 1120.3(e)(1), does not allow accessible cords that are longer than 8 inches on stock products. However, CPSC has found several stock roll up style shades with hazardous cord loop lifts and in violation of the standard. To address hazardous cord loop lifts in roll up style shades, the revised ANSI/WCMA–2022 clarifies the requirements by defining roll up style shades as a flexible sheet with no cords, which will need to be rolled up and secured by clips or other fastening means.

C. Availability of Incident Data

Upon publication of this NPRM in the **Federal Register**, CPSC will make available for review and comment on

the completed 43 IDIs discussed in this NPRM, to the extent allowed by applicable law. To review the data, submit a request to: <https://forms.office.com/g/A6np3Y2gZW>. You will then receive a website link to access the data at the email address you provided. If you do not receive a link within two business days, please contact the phone number or email address listed in the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this NPRM.

D. Recalls

From January 2018 through December 2025, the Commission's Office of Compliance and Field Operations conducted 14 recalls of more than 300,000 window covering units, including roll-up blinds, roller shades, and cellular shades that pose strangulation risks to children.

Table 3 presents the 14 recalls conducted between January 1, 2018, and December 31, 2025, and notes: the recall date, the firm involved, the product types, the types of cords/cord devices that create the strangulation hazard, the approximate number of recalled units, the number of reported incidents, and the recall number. The recalled products included both stock and custom window coverings.

TABLE 3—RECALLS INVOLVING WINDOW COVERING CORDS AND CORD DEVICES

[January 1, 2009 to August 31, 2024]

Recall date	Firm	Product	Types of cords/ cord devices	Number of recalled units	Number of reported inci- dents	Number of reported deaths	Recall number
2/1/2018	Hunter Douglas.	Sheer Blinds	Cord restraints	550	11—reports of broken or cracked cord restraints.	0	18–720
7/11/2019	Levolor Inc.	Cellular Shades.	Operating pull cords with non-breakaway cord connector.	30,000	0	0	19–761
12/05/2023 ..	Foiresoft	Roller Blinds	Looped operating cords ..	9,500	0	0	24–726
01/23/2025 ..	ChrisDowa ..	Roller Shades.	Long operating cords	19,500	0	0	25–105
02/06/2025 ..	Thy Trading	Roll up Blinds.	Long operating cords	720	0	0	25–128
02/20/2025 ..	Homebox	Roller Win- dow Shades.	Long operating cords	4,900	0	0	25–147
02/20/2025 ..	Shadeks	Roller Win- dow Shades.	Long operating cords	15,500	0	0	25–151
02/27/2025 ..	Allesin	Roller Win- dow Shades.	Long operating cords	3,800	0	0	25–163
03/27/2025 ..	Linkcoo	Roller Win- dow Shades.	Long operating cords	16,300	0	0	25–198
04/17/2025 ..	Joydeco	Roller Win- dow Shades.	Long operating cords	73,000	0	0	25–230

TABLE 3—RECALLS INVOLVING WINDOW COVERING CORDS AND CORD DEVICES—Continued
[January 1, 2009 to August 31, 2024]

Recall date	Firm	Product	Types of cords/ cord devices	Number of recalled units	Number of reported inci- dents	Number of reported deaths	Recall number
04/24/2025 ..	BTAMREE ..	Roll up Blinds.	Long operating cords	20,380	0	0	25–234
04/24/2025 ..	LuckupShein	Roller Shades.	Long operating cords	545	0	0	25–233
09/25/2025 ..	Autoez	Roll-up Shades.	Long operating cords	550	0	0	25–478
09/25/2025 ..	Persilux	Horizontal shades.	Long operating cords	133,000	0	0	25–478

IV. Overview of the Applicable Voluntary Standard—ANSI/WCMA–2022

CPSC staff has collaborated with WCMA since 1995 on an ANSI voluntary standard to address the strangulation hazard from accessible cords on window coverings.²³ The first voluntary standard for window coverings was published in 1996 and has since been revised seven times. Most recently, the Commission finalized the 2022 15(j) rule, based on ANSI/WCMA–2018, which divides the window covering market into two categories—“stock” and “custom.” ANSI/WCMA–2018 outlines performance requirements that address the risk of strangulation associated with operating cords on stock products and with inner cords on both stock and custom products.

In January 2022, WCMA published an updated version of the voluntary standard for window coverings—ANSI/WCMA–2022. The revised standard went into effect on June 1, 2024. The key updates to the revised standard include eliminating the use of free hanging operating cords, free hanging tilt cords, and multiple cords into a cord connector on all custom window covering products and prohibiting the use of continuous cord loops and bead chains on all horizontal slatted custom products. Additionally, ANSI/WCMA–2022 updates the definition of roll up style shades to prohibit the use of cords.

ANSI/WCMA–2022 prohibits the use of accessible and free hanging operating cords that are longer than 8 inches on all custom window coverings, which is same as the requirement for stock window coverings. ANSI/WCMA–2022 also prohibits the use of continuous loop operating systems with a tension device on all custom horizontal slatted blinds. Additionally, ANSI/WCMA–

2022 allows the use of continuous loop operating systems on all other custom window coverings with the following options: (1) a tension device that meets the requirements in section 6.3, (2) a loop cord and bead chain restraining device that meets the requirements in section 6.4, and (3) a rigid cord shroud that meets the requirements in section 6.2. Continuous loop operating systems equipped with these safety devices when properly installed, can prevent a child from accessing the cord loop. An exposed continuous loop without a compliant tension device poses a great risk because it can function like a noose when a child inserts his/her neck, and loss of footing can lead to death within minutes.

ANSI/WCMA–2022 allows custom window coverings to use a single retractable cord lift system with a 36-inch stroke length. Single retractable cord lift systems are defined in ANSI/WCMA–2022 section 3, definition 2.17, as “[a] Cord that extends when pulled by a user through an Operating Interface, and fully retracts when Tension is no longer applied by the user.” According to the requirements in ANSI/WCMA–2022, the operating interface may not be a cord and the maximum stroke length for a cord retraction device is 36 inches.

ANSI/WCMA–2022 eliminates the use of cord loop lifts on roll up style shades by defining “roll up style shades” in section 3, definition 1.04, as a window covering product that does not contain cords. Any stock window covering that contains accessible cords longer than 8 inches, including cords in roll up style shades, already violates the existing 15(j) rule codified at 16 CFR 1120.3(e)(1). The 2022 standard adds a definition of “roll up style shades” to clarify the shades subject to the existing prohibition on cords in roll up style shades.

V. Preliminary Determination of a Substantial Product Hazard

The current 15(j) rule incorporates by reference provisions of ANSI/WCMA–2018 that address the strangulation hazard from window covering cords that the Commission has determined present an SPH. This NPRM proposes to incorporate by reference new provisions in the 2022 version of the ANSI/WCMA voluntary standard that further address the strangulation hazard associated with window covering cords. The NPRM also proposes to update the incorporation by reference in 16 CFR 1120.4 from the 2018 version of the ANSI/WCMA standard to the 2022 version, aligning existing and proposed requirements with the most recent voluntary standard for window covering cords. If finalized, the NPRM would deem nonconformance with one or more of the identified readily observable characteristics of window coverings in ANSI/WCMA–2022 to be an SPH under section 15(a)(2) of the CPSA.

A. Defined Characteristics are Readily Observable

1. Accessible Free Hanging Operating Cords on Custom Window Coverings

Custom window coverings that include free hanging operating cords that are accessible to children and longer than 8 inches do not comply with ANSI/WCMA–2022, which requires that custom window coverings have: (1) inaccessible operating cords (section 4.4.2.3); or (2) accessible operating cords that are eight inches long or shorter in any use position of the custom window covering (section 4.4.2.2). The Commission preliminarily determines that the presence of free hanging cords, accessibility of these cords, and the length of these cords, are all product characteristics that are “readily observable.”

As with the existing 15(j) rule for stock window coverings, the NPRM would require inspectors to visually observe whether custom window

²³ The 2022 15(j) rule contains additional detail regarding the Commission’s efforts ensure that the ANSI/WCMA standard addresses hazardous window covering cords. 87 FR 72873, 72882–83.

coverings contain free hanging operating cords (*i.e.*, the portion of a cord that the user interacts with during operation), and if so, whether such cords are accessible to children, and whether

such pull cords exceed 8 inches in length. Figures 9, 10, and 11 show three horizontal blinds: a compliant horizontal blind without operating cords (“cordless blind”) (Figure 9); a

compliant horizontal blind with inaccessible cords (Figure 10); and a noncompliant horizontal blind with accessible cords that are longer than 8 inches (Figure 11).

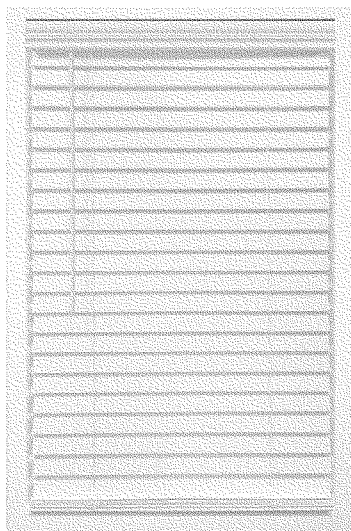


Figure 9. Horizontal blind with no operating cord

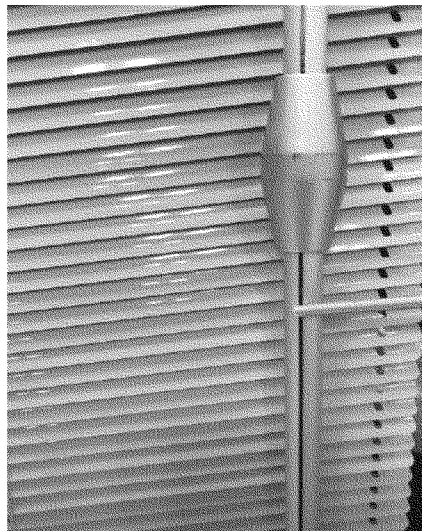


Figure 10. Horizontal blind with inaccessible cords by using a cord shroud

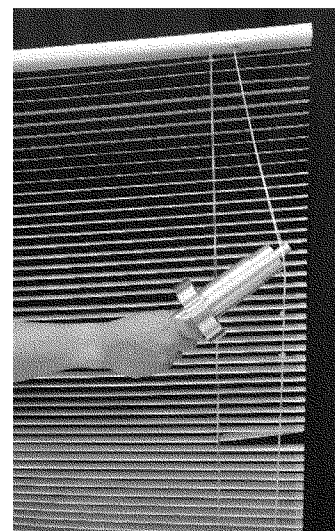


Figure 11. Horizontal blind with accessible operating cord using cord accessibility probe

Custom window covering cords can comply with ANSI/WCMA–2022 if the operating cords are removed from the product, as shown in Figure 9; made inaccessible to children via a mechanism such as a cord shroud pursuant to section 4.4.2.3, as shown in Figure 10; or, made too short to wrap around a child’s neck. To determine compliance, the investigator would first assess whether cords are present. If cords are present, the investigator would attempt to touch the operating cords using a cord shroud accessibility probe, as shown in Figure 10. A cord accessibility probe is a tool used to determine whether an operating cord, inner cord, or inner cord shroud is accessible to a child.²⁴ Non-accessible

cords are compliant with section 4.4.2.3 of ANSI/WCMA–2022.

If cords are accessible using the cord accessibility probe, the investigator would then measure the cords to determine compliance. Figure 11 demonstrates accessible operating cords using a cord accessibility probe, although the presence of such cords is easily observable with visual confirmation and does not require a probe in that case. Accessible operating cords must not be longer than 8 inches in any use position of the window covering (raised or lowered), as set forth in section 4.4.2.2 of ANSI/WCMA–2022. The investigator would observe the length of an accessible cord by taking a simple measurement with a tape

measure.²⁵ For example, Figure 12 demonstrates fully lowered, mid-length, or fully raised window covering positions. The presence of an accessible operating cord that is longer than 8 inches in any use position does not conform to section 4.4.2.2, and the NPRM proposes to deem such a cord an SPH.

The NPRM proposes that the presence of accessible free hanging operating cords longer than 8 inches in any use position of a custom window covering is an SPH because a child can wrap such a cord, or looped cord, around his or her neck and be strangled, as evidenced in CPSC’s incident data.

²⁴ The probe is an inexpensive measuring device designed to simulate a child’s hands and fingers, by considering children’s anthropometric dimensions. Tab I of the 2022 SBP, available at: [https://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-](https://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf?VersionId=HIM05bK3WDLRZrNGogQLknhFvhtx3PD)

[2021.pdf?VersionId=HIM05bK3WDLRZrNGogQLknhFvhtx3PD](https://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf?VersionId=HIM05bK3WDLRZrNGogQLknhFvhtx3PD), contains additional information on cord accessibility probes. Staff estimates that the cost to manufacture the probe ranges from \$50, to 3D print the part from plastic, to \$200, to machine the part from an aluminum rod. Manufacturers of window coverings should already have this cord accessibility probe, and this probe

is already used to assess compliance with the 2022 15(j) rule codified in § 1120.3(e) and (f).

²⁵ To take such a measurement, the investigator must first keep the product stationary, by having another person hold it, hang it up on a fixed surface, or place the window covering on the floor. The investigator can then measure the length of the operating cord with a tape measure or ruler.



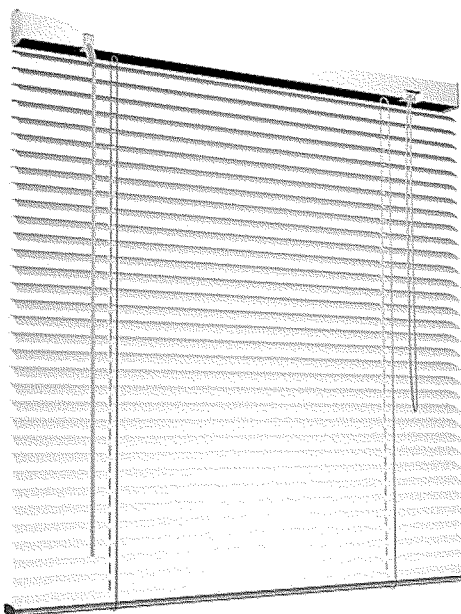
Figure 12. Window covering showing the length of the free hanging operating cord in three positions: fully lowered, middle height, fully raised.

2. Continuous Loops on Custom Horizontal Blinds

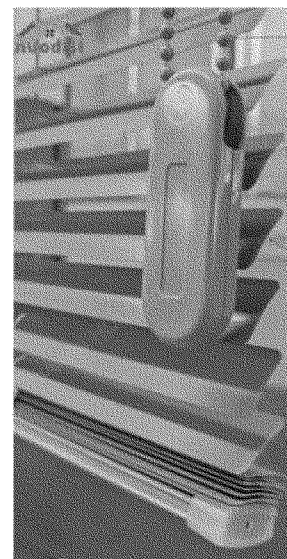
ANSI/WCMA–2022 prohibits exposed continuous loops with or without a

tension device on custom horizontal blinds. Figure 13 shows horizontal blinds with continuous loops. Because the continuous loops are exposed, these

horizontal blinds are considered an SPH.



(a) Horizontal blind with a continuous loop and no tension device presents an SPH



(b) Horizontal blind with a continuous loop and a tension device presents an SPH

Figure 13. Examples of horizontal blinds with continuous loops, both present an SPH

The only allowable methods to use a continuous loop operating system on a

custom horizontal blind is to use a loop cord and bead chain restraining device

(see Figure 14a) or a rigid cord shroud (see Figure 14b) that enclose the cord.

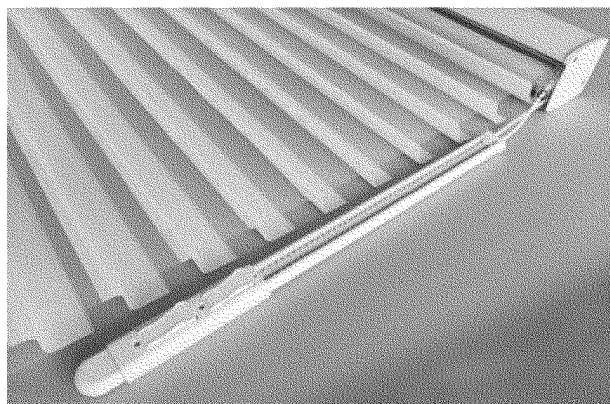
ANSI/WCMA–2022 defines a loop cord and bead chain restraining device as a device that prevents the creation of a hazardous loop from an accessible continuous loop. According to the standard, these devices must pass requirements including operational cycle test, UV stability, impact test, and durability requirements. In addition, these devices must not create a hazardous loop from an accessible cord.

Rigid cord shrouds, which are defined as shrouds constructed of inflexible materials, do not have accessible cords

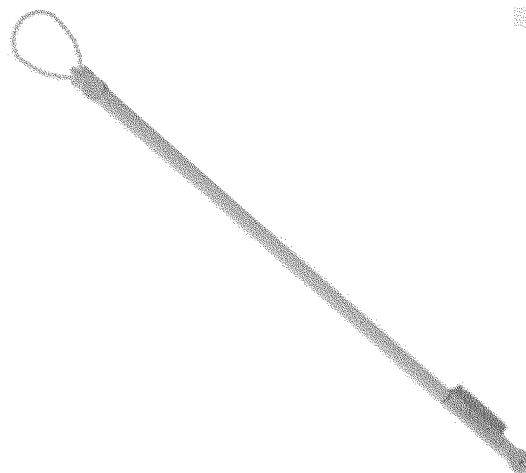
and must comply with operational cycle test, UV stability, impact test, and durability requirements in addition to a deflection and deformation test. CPSC is aware of various cord loop and bead chain restraining devices and rigid cord shrouds that enclose continuous loops as shown in Figure 14. These products can be used on custom window coverings to prevent exposed continuous loops. If an investigator observes these products on a window covering and does not observe any hazardous cords or loops, the window

covering would not present an SPH under this proposed rule. Other requirements associated with these devices such as operational cycle testing and impact testing are not readily observable, therefore they are not part of the proposed 15(j) rule.

The Commission preliminarily determines that the presence of an exposed continuous loop on a custom horizontal blind is “readily observable” because the investigator can visually identify the presence of such exposed continuous loops.²⁶



(a) Cord restraining device example



(b) Cord shroud example

Figure 14. Examples of continuous loops contained in shrouds/restraining devices

3. Continuous Loops on Custom Window Coverings (Except Horizontal Blinds)

ANSI/WCMA–2022 allows custom window coverings, except horizontal blinds, to contain a tension device if it meets the requirements in section 6.3. Section 6.3 has the following requirements:

6.3.1 The manufacturer must attach the Tension Device to the Cord or Bead Chain Loop. Tension Device must be designed, placed and shipped such that, unless properly installed or altered from the shipped condition with Sequential Process or tools, it prevents the window covering from operating.

6.3.2 The attachment of the Tension Device to the Cord or Bead Chain Loop must be by means of a Permanent Assembly Method and the Tension Device assembly must meet the durability requirements in section 6.3.5.²⁷

6.3.3 The Tension Device in conjunction with the product shall maintain Tension on the operating cords when properly installed. If the Tension Device is installed in a location that does not maintain Tension on the operating cords, the Tension Device will prevent the window covering from operating as designed for full operation of the product. The window covering may not operate independently of the Cord or Bead Chain Loop.

6.3.4 The Tension Device shall be supplied with fasteners and instructions to attach to wood substrates. The Tension Device shall also be supplied with information about attaching to drywall and metal substrates. The fasteners shall have a minimum fastener manufacturer-rated or tested release force of 20 lb (89 N).

6.3.5 These requirements are related to the durability of the Tension Device

and include operational cycle test, UV stability, durability and impact tests.

If the current 15(j) rule is not revised to incorporate the above requirements, CPSC staff assesses that custom window coverings—except horizontal blinds—containing exposed continuous loops without any of the specified safety devices could continue to enter the market. An exposed continuous loop without a compliant tension device poses a greater hazard because, as noted earlier, a child inserting their head into a preexisting cord loop faces a higher risk of injury than when a cord is wrapped around a child’s neck. A preexisting loop can function like a noose when a child’s neck is inserted, and loss of footing can lead to death within minutes.

Investigators can readily observe section 6.3.1 in which the tension device must come attached to the continuous loop and cannot be removed

²⁶ ANSI/WCMA–2022 allows continuous loops on custom window coverings except for horizontal blinds. Continuous loops on custom window coverings are required to be sold with an attached tension device on the continuous loop. Such

tension device is intended to be attached to a wall or window frame to keep the corded loop taut.

²⁷ Permanent Assembly Method is defined in section 3.04 as “Any assembly method that cannot

be disassembled without breaking a component, including without limitations one way snap features, sonic welding, crush pins or other compliant method”

without sequential process or tools. However, the remaining tension device requirements outlined in 6.3.2 through 6.3.5 are not readily observable. CPSC assesses that the risk associated with exposed continuous loops is reduced if the provided tension device complies with section 6.3 of the standard, and CPSC is not aware of incidents involving window coverings that met

these requirements since 2018. The NPRM proposes the following:

A custom window covering that is not a horizontal blind presents an SPH if the continuous loop is exposed and does not have a tension device that is attached to the continuous loop and cannot be removed without sequential process or tools. Figure 15 shows a cellular shade with no tension device

attached on the loop and presents an SPH. A hold-down device such as shown in Figure 16 is not considered a tension device because this device can be easily removed from the continuous loop and does not prevent operation of the window covering. Therefore, a continuous loop with such a device would present an SPH.

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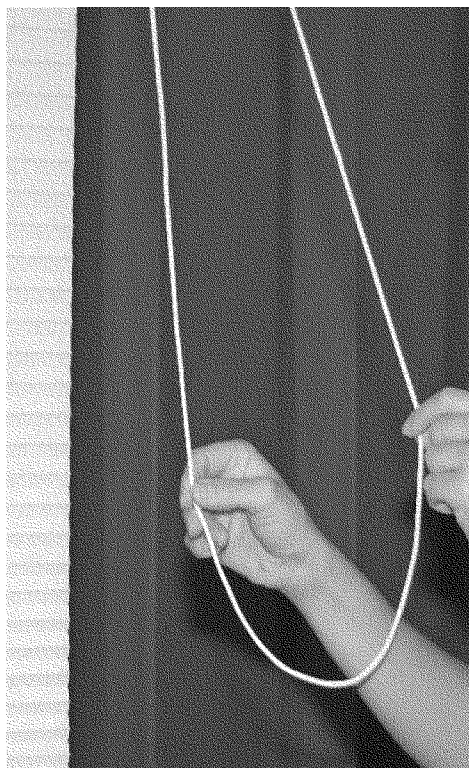


Figure 15. Cellular shade with a continuous loop and no tension device presents an SPH²⁸

²⁸ <https://www.cpsc.gov/Recalls/2009/Strangulation-Death-of-a-Child-Prompts-Recall-To-Repair-Window-Blinds-By-Vertical-Land>

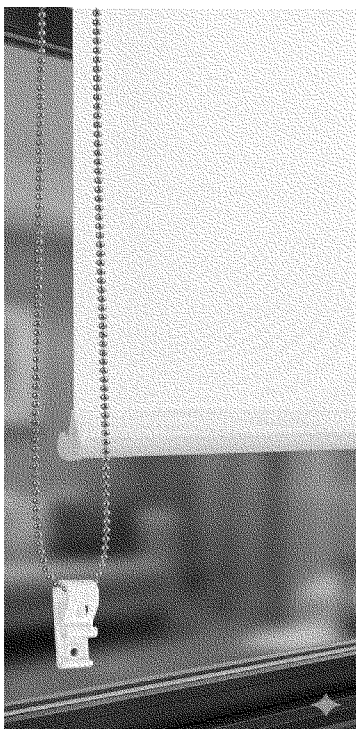


Figure 16. A hold down device that does not meet the requirements

ANSI/WCMA–2022 requires all window covering products with a Tension Device for Cord or Bead Chain Loops to have warning labels and

warning tags as described in sections 5.1 and 5.2. The NPRM proposes to deem the lack of warning label and/or warning tag associated with tension

devices an SPH. An investigator can visually observe the presence or lack of a warning label and warning tag (see Figure 17.)

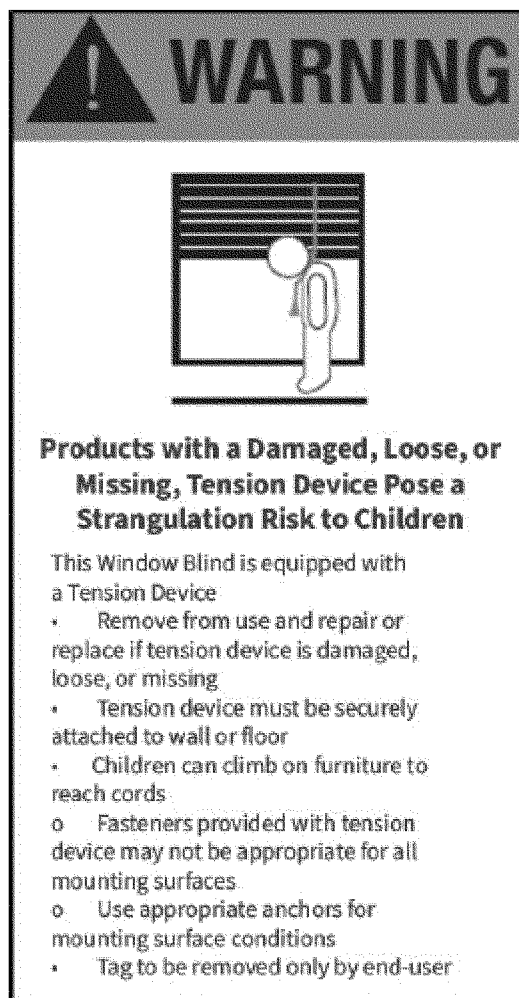
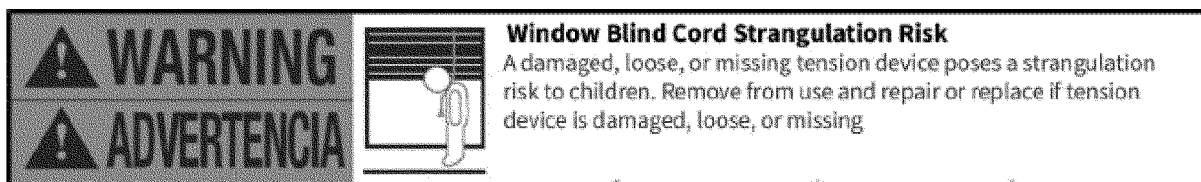


Figure 17. Warning label (top) and warning tag (bottom) required on window coverings containing continuous loops with a tension device

4. Single Retractable Cord Lift System on Custom Window Coverings

ANSI/WCMA–2022 allows the use of a single retractable cord lift system for custom window coverings as stated in

section 4.4.2.4 as long as it meets the requirements in section 6.1. Further, the product must have warning tags as described in sections 5.1 and 5.2. The maximum stroke length cannot exceed

36 inches and the operating interface for the cord retraction device cannot be a cord as shown in Figure 18, both of which can be easily measured or observed.

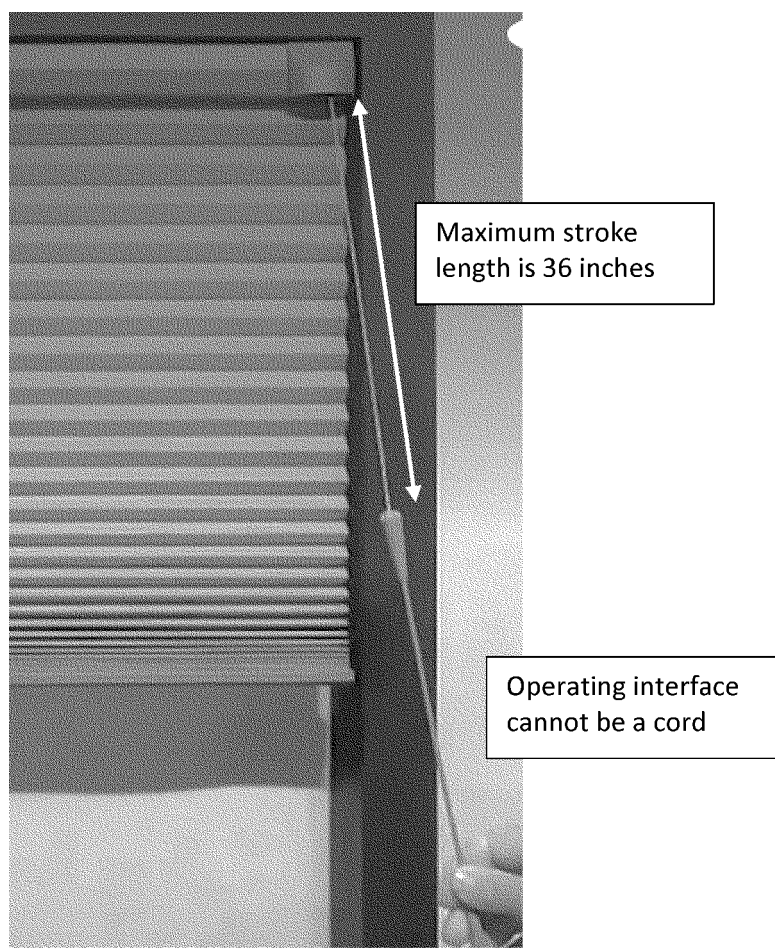


Figure 18. Stroke length on a single retractile cord lift system

ANSI/WCMA–2022 requires all window covering products with a retractable cord to have warning labels and warning tags as described in 5.1 and

5.2. The NPRM proposes to deem the lack of warning labels and/or warning tags associated with single retractable cords an SPH. Figure 19 shows the

warning label and warning tag required for single retractable cord lift system.

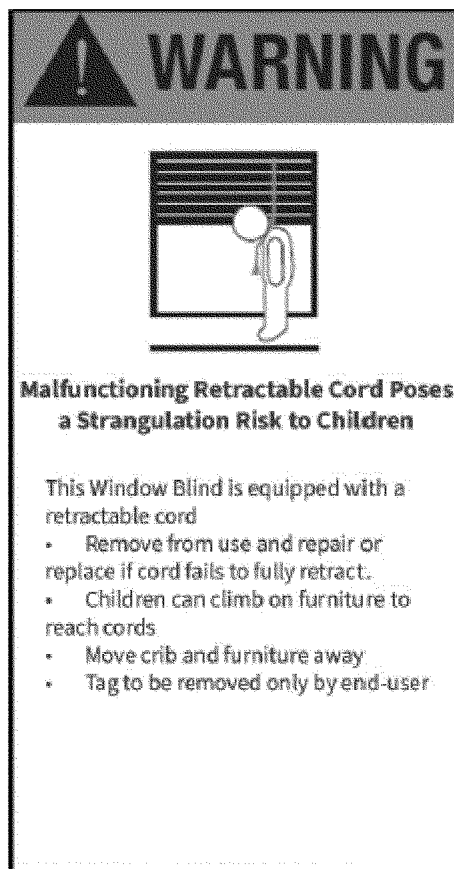
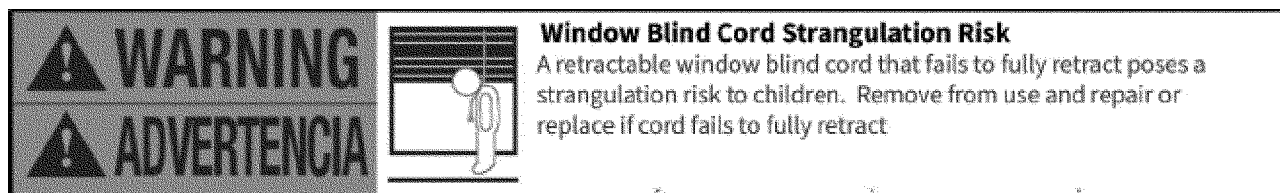


Figure 19. Warning label (top) and warning tag (bottom) required on window coverings containing single retractable cord lift system

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5. Cord Loop Lift Systems on Stock and Custom Roll Up Style Shades

Cord loop lift systems use cords to roll up a window covering. Figures 20–21 show two roll up style shades with a cord loop lift system. Cord loop lift systems typically are comprised of cords that extend from the headrail to the bottom of the product, wrap around the bottom and extend back up to the top of the shade and through the headrail. See, section 3, definition 4.03 of ANSI/

WCMA–2018. Cord loop lift systems shown in Figure 20 are hazardous to children because they contain an accessible cord on which children have strangled.

ANSI/WCMA–2022 revised requirements for cord loop lift systems on stock and custom roll up style shades by defining such systems as cordless. Section 3, definition 1.04 of ANSI/WCMA–2022 defines a roll up style shade as “[a] flexible sheet with no cords, whose operation consists of rolling up the sheet from the bottom or

top, as the case may be. This would be secured by clips or other fastening means.” Many roll up style shades have been redesigned to comply with ANSI/WCMA–2018 and 2022 by eliminating operating cords, as well as cord loop lifts as shown in Figure 21. An investigator can visually observe the presence of a cord loop lift operating system on both stock and custom roll up style shades because the cord loop lifts are readily observable as shown Figure 20.

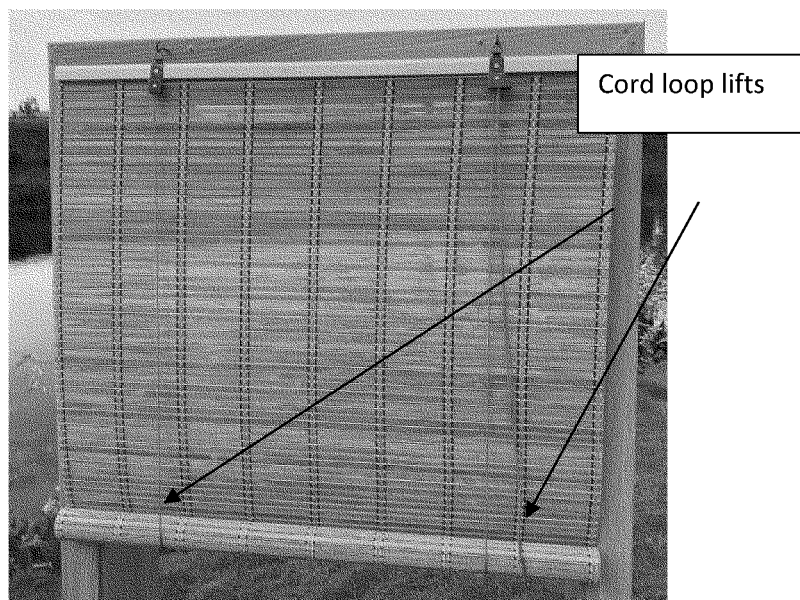


Figure 20. Roll-up shade utilizing cord loop lift systems does not meet ANSI/WCMA–2022

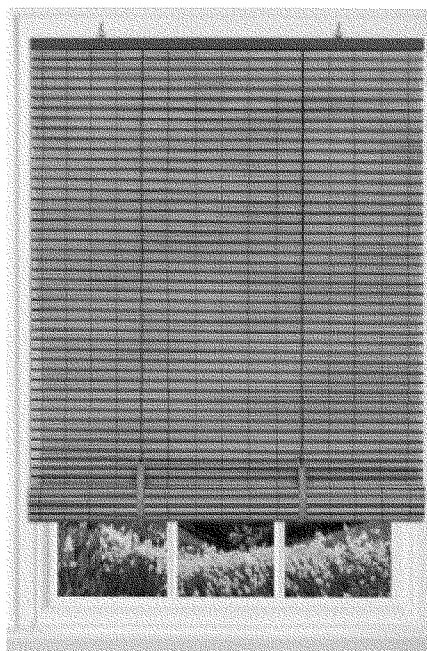


Figure 21. Roll up style shade without a cord loop lift system meets ANSI/WCMA–2022

B. Window Coverings That Conform to ANSI/WCMA–2022 Are Effective at Reducing the Risk of Injury Associated With the Identified Readily Observable Characteristics

Based on CPSC staff's analysis described above, the Commission preliminarily determines that custom window coverings with operating systems that contain accessible, free

hanging cords that exceed 8 inches in length, present a strangulation hazard to children and are not in compliance with ANSI/WCMA–2022, including sections 4.4.2.2 (requiring a short static or access cord) and 4.4.2.3 (requiring an inaccessible operating cord). Additionally, custom horizontal blinds with continuous loops that use a tension device pose a risk of strangulation and

are not in compliance with section 4.4.2.5.1 (prohibiting continuous loops with tension devices on custom horizontal blinds). The following also present a strangulation hazard: (1) other custom window covering types that use a tension device but without meeting sections 6.3.1 and 6.3.2, (2) all custom window coverings that use a single retractable cord that exceeds 36 inches

of stroke length, and (3) stock and custom roll up style shades that use lifting cord loops.

Finally, the Commission preliminarily determines that custom window coverings containing the warnings described below are effective at reducing the risk of injury, by informing consumers of the hazards presented by: (1) a tension device on a continuous loop or (2) a single retractable cord. These products must contain warning labels and warning tags alerting consumers to hazardous cords if tension device is missing, damaged or loose and if a retractable cord lift system fails to fully retract the cord. The NPRM proposes that, for the identified readily observable characteristics, products that are not in compliance with ANSI/

WCMA–2022 present a strangulation risk and are an SPH.

C. Window Coverings Substantially Comply With the Identified Readily Observable Characteristics of Window Coverings

The Commission has several bases to determine preliminarily that window coverings substantially comply with ANSI/WCMA–2022 requirements. First, WCMA, the trade association for window coverings and the body that created the voluntary standard, stated in a comment on the ANPR for Window Coverings (comment ID: CPSC_2013–0028–1555) that window coverings have substantially complied with the voluntary standard since its first publication.²⁹ WCMA states that all

companies who manufacture, distribute or sell window coverings in the U.S. must comply with the voluntary safety standards.³⁰ WCMA also states that compliance with the standard is expected on the effective date, which was June 1, 2024, for ANSI/WCMA–2022.³¹

To verify whether custom window coverings substantially comply with ANSI/WCMA–2022, staff reviewed online offerings for custom horizontal blinds. Out of the 249 offerings from 5 retailers, 246 were cordless including motorized features and 3 were corded; this breakdown corresponds to about a 99 percent compliance rate with the 2022 standard. Table 4 summarizes staff's observations.

TABLE 4—CUSTOM HORIZONTAL BLINDS SOLD ONLINE *

Custom horizontal blinds	Cordless	Motorized	Drawstrings
Retailer 1 (faux wood, mini, vinyl, wood)	40	3	0
Retailer 2 (faux wood, mini, wood)	64	11	0
Retailer 3 (faux wood, mini, wood, vinyl, fabric)	81	19	0
Retailer 4 (faux wood and wood)	16	0	0
Retailer 5 (mini, wood, vinyl)	11	1	3
Total	212	34	3
Compliant ratio	0.99		

* Accessed on 5/4/2026

Regarding roll up style shades, most of these products are stock, not custom, and stock products are already required to comply with the existing rule codified in 16 CFR 1120.3(e). Staff did not locate any non-compliant roll up style shades from major online retailers that also have brick-and-mortar stores. Such retailers represent 75 percent of the market. However, from online retailers representing 25 percent of the market, staff identified non-compliant roll up style shades on seven websites; 37 percent of the offerings were corded, and 63 percent were cordless. Given that e-commerce accounts for about 25 percent of the market,³² the overall compliance rate of products reviewed by CPSC staff is about 91 percent, with the observation that brick-and-mortar stores reviewed by staff have a 100 percent compliance rate.

In addition, major manufacturers and retailers are members of WCMA, which means that they should be manufacturing and selling window coverings that comply with the ANSI/WCMA–2022. Therefore, based on the current offerings on the market, WCMA

memberships, and WCMA's statements, the Commission preliminarily determines that window coverings sold in the United States substantially comply with the readily observable safety characteristics identified for this NPRM and as stated in ANSI/WCMA–2022.

VI. Description of the Proposed Rule

The NPRM proposes adding several new paragraphs to part 1120. The NPRM includes two new definitions: proposed § 1120.2(h) defines “tension device” consistent with the definition in section 3, definition 2.21, in ANSI/WCMA–2022, and proposed § 1120.2(i) defines roll up style shades consistent with the definition in section 3, definition 1.04 of ANSI/WCMA–2022. Additionally, the NPRM proposes to update the reference to ANSI/WCMA–2018 in existing definitions for stock and custom window coverings in § 1120.2(f) and (g) to ANSI/WCMA–2022. The NPRM proposes to revise § 1120.3(f) to include new requirements for custom window coverings and to change the incorporation by reference from ANSI/

WCMA–2018 to ANSI/WCMA–2022. The proposed addition in § 1120.3(f)(3) creates a new requirement for free hanging operating cords stating that such cords that fail to meet operating cord requirements in sections 4.4.2.2 (short static or access cord), or 4.4.2.3 (inaccessible operating cord), present an SPH. Proposed § 1120.3(f)(4) creates a new requirement that custom horizontal blinds cannot contain an exposed continuous loop operating system based on section 4.4.2.5.1 of ANSI/WCMA–2022. Proposed § 1120.3(f)(5) requires that other custom blinds and shades containing continuous loop operating systems that fail to meet 4.4.2.5.1, 4.4.2.5.2, or 4.4.2.5.3, present an SPH. Proposed § 1120.3(f)(6) requires that a custom window covering with a single retractable cord lift system that fails to meet 4.4.2.4 presents an SPH. Proposed § 1120.3(f)(7) requires that custom roll up style shades not contain cord loop lifts, as such products are defined in section 3, definition 1.04 of ANSI/WCMA–2022 as cordless. Proposed § 1120.3(f)(8) requires that a continuous loop operating system containing a

²⁹ <https://www.regulations.gov/document/CPSC-2013-0028-1555>.

³⁰ <https://share.google/uedI19Dq538uI2cl9>

³¹ <https://wcmanet.com/wcma-standards/#:-:text=May%201%2C%202024%20%2E%80%93%20AN%20IMPORTANT,dmyers@kellencompany.com>.

³² Euromonitor, 2024; available at: <https://www.portal.euromonitor.com/?eOpE%2bUmVd2xPhLHo07zPwx6WHOLgseSP5%2b9LR4N%2fEeHF30MGubTWBQ%3d%3d>.

tension device on custom products that fails to include a warning label and/or a warning tag as required in sections 5.1 and 5.2, presents an SPH. Proposed 1120.3(f)(9) requires that a single retractable lift system on custom window coverings that fails to include a warning label and/or a warning tag as required in sections 5.1 and 5.2, presents an SPH.

With regard to stock roll up styles shades, the NPRM proposes to add § 1120.3(e)(4) deeming that stock roll up style shades with cord loop lifts present an SPH. ANSI/WCMA–22 requires roll up style shades, as defined in section 3, definition 1.04, as cordless.

Finally, the NPRM proposes to update the incorporation by reference in § 1120.4(d)(1) from ANSI/WCMA–2018 to ANSI/WCMA–2022.

VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) requires that proposed rules be reviewed for the potential economic impact on small entities, including small businesses. 5 U.S.C. 601–612. Section 603 of the RFA requires agencies to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA), describing the impact of the proposed rule on small entities and identifying impact-reducing alternatives. The requirement to prepare an IRFA does not apply if the agency certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. *Id.* at 605. As described in this section of the preamble, the Commission expects that the economic effect on all entities will be minimal because the industry already substantially complies with the ANSI/WCMA–2022 standard. Accordingly, the Commission certifies that a final rule will not have a significant economic impact on a substantial number of small entities.

A. Small Entities to Which the Proposed Rule Would Apply

The NPRM would apply to a segment of the stock and custom window covering market that sells products described above. Window coverings include the following product categories: blinds, shades, and curtains and draperies. The shades category includes cellular shades, pleated shades, roller shades, roll up style shades and Roman shades. The blinds category includes horizontal blinds and vertical blinds of varying material types. The total window covering market size in 2023 was approximately \$5.3

billion.³³ (Euromonitor 2024).³⁴ CPSC staff estimates that firms classified as small by U.S. Small Business Administration (SBA) guidelines account for \$1.9 billion annually, and none of these firms accounts for more than 3 percent of total market share by revenue. (Euromonitor 2024).³⁵

The North American Industry Classification System (NAICS) defines product codes for U.S. firms. Firms that manufacture window coverings may list their business under the NAICS product code for blinds and shades manufacturers (337920 Blind and Shade Manufacturing) or retailers (442291 Window Treatment Stores).³⁶ Importers of window coverings are generally listed in Home Furnishing Merchant Wholesalers (423220), which includes other home furnishing items and is nonspecific to window coverings.

Under SBA guidelines, a manufacturer of window coverings is categorized as small if the firm has fewer than 1,000 employees; retailers are considered small if they have sales revenue less than \$11.5 million, and importers if the firm has fewer than 100 employees.³⁷ Based on 2021 data, 2,128 firms were categorized as blinds and shades manufacturers and retailers.³⁸ Of these, about 1,857 firms (274 manufacturers and 1,583 retailers) were beneath their respective thresholds and thus qualified as small. Unfortunately, the NAICS code for importers is nonspecific to window coverings and an estimate of the number window coverings importers that meet the SBA guidelines for a small business cannot be estimated. Nearly all the 274 small manufacturers identified are far below the 1,000 employee SBA threshold, as a majority of firms have fewer than ten employees. CPSC staff assesses that the window coverings produced by these firms would meet the voluntary standard definition of a “custom”

window covering because many are handcrafters, and they produce products to a specific customer order. Stock window coverings are already subject to the existing rule at 16 CFR 1120.3(e).

B. Potential Impact of the Proposed Rule

CPSC staff indicate that the level of conformance of stock and custom window coverings with the readily observable characteristics identified in ANSI/WCMA–2022 is high. Firms already conforming to the standard would experience no impact by the proposed rule. However, CPSC staff notes that some small manufacturers do not currently conform to the accessible cord provision. Very few of these small firms solely offer window coverings; most offer other products in addition to window coverings. The firms selling multiple products would likely not have a significant impact on their overall revenue as these other items would outweigh any increased compliance cost to window coverings. Staff estimates that less than 10 of these firms will incur a significant cost impact from the rule and that this would not constitute a substantial number of small manufacturers of a market with 257 manufacturers. Retailers and importers are not expected to be impacted significantly by the rule because any potential costs to conform will be borne by manufacturers. Should a window covering retailer and/or importer bear a cost related to conformance, staff expects the cost to account only for a small portion of total revenues because these firms typically sell/import other home furnishing products in addition to window coverings.

Based on the available information, the Commission certifies that this rule would not have a significant impact on a substantial number of small businesses or other small entities.

VIII. Environmental Considerations

The Commission’s regulations typically have little or no potential for affecting the human environment, thus environmental assessments and impact statements are not usually required. 16 CFR 1021.5(a). The proposed rule 16 will have little or no potential to affect the human environment; and therefore, neither an environmental assessment nor an environmental impact statement is required. The proposed rule falls within the “categorical exclusion” for the purposes of the National Environmental Policy Act. 16 CFR 1021.5(c).

IX. Preemption

The proposed rule would not establish a consumer product safety

³³ Stock window coverings most likely account for a minority of the total market size in terms of revenue due to significant average price differences between stock and custom products. (D+R International 2021).

³⁴ Data obtained from EM Passport system (subscription) on 8/28/2024. <https://www.euromonitor.com/>

³⁵ Data obtained from EM Passport system (subscription) on 8/28/2024. <https://www.euromonitor.com/>

³⁶ The two product codes 337920 and 442291 encompass most products in the window coverings market. However, some drapery and curtain manufacturers may be listed under 322230, stationary product manufacturing.

³⁷ Table of Size Standards, U.S. Small Business Administration, <https://www.sba.gov/document/support-table-size-standards>.

³⁸ 2021 SUSB Annual Data Tables by Establishment Industry, <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>.

rule. Accordingly, the preemption provisions in section 26(a) of the CPSA, 15 U.S.C. 2075(a), would not apply to this rule.

X. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). The Commission proposes that any stock or custom window coverings that do not conform to the specified sections of ANSI/WCMA–2022 be deemed to present an SPH effective 30 days after publication of a final rule in the **Federal Register**. After that date, all stock and custom window coverings that are subject to, but do not comply with, ANSI/WCMA–2022 regarding the identified readily observable characteristics, will be deemed to present an SPH.

A 30-day effective date is appropriate for this rule because stock and custom window coverings already substantially comply with the identified readily observable safety characteristics in ANSI/WCMA–2022 and because there is widespread knowledge of these requirements among importers and manufacturers. Accordingly, relevant stakeholders are on notice of the requirements in ANSI/WCMA–2022. Moreover, importers likely will have ample time and opportunity to acquire conforming products, if necessary, from suppliers within normal business cycles before a final rule is promulgated. Based on the available information, the Commission concludes that a 30-day effective date would not likely result in significant impacts on industry, nor disrupt the supply of conforming products.

XI. Incorporation by Reference

The Commission proposes to incorporate by reference provisions of ANSI/WCMA A100.1–2022, *American National Standard for Safety of Corded Window Covering Products* into 16 CFR 1120.4. Currently, the 2018 version of the standard, ANSI/WCMA A100.1–2018, is incorporated by reference in section 1120.4. The Commission proposes updating the incorporation by reference from the 2018 standard to the 2022 standard, applicable to both existing and newly proposed requirements. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference which require that, for a proposed rule, agencies must discuss in the preamble of the NPRM ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency

worked to make the materials reasonably available. 1 CFR part 51. In addition, the preamble of the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, sections I.A and V of this preamble summarize the provisions of ANSI/WCMA–2022 that the Commission proposes to incorporate by reference. ANSI/WCMA–2022 is copyrighted. You can view a read-only copy of ANSI/WCMA–2022 at no cost at: <https://wcmanet.com/wp-content/uploads/2023/04/WCMA-100.1-2022-FINAL-Read-Only.pdf>. To download or print the standard, interested persons can purchase a copy of ANSI/WCMA–2022 from WCMA, through its website: <http://wcmanet.com>, or by mail from the Window Covering Manufacturers Association, Inc. 355 Lexington Avenue, New York, NY 10017; Telephone: 212–297–2122. Alternatively, interested parties may inspect a copy of the standard free of charge by contacting the CPSC Office of the Secretary: Telephone: 301–504–7479; email: cpsc-os@cpsc.gov.

XII. Request for Comments

The Commission invites interested persons to submit their comments to the Commission on any aspect of the proposed rule. Comments should be submitted as provided in the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects in 16 CFR Part 1120

Administrative practice and procedure, Clothing, Consumer protection, Cord sets, Extension cords, Household appliances, Lighting, Window Coverings, Cords, Infants and children, Imports, Incorporation by reference.

For the reasons stated above, the Consumer Product Safety Commission proposes to amend 16 CFR part 1120 as follows:

PART 1120—SUBSTANTIAL PRODUCT HAZARD LIST

■ 1. The authority citation for part 1120 continues to read as follows:

Authority: 15 U.S.C. 2064(j).

■ 2. In paragraphs (f) and (g) of § 1120.2, replace the year “2018” with “2022”.

■ 3. In § 1120.2, add paragraphs (h) and (i) to read as follows:

§ 1120.2 Definitions.

* * * * *

(h) *Tension device*, has the same meaning as defined in section 3, definition 2.21 of ANSI/WCMA A100.1–2022, as a device that is used to

maintain tension on the cord or bead chain loop.

(i) *Roll up style shade*, has the same meaning as defined in section 3, definition 1.04 of ANSI/WCMA A100.1–2022, as a flexible sheet with no cords, whose operation consists of rolling up the sheet from the bottom or top, as the case may be, and secured by clips or other fastening means.

■ 4. In § 1120.3, revise paragraphs (e) and (f) to read as follows:

§ 1120.3 Products deemed to be substantial product hazards.

* * * * *

(e) Stock window coverings that fail to comply with one or more of the following requirements of ANSI/WCMA A100.1–2022 (incorporated by reference; see § 1120.4):

(1) Operating cord requirements in section 4.4.1: section 4.4.1.1 (cordless operating system), 4.4.1.2 (short static or access cord), or 4.4.1.3 (inaccessible operating cord);

(2) Inner cord requirements in sections 4.5, 6.2, and Appendices C and D;

(3) On-product manufacturer label requirement in section 5.3; and

(4) Roll up style shades requirements in section 3, definition 1.04 of ANSI/WCMA–2022 (cordless).

(f) Custom window coverings that fail to comply with one or more of the following requirements of ANSI/WCMA A100.1–2022 (incorporated by reference; see § 1120.4):

(1) Inner cord requirements in sections 4.5, 6.2, and Appendices C and D;

(2) On-product manufacturer label requirement in section 5.3;

(3) Operating cord requirements in sections 4.4.2.1 (cordless operating system), 4.4.2.2 (short static or access cord), or 4.4.2.3 (inaccessible operating cord);

(4) Horizontal blinds requirements in section 4.4.2.5.1 (no continuous loop operating systems with or without a tension device);

(5) Continuous loop operating system requirements on other custom blinds and shades in sections 4.4.2.5.1, 4.4.2.5.2, or 4.4.2.5.3;

(6) Single retractable cord lift system requirements in section 4.4.2.4;

(7) Roll up style shades requirements in section 3, definition 1.04 (cordless);

(8) Continuous loops containing a tension device, warning label and warning tag requirements in sections 5.1 and 5.2;

(9) Single retractable lift systems, warning label and warning tag requirements in sections 5.1 and 5.2.

■ 5. In paragraph (d)(1) of § 1120.4, replace the year “2018” with “2022”

and replace the date “January 8, 2018” with “December 13, 2022”.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–19579 Filed 9–23–26; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 423

[CMS–4217–NC]

RIN 0938–AW08

Request for Information; Medicare Part D Reasonable and Relevant Pharmacy Contracting Standards

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: This request for information (RFI) solicits input from interested parties for purposes of establishing standards for reasonable and relevant pharmacy contract terms and conditions under the Medicare prescription drug benefit. Section 6223(a) of the Consolidated Appropriations Act, 2026 (CAA, 2026) amends section 1860D–4(b)(1)(A) of the Social Security Act (the Act) to require Part D plan sponsors to permit any pharmacy that meets standard contract terms and conditions under the plan to participate as a network pharmacy of the plan. Section 6223(a) of the CAA, 2026 further requires that, notwithstanding any other provision of law, for plan years beginning January 1, 2029, such standard contract terms and conditions offered by Part D plan sponsors must be reasonable and relevant according to standards established by the Secretary of the Department of Health and Human Services. Finally, section 6223(a) of the CAA, 2026 requires the Secretary to issue this RFI for purposes of establishing such standards.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by November 23, 2026.

ADDRESSES: In commenting, refer to file code CMS–4217–NC.

Comments, including mass comment submissions, must be submitted in *one* of the following three ways (please choose only *one* of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation

to <https://www.regulations.gov/docket/CMS-2026-3037>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4217–NC, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4217–NC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Beckie Peyton, (410) 786–1572.

PartDPolicy@cms.hhs.gov, for general questions related to section 6223 of the CAA, 2026 (“Assuring Pharmacy Access and Choice for Medicare Beneficiaries”).

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) amended Title XVIII of the Act by establishing a new Part D: the Voluntary Prescription Drug Benefit Program. In general, private companies—referred to as Part D plan sponsors—contract with CMS to provide the Part D benefit either through

standalone prescription drug plans (PDPs) that offer prescription drug coverage only, or through Medicare Advantage plans that offer integrated prescription drug and health care coverage (MA–PD plans). Part D plan sponsors must establish contracted pharmacy networks that meet the Part D convenient access standards specified in 42 CFR 423.120(a). In establishing these contracted pharmacy networks, Part D plan sponsors must contract with any pharmacy that meets the Part D plan sponsor’s standard terms and conditions (see § 423.120(a)(8)(i)). Such standard terms and conditions must be reasonable and relevant (see § 423.505(b)(18)). In the January 28, 2005 Part D final rule (70 FR 4254), we clarified that standard terms and conditions, particularly for payment terms, may vary to accommodate geographic areas or types of pharmacies, and that modifying such terms and conditions would be acceptable provided that all similarly situated pharmacies are offered the same standard terms and conditions. CMS has not established additional requirements for what constitutes reasonable and relevant terms and conditions. Section 6223(a) of the CAA, 2026 amends section 1860D–4(b)(1)(A) of the Act to require Part D plan sponsors offering a prescription drug plan to permit any pharmacy that meets the standard contract terms and conditions of such plan to participate as a network pharmacy of the plan. Section 6223(a) of the CAA, 2026 adds new clause (ii) to section 1860D–4(b)(1)(A) that requires the Secretary of the Department of Health and Human Services (the Secretary) to establish standards for reasonable and relevant contract terms and conditions no later than the first Monday in April of 2028, for plan years beginning on or after January 1, 2029.

Under new section 1860D–4(b)(1)(A)(ii)(III) of the Act, the Secretary is required to issue an RFI not later than April 1, 2027 for purposes of establishing the standards for reasonable and relevant contract terms and conditions and to seek input on specific topics. Accordingly, CMS is issuing this RFI to inform future rulemaking and in section II. of this RFI seeks input on the specific topics required under section 1860D–4(b)(1)(A)(ii)(III) of the Act.

II. Solicitation of Public Comments

Consistent with the requirements of section 1860D–4(b)(1)(A)(ii)(III) of the Act, CMS is seeking information from interested parties regarding the topics described below, for purposes of establishing standards as required under

section 1860D–4(b)(1)(A)(ii)(II) of the Act.

In preparing submissions, respondents should clearly identify which section(s) of this RFI they are responding to and the circumstances to which their responses relate. Commenters may wish to consider any of the following factors, and indicate within their submissions the relevance of these or other factors:

- Subsets of pharmacies or pharmacy services (for example, retail; mail order; home infusion; long-term care (LTC); specialty; compounding; Indian Health Service, Tribal, and Urban Indian (I/T/U));
- Non-preferred versus preferred network arrangements;
- Geographic location of the pharmacy (for example, rural, urban);
- Drug type (for example, brand name, generic, high-cost, specialty, special handling, limited distribution, compounded products);
- Plan type (for example, PDP, MA–PD); and
- Vertical integration, that is, the control within a single corporate structure of various roles in the prescription drug supply chain, including insurance plans, pharmacy benefit managers (PBMs), and pharmacies. In addition to the topics discussed in each of the sections below, we solicit comment on how implementation of standards for reasonable and relevant pharmacy contract provisions in section 1860D–4(b)(1)(A)(ii)(II) of the Act is likely to overlap with implementation of the PBM disclosure requirements and remuneration restrictions set forth under section 1860D–12(h) of the Act, and recommendations for how CMS should take such overlap into account when developing the standards for reasonable and relevant pharmacy contract provisions.

Commenters are encouraged to provide as much detail as possible in their submissions. In preparing responses, CMS encourages commenters to provide, where relevant, quantitative data and empirical analyses; contract language (de-identified as appropriate); information disaggregated by pharmacy type, geographic location, drug category, or other relevant factors; and evidence regarding Part D enrollee access and outcomes.¹

¹ Commenters should not include proprietary or confidential information in their submissions. We note that as independent regulatory obligations, Part D sponsors and their first tier, downstream, and related entities must make available documentation as the Secretary deems necessary to enforce CMS' contract with the Part D sponsor, including documents with the terms and conditions

A. Pharmacy Reimbursement and Dispensing Fees

CMS seeks information about whether pharmacy reimbursement and dispensing fees paid by Part D sponsors to network pharmacies sufficiently cover the ingredient and operational costs of such pharmacies. Specific areas of interest include:

- Information about Part D pharmacy reimbursement policies, including variations by pharmacy type, geographic location, drug type (for example, generic, brand, specialty), or other factors;
- How Part D reimbursement rates compare to pharmacy actual acquisition costs, which methodologies and pricing benchmarks most closely reflect actual acquisition costs, and whether rates vary for certain drugs or drug types, pharmacy types, or other factors;
- The feasibility and utility of network pharmacies sharing their actual acquisition costs with Part D plan sponsors, either directly or via wholesalers, and whether that transparency would be a sufficient alternative to benchmarks or similar methodologies to establish a reasonable cost-based reimbursement methodology for ingredient costs;
- Whether, and how, pharmacy margins on ingredient costs differ for certain drugs or drug classes (for example, brand-name drugs versus generics);
- Whether, and how, reimbursement policies impact pharmacy decisions to stock certain drugs or drug classes (for example, high-cost drugs);
- The frequency of plan updates to maximum allowable cost (MAC) pricing lists, communication regarding such updates, and related dispute resolution mechanisms;
- Industry standards or common practices for establishing MAC prices and whether there are alternatives that are more transparent to pharmacies;
- The use of “lesser of” pricing methodologies, including the use of usual and customary (U&C) pricing and how U&C is defined;
- The use of machine learning to estimate acquisition costs;
- Opportunities for the use of artificial intelligence (AI) with respect to Part D pharmacy reimbursement;
- Information on standard Part D pharmacy contract terms and conditions relating to dispensing covered Part D drugs to 340B patients enrolled in Part D, including whether such 340B specific terms and conditions are common, and whether and how Part D plan sponsors

offered by Part D sponsors to pharmacies. See 42 CFR 423.505(e)(2) and (i)(2).

determine when a claim is for a 340B patient for which the pharmacy acquisition cost is less than the plan's negotiated price;

- The relationship, if any, between Part D reimbursement rates and the presence of “pharmacy deserts” in rural, urban, or other underserved areas;
- Costs that are considered within the scope of dispensing fees, and whether dispensing fees paid by Part D sponsors sufficiently cover those costs;
- How dispensing fees are determined in Part D and outside of Part D;
- Whether dispensing fees should be required to cover the cost of dispensing irrespective of the ingredient cost reimbursement or whether reimbursement of the ingredient cost may be factored into the dispensing fee calculation;
- Whether and how dispensing fees vary by pharmacy type, pharmacy services, or other factors;
- Impacts of post-adjudication adjustments on net reimbursement rates;
- The extent to which negotiated prices reported on pharmacy claim responses reflect a pharmacy's final reimbursement for Part D claims versus an aggregate guarantee such as a generic effective rate (GER), brand effective rate (BER), or similar reimbursement methodologies reconciled after the point of sale; the magnitude of the difference between negotiated prices reported on pharmacy claim responses and end-of-year reconciled effective rates; and whether claim-level reimbursement is meaningfully predictive of the amount the pharmacy actually receives over the contract year.
- The extent to which the use of aggregate guarantee reimbursement methodologies, or the parameters of such methodologies, are negotiable between pharmacies and Part D sponsors.
- The extent to which aggregate guarantee reimbursement methodologies influence decisions by pharmacies about drug selection, particularly in the case of high-cost specialty generics;
- The extent to which a pharmacy's Part D reimbursement rates are set or adjusted in relation to the same pharmacy's commercial reimbursement rates, including:
 - ++ Whether any guarantee covers both Part D and commercial reimbursement;
 - ++ Whether and how MAC prices, dispensing fees, or other reimbursement parameters are managed so that overpayments relative to the guarantee on one line of business offset underpayments on the other;
 - ++ Whether such arrangements could result in higher Part D negotiated prices

than would be paid under a standalone Part D guarantee, and what the implications for CMS subsidy calculations, enrollee cost sharing, and Part D bids would be;

++ The prevalence of contract provisions that tie Part D reimbursement rates to commercial reimbursement rates, and any variances across pharmacy types.

++ The frequency and magnitude of end-of-year reconciliation payments arising from aggregate guarantee constructs, and whether such reconciliation payments are allocated differently across Part D and commercial lines of business and, if so, how;

- The predictability of final reimbursement at the time of dispensing;

- Whether the remittance advice provided to network pharmacies include sufficient claim level detail for the pharmacy to determine how much it was reimbursed for each claim, including after point-of-sale adjustments; and

- Whether CMS should establish reimbursement methodologies or rates as part of the standards for reasonable and relevant pharmacy contract terms and conditions.

B. Current Contracting Practices

CMS seeks information regarding current Part D plan and network pharmacy contracting practices. Specific areas of interest include:

- The factors CMS should consider in determining the reasonableness and relevance of contract terms and conditions between prescription drug plans and network pharmacies, including whether such terms and conditions facilitate or hinder competition, promote enrollee access to Part D drugs, and align with evidence-based quality metrics;

- With respect to the current requirements at § 423.505(b)(18), how Part D plan sponsors differentiate among the contract terms and conditions made available to pharmacies based on whether the pharmacies are “similarly situated” to other pharmacies, what criteria sponsors use to determine that individual pharmacies are similarly situated, and how sponsors ensure consistent application of those criteria;

- Whether Part D plan sponsors offer any willing pharmacy terms and conditions to participate in their non-preferred networks only, or if such terms and conditions are also offered to any willing pharmacy for participation in preferred networks;

- Whether pharmacies meeting the same objective criteria (for example, accreditation, dispensing capability, clinical services) are offered the opportunity to participate as specialty network pharmacies under the same terms and conditions, and how “similarly situated” is determined for specialty pharmacy purposes;

- The extent to which limited or exclusive specialty networks, manufacturer limited-distribution designations, and PBM specialty pharmacy designations overlap with, or are influenced by, common ownership between the PBM and the designated specialty pharmacy;

- The relationship between specialty pharmacy or specialty drug designation and reimbursement terms, including whether such designation results in materially different ingredient cost reimbursement, dispensing fees, performance measures, or audit treatment;

- Whether CMS should establish standards related to the definition of “specialty pharmacy” in the context of Part D pharmacy contracting, including any standards for the criteria a network pharmacy must meet to be eligible for specialty designation.

- The extent to which a pharmacy’s participation in a Part D plan sponsor’s non-Part D pharmacy network impacts its ability to participate in the plan sponsor’s Part D network, the terms of its contract for participation in the plan sponsor’s Part D network, or both;

- Whether current Part D pharmacy contracting practices differ from non-Part D pharmacy contracting practices and, if so, information about such differences;

- Whether standard Part D pharmacy contract terms and conditions are offered as standalone Part D contracts or as part of a broader network agreement covering multiple lines of business (for example, Medicaid managed care, commercial, exchange), and whether the multi-line structure affects the terms applicable to Part D specifically;

- Whether Part D plan sponsors have policies related to so-called “brown bagging” or “white bagging”, how those terms are understood by the parties, and their effect on the contracting process;

- The use of provider manuals, policy bulletins, or other Part D plan sponsor or PBM communications to modify or supplement standard contract terms and conditions outside of formal contract amendment;

- The extent to which the financial terms that ultimately determine pharmacy reimbursement are contained in documents other than the executed contract (for example, rate sheets,

internal budget files, side letters, or unwritten understandings between affiliated entities), and whether and how transparency about such documents could be improved;

- The role and impact of PBMs, pharmacy services administrative organizations (PSAOs), and other entities on the Part D pharmacy contracting process;

- The relative leverage Part D plan sponsors, PBMs, and pharmacies have in negotiations over contract terms and conditions and network participation; the variation of such leverage by pharmacy type, geographic location, or other factors; and the extent to which CMS rules and guidance affect, or could affect, this balance;

- With respect to pharmacy contract provisions that permit Part D plan sponsors to recoup or suspend pharmacy payment or terminate a pharmacy contract:

++ The prevalence of such provisions;

++ The conditions necessary to invoke such provisions, such as a credible allegation of fraud or other inappropriate billing or risk of patient harm;

++ Whether such provisions include an appeal process and, if so, the extent to which such appeal process is utilized and the outcomes of such appeals.

- With respect to acceptance of standard Part D pharmacy contract terms and conditions:

++ The amount of time pharmacies (and their PSAOs) are given to review proposed standard terms and conditions, rate sheets, and amendments before acceptance is required or deemed;

++ The use of deemed acceptance or negative-consent provisions (for example, terms treated as accepted if the pharmacy does not respond within a certain timeframe);

++ Whether pharmacies receive complete reimbursement information—including ingredient cost methodology, dispensing fees, applicable effective-rate guarantees, performance measures, and direct and indirect remuneration (DIR) fee structures—at the time the contract or amendment is offered;

++ Whether the timing and completeness of disclosures are sufficient to constitute a reasonable opportunity to evaluate and accept terms within the meaning of section 1860D–4(b)(1)(A) of the Act;

- How often standard terms and conditions, MAC lists, or other reimbursement parameters are modified mid-contract; the notice provided to network pharmacies before such modifications take effect; who has authority to make such changes; and

whether pharmacies have a meaningful opportunity to decline modified terms without losing network participation;

- Whether CMS should establish minimum review periods, disclosure requirements, or affirmative acceptance requirements (as opposed to deemed acceptance) for standard contract terms, amendments, and material reimbursement changes as part of the standards for reasonable and relevant pharmacy contract terms and conditions;

- With respect to pharmacy contract terms and conditions, whether related to pharmacy reimbursement or otherwise:
 - ++ Whether a mechanism is provided to resolve disputes about such terms, and the adequacy of such mechanisms;
 - ++ What limitations, if any, are placed on a pharmacy's ability to file disputes;
 - ++ Whether dispute resolution procedures are clearly outlined;
 - ++ How disputes are adjudicated, and by whom;

- ++ Resolution timeframes; and
- ++ Approval and denial rates;
- Incentives, if any, that help foster a level playing field between the parties; and

- Other ways to ensure transparency and fairness in Part D pharmacy contracting.

C. Trends in Contract Terms and Conditions

CMS seeks information regarding trends in Part D plan sponsor and network pharmacy contract terms and conditions. Specific areas of interest include—

- Reimbursement methodologies for dispensing services, including but not limited to the use of MAC pricing and other pricing benchmarks relied on for ingredient costs and incentive payments;
- Payment methodologies for other payments made to network pharmacies by Part D plan sponsors or PBMs, and any payments from network pharmacies to Part D plan sponsors or PBMs (for example, network participation fees);
- Performance-based pharmacy payment models;
- The uniformity of terms and conditions offered by different Part D plan sponsors and plan types;
- Terms and conditions offered to pharmacies with multiple lines of business (for example, retail, LTC, specialty), and how such terms and conditions accommodate the multiple lines of business;
- Terms and conditions for non-dispensing services (including information about what the non-dispensing services are and how they are compensated), and whether non-

dispensing services generally are included in or negotiated outside of the standard contract terms and conditions referred to in section 1860D–4(b)(1)(A)(i) of the Act;

- The complexity of Part D pharmacy contracting terms and conditions and issues related to transparency;
- Impacts of the Inflation Reduction Act of 2022 on Part D pharmacy contracting, including the impact of maximum fair prices (MFPs) under the Medicare Drug Price Negotiation Program on Part D pharmacy reimbursement terms for both selected drugs and non-selected drugs; and
- Trends related to the use of guarantees that utilize a single effective rate target for both Part D and commercial lines of business.

D. Pharmacy Quality and Performance Measures

CMS seeks information about the use and application of pharmacy quality measures (or other measures used to evaluate pharmacy performance) by Part D plan sponsors for network pharmacies. Specific areas of interest include—

- How such measures are incorporated into network pharmacy contracts;
- What measures are used, including methodology and measure steward;
- Whether measures are applied uniformly across pharmacies, or how specifications vary by pharmacy type or other pharmacy attributes;
- How such measures are used to monitor pharmacy performance, including success/failure performance threshold(s), or impact to pharmacy reimbursement or preferred network placement;
- Whether and how measures are validated or risk-adjusted;
- How performance impacts enrollee outcomes or the financial implications for Part D plan sponsors and pharmacies;
- Whether and how often network pharmacies receive access to performance measure data;
- Whether any measures are aligned with CMS' contract-level Part D Star Ratings measures, and how any measures have been re-specified at the pharmacy level;
- Information about disproportionate impacts of pharmacy quality or performance measures on particular pharmacy types or pharmacy characteristics (for example, pharmacy size, setting, and non-chain type); and
- Appeal processes for pharmacies regarding their performance measures.

E. Auditing Practices

CMS seeks information regarding Part D plan sponsor auditing practices for network pharmacies. Areas of interest include—

- The frequency and type of pharmacy audits conducted;
- Transparency of audit and recoupment methodologies, including whether pharmacies are provided with information on a per claim basis;
- Information about common audit findings and financial and other impacts on pharmacies and plans;
- The extent to which pharmacy audits are used for or result in identification of administrative or clerical issues versus issues related to patient care or program integrity vulnerabilities such as fraud or other improper billing;
- Extrapolation methods used for recoupment;
- Whether and how Part D plan sponsors audit, verify, or otherwise validate the claim-level pricing data and DIR data they receive from PBMs, particularly when the PBM is affiliated with one or more network pharmacies;
- Use of audits to recoup payment based on errors, including minor errors; and
- Opportunities for corrective action; and
- Due process provisions.

F. Limitations

CMS seeks information about Part D plan sponsor restrictions or limitations on the dispensing of covered Part D drugs by network pharmacies (or any subsets of pharmacies), including the nature and prevalence of such limitations.

G. Current Regulations and Guidance

CMS seeks information about areas in current regulations or Part D program guidance related to contracting between prescription drug plans and network pharmacies that may require clarification or additional specificity. In responding to this topic, commenters should consider Part D regulations at 42 CFR part 423, the Medicare Prescription Drug Benefit Manual,² and any other CMS regulations or guidance relevant to the topics included in this RFI.

H. Implementation of Standards

CMS seeks information related to the implementation of reasonable and relevant standard contract terms and conditions not otherwise addressed in the topics included in this RFI. Areas of interest include—

² Available at: <https://www.cms.gov/medicare/coverage/prescription-drug-coverage-contracting/prescription-drug-benefit-manual>.

- Operational considerations, including timelines needed for Part D plan sponsors, PBMs, and pharmacies to modify contracts to comply with new standards and implement other needed operational changes;

- What documentation CMS should require to demonstrate compliance with standards for reasonable and relevant standard contract terms and conditions once finalized;

- Contracting practices not captured in this RFI that CMS should evaluate;

- Examples of pharmacy contract terms and conditions or similar frameworks that could be viewed as models;

- Criteria CMS should consider to ensure standards are transparent, objective, and enforceable.

III. Collection of Information Requirements

This is an RFI only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific

information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA.

This RFI is issued solely for information and planning purposes; it does not constitute a Request for Proposal (RFP), applications, proposal abstracts, or quotations. This RFI does not commit the U.S. Government to contract for any supplies or services or make a grant award. Further, we are not seeking proposals through this RFI and will not accept unsolicited proposals. Responders are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future procurement, if conducted. It is the responsibility of the potential responders to monitor this RFI announcement for additional information pertaining to this request. In addition, CMS will not respond to questions about the policy issues raised in this RFI.

CMS will consider all input as we develop future proposals or policy

guidance. We may or may not choose to contact individual responders. Such communications would be for the sole purpose of clarifying statements in the responders' written responses.

Contractor support personnel may be used to review responses to this RFI. Responses to this notice are not offers and cannot be accepted by the U.S. Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the U.S. Government for program planning on a non-attribution basis. Respondents should not include any information that might be considered proprietary or confidential. This RFI should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become U.S. Government property and will not be returned. In addition, we may publicly post the public comments received or a summary of those public comments.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on September 15, 2026.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2026–19535 Filed 9–23–26; 8:45 am]

BILLING CODE 4169–69–P

Notices

Federal Register

Vol. 91, No. 184

Thursday, September 24, 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

Office of the Secretary

[Docket No. USDA–2026–0331]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: National Appeals Division, U.S. Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the U.S. Department of Agriculture, National Appeals Division's request for an extension and revision to a currently approved information collection for the Customer Service Survey.

DATES: Comments on this notice must be received by November 23, 2026 to be assured of consideration.

ADDRESSES: The National Appeals Division invites interested persons to submit comments on this notice. Comments may be submitted by the following method:

Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

FOR FURTHER INFORMATION CONTACT: Dr. Angela Parham, U.S. Department of Agriculture, National Appeals Division, 1320 Braddock Place, Fourth Floor, Alexandria, Virginia 22314, 202.384.7742.

SUPPLEMENTARY INFORMATION:

Title: National Appeals Division Customer Service Survey.

OMB Number: 0503–0007.

Expiration Date of Approval: Three years from approval date.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Executive Order 12862, requires Federal Agencies to identify the customers who are or should be served by the Agency and survey those customers to determine the kind and quality of services they want and level of satisfaction with existing services. Therefore, NAD proposes to extend its currently approved information collection survey.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .17 hours per response.

Respondents: Appellants and producers.

Estimated Number of Respondents: 1,200.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 272.

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. Comments may be sent to Dr. Angela Parham, U.S. Department of Agriculture, National Appeals Division, 1320 Braddock Place, Fourth Floor, Alexandria, Virginia 22314. All comments received will be available for public inspection during regular business hours at the same address.

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.

(Authority: 44 U.S.C., chapter 35.)

Frank Wood,

Director, National Appeals Division.

[FR Doc. 2026–19501 Filed 9–23–26; 8:45 am]

BILLING CODE 3410–WY–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Agency Information Collection Activities: Turnip the Beet High Quality Summer Meals Program

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection for recognizing program sponsors' nutrition efforts in the Summer Food Service Program (SFSP) or the National School Lunch Program (NSLP) Seamless Summer Option (SSO).

DATES: Written comments must be received on or before November 23, 2026.

ADDRESSES: Comments may be submitted in writing by one of the following methods: *Online (preferred):* Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically; or *Mail:* Nancy Brenowitz, Community Meals Policy Division, Child Nutrition Programs, USDA Food and Nutrition Administration, 5601 Sunnyside Avenue, Beltsville, MD 20705.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Nancy Brenowitz, Community Meals Policy Division, Child Nutrition Programs, USDA Food and Nutrition Administration, 5601 Sunnyside Avenue, Beltsville, MD 20705 at 703–605–4336.

SUPPLEMENTARY INFORMATION:

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 shall 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 that were 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, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Turnip the Beet High Quality Summer Meals Program.

Form Number: Not applicable. There is an application and a checklist involved with this program.

OMB Number: 0584–0658.

Expiration Date: 11/30/2026.

Type of Request: Revision of a currently approved collection.

Abstract: The Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) were established to ensure that children and teens continue to receive nutritious meals when school is not in session. Turnip the Beet is a voluntary award initiative to recognize participating sponsoring organizations (program sponsors) that work hard to offer high quality, nutritious meals during the summer months.

The purpose of this voluntary recognition initiative is to encourage summer meal program sponsors to offer higher quality, nutritious meals that make a positive impact on children's healthy development. This information collection allows the Food and Nutrition Administration (FNA) to more accurately assess the quality of meal service in order to determine whether the individual sponsor qualifies for recognition, and at what level.

The Turnip the Beet award is presented at three levels (bronze, silver, and gold) to sponsors providing meals that are appetizing, appealing, and nutritious. The award is open to all program sponsors across the nation who are in good standing, including SFSP sponsors and NSLP/SSO sponsors. All nominated sponsors must be in

compliance with SFSP or NSLP/SSO regulations, as applicable.

The sponsor must complete and submit an application form and submit one-month menus for all meals served, to their summer meals State agency contact. Menus should provide sufficient detail to judge whether they meet award criteria; for example, a menu should describe whether fruits and vegetables are fresh, frozen, canned or dried, as well as identify whole grain-rich and local food items. Sponsors may choose to submit other supporting documents to further demonstrate the quality of their meals, such as news clips about the program, photos, testimonials, or invoices of local food purchases.

The nominations will be submitted to State agencies, which have the discretion to choose their internal submission due dates. The State agency contacts will ensure the sponsor: (1) participated in SFSP or SSO in the award year; (2) is in good standing with no major findings or all corrective actions are complete and implemented; (3) was not found seriously deficient in the past two years, at the time of the application, and has never been terminated from the summer meal programs; and (4) provided menus that meet meal pattern requirements. The State agency can also provide an optional statement of support for the applicant.

All applications must be forwarded by the State agency contact to their Regional Office at a set date following the program year. FNA will notify the winners in writing early the following calendar year. Depending on the award level attained, sponsors will receive a certificate from FNA and will be featured on the FNA website.

FNA estimates that the burden for this collection will increase from the burden in the last renewal. FNA estimates that the number of respondents submitting nominations will increase by 66 respondents for this revision, from 186 to 252 respondents. That in turn will increase the responses by 100, from 300

to 400 responses, and increase the burden hours by 75, from 225 to 300 hours.

Affected Public: Businesses or other for profit/not for profit and State, Local, and Tribal Government. Respondent groups identified include Sponsors and State agencies.

Estimated Number of Respondents: The total estimated number of respondents is 252. For program year 2027, FNA expects nominations from 200 sponsors in 52 States and territories.

Estimated Number of Responses per Respondent: The estimated number of responses per respondent across the entire collection is 1.59. Sponsors will voluntarily complete one nomination packet for the program year. State agencies will review each nomination received from sponsors in their respective states one time; State agencies are expected to receive an average of 3.846 nominations each.

Estimated Total Annual Responses: FNA expects 200 nominations from sponsors, which will then be reviewed by State agencies. The total annual responses are 400.

Estimated Time per Response: The total estimated time per response across the entire collection is 45 minutes (.75 hours). The estimated response time varies from 30 to 60 minutes per nomination, depending on respondent group. FNA estimates it will take each sponsor approximately 1 hour to complete the nomination form, compile other supplemental information, and submit the nomination packet to the State agency. FNA estimates it will take each reviewing State agency approximately 30 minutes to review each nomination packet and complete a one-page checklist to verify that the nominees are eligible for the award. The table below illustrates the burden on both sponsors and State agencies.

Estimated Total Annual Burden on Respondents: 300 hours. See the table below for estimated total annual burden for each type of respondent.

Respondent	Estimated number of respondents	Responses annually per respondent	Total annual responses	Estimated average number of hours per response	Estimated total hours
Reporting Burden:					
Program Sponsors (Businesses)	200	1.00	200	1.00	200.00
State Agency Employees	52	3.846153846	200	0.50	100.00
Total Reporting Burden	252	1.59	400	.75	300.00

Shiela Corley,

Acting Administrator, Food and Nutrition Administration.

[FR Doc. 2026-19548 Filed 9-23-26; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Agency Information Collection

Activities: Proposed Collection; Comment Request—Generic Clearance for FNA Quick Response Surveys (FNA QRS)

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection to conduct short, quick-turnaround surveys of State and local agencies providing food, education, and other services in the Supplemental Nutrition Assistance Program, Child Nutrition Programs, and Supplemental Nutrition and Safety Programs administered at the federal level by the Food and Nutrition Administration (FNA). These programs include the Supplemental Nutrition Assistance Program (SNAP); Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); fNational School Lunch Program (NSLP); School Breakfast Program (SBP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Summer Food Service Program (SFSP); Summer EBT (SEBT); Team Nutrition; the Patrick Leahy Farm to School Program; the Child and Adult Care Food Program (CACFP); USDA Foods in Schools; Food Distribution Program on Indian Reservations (FDPIR); The Emergency Food Assistance Program (TEFAP); and the Commodity Supplemental Food Program (CSFP).

DATES: Written comments must be received on or before November 23, 2026.

ADDRESSES: Comments may be submitted to Darcy Güngör via email at <mailto:darcy.gungor@usda.gov> or by mail at George Washington Carver Center, 5601 Sunnyside Avenue, Beltsville, MD 20740. Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the

online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Darcy Güngör at mailto:darcy.gungor@usda.gov or 703-305-4345.

SUPPLEMENTARY INFORMATION:

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 shall 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 that were 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, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Generic Clearance for FNA Quick Response Surveys (FNA QRS).

Form Number: N/A.

OMB Number: 0584-0613.

Expiration Date: 06/30/2027.

Type of Request: Revision of a currently approved collection.

Abstract: The Food and Nutrition Administration (FNA) intends to request the renewal of a generic clearance that allows FNA to conduct short, quick-turnaround surveys of State, local, and Tribal agencies and businesses that receive food, funds, and nutrition information through programs administered by FNA. This generic clearance enables FNA to better meet the goals of Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, by allowing FNA to improve the efficiency and responsiveness of the programs it administers.

These programs include the Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); National School Lunch Program (NSLP); School Breakfast Program (SBP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Summer Food Service Program (SFSP); Summer Electronic Benefit Transfer (SEBT); the Patrick Leahy Farm to School Program;

Team Nutrition; the Child and Adult Care Food Program (CACFP); USDA Foods in Schools; Food Distribution Program on Indian Reservations (FDPIR); The Emergency Food Assistance Program (TEFAP); and the Commodity Supplemental Food Program (CSFP).

Legislation authorizing these programs requires operators to cooperate with USDA program research and evaluation activities. Traditionally, FNA conducts large, program-specific studies to collect information on numerous features of each program. Such studies often take several years to complete. Quick response surveys provide a system for rapidly collecting current information on a specific feature or issue, and, therefore, enable FNA to administer the programs more effectively.

The data collection activities under this clearance will include: (1) sample frame data collections and (2) quick-response surveys. The sample frame data collections are used to request contact information from State agencies for the local program operators within their purview. The quick-response survey data collections will be used to survey key administrators of FNA programs at the State, local, and site level to answer policy and implementation questions.

Following standard OMB requirements, FNA will submit a change request to OMB for each data collection activity undertaken under this generic clearance. The respondents will be identified at the time that each change request is submitted to OMB. FNA will provide OMB with the instruments and supporting materials describing the research project and specific pre-testing activities.

Affected Public: State, Local and Tribal Governments and Businesses. State, Local and Tribal government respondents will include: (1) State Program Directors, including SNAP State agency directors, WIC State Agency directors and nutrition education and breastfeeding coordinators, directors of the Child Nutrition programs (NSLP, SBP, FFVP, SFSP, SEBT, Farm to School, CACFP), directors of State Distributing Agencies (CSFP, TEFAP, USDA Foods in Schools), and FDPIR State Agencies and Indian Tribal Organizations; and (2) local-level program administrators, including Local WIC Agencies and Sites, School Food Authorities (SFAs), Schools, SFSP Sponsors and Sites, USDA Foods in Schools Local Agencies and Providers, TEFAP Eligible Recipient Agencies (ERAs) and Emergency Food Organizations (EFOs), CSFP Local

Agencies, etc. Business respondents include not-for-profit local WIC Sites, not-for-profit SFSP Sponsors and Sites, not-for-profit CACFP Sponsors and Providers, not-for-profit TEFAP ERAs and EFOs, not-for-profit CSFP Local Agencies, etc.

Estimated Number of Respondents: The estimated number of annual respondents is 19,626, which includes State Program Directors (326 total) and local-level program administrators from local government agencies (9,500 total) and businesses (9,800 total). The total number of respondents includes an estimated 15,766 total responsive entities as well as 3,860 local program administrators from both local agencies (1,900 total) and businesses (1,960 total) whom FNA expects will not respond to the information collection request.

Estimated Number of Responses per Respondent: Approximately once each year, State agencies responsible for a program will be asked to update contact information for their respective local agencies as part of the sample frame data collection. Any single individual respondent, State agency or local program operator, will receive no more than three surveys about the same FNA program in a given year, with each expected to receive a single survey in a given year. Including recruitment requests for the surveys, FNA estimates that respondents will average 2 responses per year.

Estimated Total Annual Responses: There will be an estimated 39,252 annual responses, or 117,756 responses over the three-year clearance period.

Estimated Time per Response: The estimated time per response ranges from 3 minutes (0.05 hours) to 1 hour for respondents and 1 minute (0.02 hours) for non-respondents, depending on the data collection activity, as shown in the table below. The average estimated time across all responses is approximately 14 minutes (0.24 hours).

Estimated Total Annual Burden on Respondents: The estimated total annual burden is 9,135.40 hours, for a total of 27,406.20 over the three-year clearance period. See the table below for estimated total annual burden for each type of collection and respondent.

Eve Stooddy,

Deputy Administrator, Nutrition Research and Regulations.

Respondent Type	Respondent	Type of survey instruments	Sample Size	Responsive					Non-Responsive					All		
				Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Total Annual hour burden	Total respondents	Total responses
State/local government	State agency	Sampling frame request	326	326	1	326	1.00	326.00	0	1	0	0.02	0.00	326.00	326	326
	State agency	Quick response survey	326	326	1	326	0.50	163.00	0	1	0	0.02	0.00	163.00	326	326
	Local agency	Recruitment email	9,500	7,600	1	7,600	0.05	380.00	1,900	1	1,900	0.02	38.00	418.00	9,500	9,500
	Local agency	Quick response survey	9,500	7,600	1	7,600	0.50	3,800.00	1,900	1	1,900	0.02	38.00	3838.00	9,500	9,500
Business	Local agency	Recruitment email	9,800	7,840	1	7,840	0.05	392.00	1,960	1	1,960	0.02	39.20	431.20	9,800	9,800
	Local agency	Quick response survey	9,800	7,840	1	7,840	0.50	3,920.00	1,960	1	1,960	0.02	39.20	3959.20	9,800	9,800
	Annual total		19,626	15,766	1	31,532	0.28	8,981.00	3,860	8	7,720	0.02	154.40	9,135.40	19,626	39,252
	Three-year total													27,406.20	58,878	117,756

[FR Doc. 2026-19556 Filed 9-23-26; 8:45 am]

BILLING CODE 3410-30-P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB-2026-0021-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 3,362

pages of records from the National Archives and Records Administration (NARA) related to three civil rights cold case incidents to which the Review Board assigned the unique identifiers 2023-001-007, 2023-001-008, and 2023-002-0003. NARA proposed 450 postponements including postponements of sealed federal grand jury information in the records. After consultation with the Review Board, NARA withdrew 25 postponements. On September 18, 2026, the Review Board met and approved 424 postponements and determined that 2,987 pages in full and 63 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 2023-001-007. 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, infocoldcaserecords.gov.

Incident identifier	Postponement identifier	Review board decision
2023-001-007	2026-NARA-01-0389 and 2026-NARA-01-0390	Approve.
2023-001-007	2026-NARA-01-0391	Withdrawn by agency.
2023-001-007	2026-NARA-01-0392 through 2026-NARA-01-0416	Approve.
2023-001-007	2026-NARA-01-0417 through 2026-NARA-01-0420	Withdrawn by agency.
2023-001-007	2026-NARA-01-0421 through 2026-NARA-01-0434	Approve.
2023-001-007	2026-NARA-01-0435 through 2026-NARA-01-0438	Withdrawn by agency.
2023-001-007	2026-NARA-01-0439 through 2026-NARA-01-0638	Approve.
2023-001-007	2026-NARA-01-0639 through 2026-NARA-01-0646	Withdrawn.
2023-001-008	2026-NARA-01-0381 through 2026-NARA-01-0388	Withdrawn.
2023-002-003	2025-NARA-02-0845 through 2025-NARA-02-0956	Approve.
2023-002-003	2025-NARA-02-0957	Reject.
2023-002-003	2025-NARA-02-0958 through 2025-NARA-02-1028	Approve.

Authority: Pub. L. 115-426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: September 21, 2026.

Stephannie Oriabure,
Chief of Staff.

[FR Doc. 2026-19547 Filed 9-23-26; 8:45 am]

BILLING CODE 6820-SY-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-114-2026]

Foreign-Trade Zone 38; Application for Subzone; JAS Forwarding (USA), Inc.; Greer, South Carolina

An application has been submitted to the Foreign-Trade Zones Board by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status for the facility of JAS Forwarding (USA), Inc., located in Greer, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 11, 2026.

The proposed subzone (2.53 acres) is located at 1117 Victor Hill Road, Greer, South Carolina. No authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 18, 2026.

A copy of the application will be available for public inspection in the

"Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,
Executive Secretary.

[FR Doc. 2026-19509 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-113-2026]

Foreign-Trade Zone (FTZ) 272, Notification of Proposed Production Activity; Piramal Critical Care, Inc.; (Pharmaceutical Anesthetics); Bethlehem, Pennsylvania

Piramal Critical Care, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Bethlehem, Pennsylvania, within Subzone 272B. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 31, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed material(s)/ component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status materials/components include 2-(Chloromethoxy)-1,1,1,3,3,3-hexafluoropropane (HFCMOP),

pharmaceutical grade glass bottles, and plastic integrated closures with duty rate ranges from duty-free to 5.3%.

The request indicates that certain materials/components are subject to duties section 301 of the Trade Act of 1974, depending on the country of origin. The applicable section 301 decision requires certain subject merchandise to be admitted to FTZs in privileged foreign status as described in 19 CFR 146.41.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,
Executive Secretary.

[FR Doc. 2026-19507 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S-437-2026]

Foreign-Trade Zone 168; Application for Subzone; Perimeter Global Logistics; Grand Prairie, Texas

An application has been submitted to the Foreign-Trade Zones Board by the Metroplex International Trade Development Corporation, grantee of FTZ 168, requesting subzone status for the facilities of Perimeter Global Logistics, located in Grand Prairie, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It

was formally docketed on September 14, 2026.

The proposed subzone (8.36 acres) is located at 3010 Red Hawk Drive in Grand Prairie, Texas. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 168.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 18, 2026.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille.Evans@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19526 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-117-2026]

Foreign-Trade Zone 38; Application for Subzone; Magna Mirrors of America Inc.; Duncan, South Carolina

An application has been submitted to the Foreign-Trade Zones Board by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status for the facility of Magna Mirrors of America Inc., located in Duncan, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 15, 2026.

The proposed subzone (9.1 acres) is located at 1150 S Danzler Road, Duncan, South Carolina. No authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ

Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 18, 2026.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19588 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-48-2025]

Foreign-Trade Zone 183; Withdrawal of Application for Subzone; Applied Materials, Inc.; Austin and Pflugerville, Texas

Notice is hereby given of the withdrawal of the application submitted by the Foreign Trade Zone of Central Texas, Inc., grantee of Foreign-Trade Zone 183, requesting subzone status for the facilities of Applied Materials, Inc., in Austin and Pflugerville, Texas.

The application was docketed on December 3, 2025 (90 FR 56130, December 5, 2025). The withdrawal was requested by the applicant due to outstanding issues that need to be addressed. The case has been closed without prejudice.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19587 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-119-2026]

Foreign-Trade Zone (FTZ) 49, Notification of Proposed Production Activity; Merck, Sharp & Dohme LLC; (Drug Products and Intermediates); Rahway, New Jersey

The Port Authority of New York and New Jersey, grantee of FTZ 49, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Merck, Sharp & Dohme LLC (Merck) for Merck's facilities in Rahway, New Jersey within Subzone 49Y. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 3, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished products include: immunological disorder drug product; oncology spray dried intermediate; infectious disease spray dry intermediate; deuterated neurologic disease drug product; metabolic disorders drug product; metabolic disorders spray dry Intermediate; and Neurologic Disease Spray Dry Intermediate which are duty free.

The proposed foreign-status materials/components include: morpholine immunological disorder active pharmaceutical ingredient; monoclonal antibody immunotherapy drug substance; pyrrolidine cardiovascular active pharmaceutical ingredient; imidazole oncology active pharmaceutical ingredient; alkaloid oncology active pharmaceutical ingredient; pyrimidine oncology active pharmaceutical ingredient; pyrimidine cardiovascular active pharmaceutical ingredient; sulfonamide neurologic disease active pharmaceutical ingredient; deuterated neurologic disease active pharmaceutical ingredient; furan infectious disease active pharmaceutical ingredient;

oncology active pharmaceutical ingredient; peptide immunological disorder active pharmaceutical ingredient; lactam oncology active pharmaceutical ingredient; indole metabolic disorders active pharmaceutical intermediate; peptide oncology active pharmaceutical ingredient; and pyrimidine metabolic disorders active pharmaceutical intermediate with duty rate ranges from duty-free to 6.5%.

The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 or section 301 of the Trade Act of 1974, depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status as described in 19 CFR 146.41.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact John Frye at John.Frye@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–19590 Filed 9–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–115–2026]

Foreign-Trade Zone (FTZ) 84, Notification of Proposed Production Activity; Enerflex Energy Systems Inc.; (Natural Gas Equipment); Houston, Texas

Enerflex Energy Systems Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Houston, Texas within FTZ 84. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 27, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from

conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: steel base frames; various tanks (lube oil; water); cargo lifting slings; various assemblies (cargo lifting shackle; blower fan; natural gas compression; skid stabilizing steel outrigger); various skids (screw compression; amine pump; refrigeration screw compression; demethenizer valve; CO2 liquefaction; dew point control; TEG dehydration; amine exchanger; amine filter; demethenizer; dehydration switch valve; dehydration regeneration); various compressors (centrifugal; skid-mounted gas); skid-mounted gas processors; carbon steel exhaust pipes; skid gratings; skid platforms; steel angle brace sets; expansion joints; natural gas distillers; natural gas rectifiers; natural gas condensate stabilizers; brazed aluminum heat exchangers; air coolers; steel U-bend tubes; natural gas cryogenic treatment systems; amine gas sweeteners; refrigerant reclaimers; spreader beams; and, power generators (duty rate ranges from duty-free to 4.2%).

The proposed foreign-status materials/components include: plastic gasket cover plates; rubber O-rings; various pumps (lubrication; centrifugal liquid); exfoliated vermiculite insulation materials; various tubing (stainless steel; steel); carbon steel pipe sections; steel stud bolts with nuts; structural steel beams; galvanized steel bolts with nuts and washers; steel bolts; fall arrestors for high-elevation safety attachments; guidelocks rail clamps; mechanical safety stop mechanisms; screw compressors; amine still reboilers; various exchangers (heat; treated gas); various coolers (air; butane product water; ethane); gas chillers; stabilizer reboilers; electric cabling trays; inlet gas filter coalescers; various filters (industrial dust; air); pressure vessels; pressure regulators; various valves (swing check; piston check; control; floating ball; trunnion ball; globe; gate; hand-operated; ball; butterfly); various gauges (level; temperature; pressure); mesh strainers; gaskets; various motors (electric; induction); gas-driven engines; industrial battery packs; natural gas heaters; various transmitters (moisture; temperature; pressure; level; differential pressure); thermowells; control panels; sample gas probes; and, level switches (duty rate ranges from duty-free to 5.6%).

The request indicates that certain materials/components are subject to duties under section 232 of the Trade

Expansion Act of 1962, or section 301 of the Trade Act of 1974, depending on the country of origin. The applicable section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status as described in 19 CFR 146.41.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at juanita.chen@trade.gov or Christopher Williams at christopher.williams@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–19527 Filed 9–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–390–2026]

Foreign-Trade Zone 57; Approval of Subzone Status; AUMOVIO Systems, Inc.; Morganton, North Carolina

On July 30, 2026, the Executive Secretary of the Foreign-Trade Zones Board docketed an application submitted by the Charlotte Regional Business Alliance, grantee of FTZ 57, requesting subzone status subject to the existing activation limit of FTZ 57, on behalf of AUMOVIO Systems, Inc., in Morganton, North Carolina.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 48843, August 3, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 57 was approved on September 21, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 57's 2,000-acre activation limit.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–19593 Filed 9–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-116-2026]

Foreign-Trade Zone 38; Application for Subzone; Schaeffler Group USA Inc.; Fort Mill, South Carolina

An application has been submitted to the Foreign-Trade Zones Board by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status for the facility of Schaeffler Group USA Inc., located in Fort Mill, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 14, 2026.

The proposed subzone (15.291 acres) is located at 194 Springhill Farm Road, Fort Mill, South Carolina. No authorization for production activity has been requested at this time. A notification of proposed production activity has been submitted and will be published separately for public comment.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 18, 2026.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Juanita Chen at juanita.chen@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19524 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-111-2026]

Foreign-Trade Zone (FTZ) 27, Notification of Proposed Production Activity; Rochester Electronics, LLC; (Semiconductor Products); Newburyport, Massachusetts

The Massachusetts Port Authority, grantee of FTZ 27, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Rochester Electronics, LLC for Rochester's facilities in Newburyport, Massachusetts within FTZ 27. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 3, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: Light-emitting diodes (LEDs); Semiconductor microprocessors; and Semiconductor microcontrollers (duty free).

The proposed foreign-status materials/components include: Epoxy molding compound (epoxy cresol novolac resin) for plastic package encapsulation; Flexible plastic (PVC) tubes for component handling; Flexible plastic (PVC/polyethylene) pipes; Flexible plastic (PVC/polyethylene) hoses; Plastic boxes for packaging and shipment of finished semiconductor devices; Plastic cases for packaging and shipment of finished semiconductor devices; Plastic crates for packaging and shipment of finished semiconductor devices; Gold bonding wire for semiconductor wire bonding; Bare printed circuit boards; unpackaged Semiconductor chips; Bare semiconductor die; Diffused monocrystalline silicon wafers bearing completed LED die, prior to singulation; Diffused monocrystalline silicon wafers, 100 mm (4-inch) to 200 mm (8-inch) diameter, bearing completed integrated circuit die, prior to singulation; Microprocessor integrated circuits used as inputs; Microcontroller integrated circuits used as inputs; Amplifier integrated circuits; Analog-to-digital

converter integrated circuits; Lead frames for integrated circuits, copper alloy, supplied in strip form; and Lead frames for LEDs, copper alloy, supplied in strip form (duty rate ranges from duty-free to 6.1%).

The request indicates that certain materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decision requires subject merchandise to be admitted to FTZs in privileged foreign status as described in 19 CFR 146.41.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact John Frye at John.Frye@trade.gov.

Dated: September 18, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19525 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-120-2026]

Foreign-Trade Zone (FTZ) 272, Notification of Proposed Production Activity; Infinera Corporation; (Telecommunications Devices); Allentown, Pennsylvania

The Lehigh Valley Economic Development Corporation, grantee of FTZ 272, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Infinera Corporation (Infinera) for Infinera's facility in Allentown, Pennsylvania within FTZ 272. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 8, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: Optical Transmit/Receive Subassembly (TROSAs)—a telecommunications device that allows fiber optic data transmission; and Transceiver Photonic Integrated Circuit (PIC)—a telecommunications device that allows fiber optic data transmission (duty free).

The proposed foreign-status materials/components include: Optical Glass Block; Optical Isolator; Fiber Optic Cable Assembly; Ceramic Metal Hermetic Package; Ceramic Metal Sealing Lid; Optical Polarizing Beam Splitter/Combiner; Thermo-Electric Cooler; Capacitor (Surface Mount Type); Bare Printed Flexible Circuit (Radio Frequency type); Bare Printed Flexible Circuit (Direct Current type); Thermistor; Control Board Assembly; Silicon Germanium Heat Dissipator; Fiber Optic Cable Adaptor; Stainless Steel Alignment sleeve; Optical Photodetector; Optical Glass Lens; Micro-Electro-Mechanical Systems Variable Optical Attenuator; Optical Isolator; Optical Wavelength Locker; Optical Wavelength Locker Beam Splitter; Optical Beam Expander; Optical Mirror Prism; Optical Light Absorber; Optical Cable Adaptor; and Flexible Circuit (Direct Current type) Populated with Resistors, Capacitors, and Integrated Circuit Chips (duty rate ranges from duty-free to 4.5%).

The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact John Frye at John.Frye@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19591 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-112-2026]

Foreign-Trade Zone 61; Application for Subzone; Caguas Expressway Motors, LLC; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board by the Department of Economic Development and Commerce, grantee of FTZ 61, requesting subzone status for the facility of Caguas Expressway Motors, LLC, located in Caguas, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 8, 2026.

The proposed subzone (5 acres) is located at PR Road No. 1, Km 31.0, Rio Cañas Ward, Caguas, Puerto Rico. No authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 18, 2026.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille.Evans@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19506 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S-367-2026]

Foreign-Trade Zone 40; Approval of Subzone Status; Total Distribution Inc.; Mogadore, Ohio

On July 21, 2026, the Executive Secretary of the Foreign-Trade Zones

(FTZ) Board docketed an application submitted by the Cleveland-Cuyahoga County Port Authority, grantee of FTZ 40, requesting subzone status subject to the existing activation limit of FTZ 40, on behalf of Total Distribution Inc., in Mogadore, Ohio.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 46391, July 23, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 40U was approved on September 18, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 40's 2,000-acre activation limit.

Dated: September 18, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19508 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-118-2026]

Foreign-Trade Zone (FTZ) 40, Notification of Proposed Production Activity; Olon USA LLC; (Active Pharmaceutical Ingredients); Concord, Ohio

The Cleveland Cuyahoga County Port Authority, grantee of FTZ 40, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Olon USA LLC (Olon) for Olon's facility in Concord, Ohio within FTZ 40. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 15, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: API "D" Cancer Treatment Drug Product; API "R1" Breast Cancer

Treatment Product; API “I” Kidney Disorder Treatment Product; API “R2” Chronic Urticaria Treatment Product; and API “A” Ph+CML Cancer Treatment Product with duty rate ranges from 3.7 to 6.5%.

The proposed foreign-status materials/components include: Kinase Inhibitor; Enzyme B-Raf Inhibitor; Oral Complement Inhibitor; Oral Bruton’s Tyrosine Kinase Inhibitor; Protein Kinase Inhibitor; Succinic Acid; Methanesulfonic Acid; Plastic Bags; and Foil Bags with duty rate ranges from 3% to 6.5%.

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the “Online FTZ Information System” section of the Board’s website.

For further information, contact John Frye at John.Frye@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–19589 Filed 9–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–121–2026]

Foreign-Trade Zone 57, Notification of Proposed Production Activity; AUMOVIO Systems, Inc.; (Electronic Braking, Suspension, Hydraulic, Pneumatic, and Related Automotive Components and Systems); Morganton, North Carolina

AUMOVIO Systems, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Morganton, North Carolina within FTZ 57. The notification conforming to the requirements of the Board’s regulations (15 CFR 400.22) was received on September 4, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board’s website—accessible via www.trade.gov/ftz.

The proposed finished products include: air reservoirs, air spring assemblies; hydraulic electronic control units/electronic stability controls; and solenoid valves with duty rate ranges from duty-free to 2.5%.

The proposed foreign-status materials/components include: air spring caps; air spring cap assemblies; air spring caps-suspension; bellows; brake covers; brake repair kits; damper assemblies; flange assembly; guide rings; hydraulic brake control units; piston assemblies-suspension; piston housings-brake; pistons-brake; pistons-suspension; protective caps-suspension; seal assemblies-brake; suspensions assemblies; suspension bumpers; suspension caps; armature; connectors; automotive connectors; electrical connectors; electronic brake control units; encoder wheels; electrical motor housings; inductors; magnet; magnet assemblies; solenoid magnetic cores; permanent magnets; DC motors; DC type 1 motors; DC type 2 motors; motor piston housings; sensors; sensor assemblies; sensor cables; wiring harnesses filters air filters; vehicle filters; plastic gaskets; filter orifices; seal assemblies; sealing sleeves; air reservoir assemblies; valve bushings; dampening chamber covers; pump flange assemblies; valve flange assemblies; valve guide bushings; pump guide rings; pump guide sleeves; valve housings; pump mechanical closing covers; valve mechanical closing covers; orifices; pump orifices; pistons; piston assemblies; actuator piston assemblies; pump piston assemblies; pump piston housings; piston rods; liquid piston rods; hydraulic pistons; pump pistons; valve pistons; pump plungers; valve plungers; pressure valves; pressure valves springs; reducing pressure valve; retaining pressure valves; suction pressure valves; pump protective caps; fluid pumps; liquid pumps; reservoir cap assemblies; air reservoirs; fluid reservoirs; pump seals; solenoid valves; hydraulic solenoid valves; pneumatic solenoid valves; spray nozzles; hydraulic transmission valves; abs hydraulic valve bodies; aluminum valve bodies; hydraulic valve bodies; steel valve bodies; valve housings; aluminum valve housings; plastic valve housings; steel valve housings; metal valve plates; valve seat; insert valve seats; suction valve seats; valve sleeves; pump valve sleeves; steel valve sleeves; hydraulic valves; pneumatic valves; solenoid valves; switching valves; ball bearings; ball screw assemblies; plain shaft bearing housings; bushings; clevis assemblies; couplings; damper bearings; fan blades; guide sleeves; mandrels; tool

mandrels; low pressure accumulator machine plugs; plungers; pressure pieces; axial protective caps; steel adapters; steel brackets; steel bushings; metal clamping rings; steel clamping rings; steel clamps; metal pin clinches; steel pin clinches; steel compression springs; steel cotter pins; steel couplings; steel crimp rings; steel damper assemblies; threaded plug fittings; flange assemblies; copper flange assemblies; steel guide bushings; copper guides; steel guides; aluminum housings; steel machine screws; steel metric screws; steel mounting bushings; steel nuts; aluminum orifice assemblies; steel pins; steel piston rods; steel plugs; threaded plugs; steel protective caps; steel retaining rings; steel screw mounts; steel screw plugs; steel cap head screws; steel cylinder screws; steel self-tapping screws; steel screws; steel seals; metal spacer sleeves; aluminum spring supports; large steel springs; medium steel springs; small steel springs; metal support rings; steel support rings; steel support washers; steel suspension mounts; aluminum tubes; copper tubes; steel washers; plastic bushings; plastic cable holders; plastic caps; plastic clamping rings; plastic diaphragm; plastic discs; plastic guide banks; plastic guide bushings; plastic guide rings; plastic guide sleeves; plastic guides; labels; plastic pipe holders; plastic pistons; plastic plugs; plastic pressure rings; plastic protective caps; plastic retaining rings; plastic seal assemblies; plastic seal bands; plastic seal rings; plastic seals; plastic stoppers; plastic support rings; plastic tappet assemblies; plastic washers; inflatable rubber air spring bellows; rubber air spring bellows; rubber bellows; rubber damper assemblies; rubber damper bearings; diaphragms; rubber diaphragms; rubber fixing rings; rubber grommets; rubber plugs; rubber protective caps; rubber rear vibration boots; rubber reservoir caps; rubber reservoir plugs; rubber retaining clips; rubber retaining rings; rubber seal rings; silicone seal rings; rubber seals; rubber springs; rubber thrust bearings; rubber valve pins; rubber vibration bellows; rubber vibration boots; and, rubber vibration springs with duty rate ranges from duty-free to 8.50%.

The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 or section 301 of the Trade Act of 1974, depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status as described in 19 CFR 146.41.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 3, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Brian Warnes at brian.warnes@trade.gov.

Dated: September 21, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026-19592 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-870]

Certain Oil Country Tubular Goods From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2023-2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that oil country tubular goods (OCTG) from the Republic of Korea (Korea) were sold at less than normal value (NV) during the period of review (POR) September 1, 2023, through August 31, 2024.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Robert Hedberg, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-0955.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 2026, Commerce published in the **Federal Register** the *Preliminary Results*.¹ On June 11, 2026, Commerce issued a post-preliminary analysis addressing the particular market situation alleged by the domestic interested parties.² Between June 26, and September 2, 2026, we extended the deadline for the final results of this

proceeding by 60 days.³ Accordingly, the deadline for these final results is now September 14, 2026.⁴ Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, may be found in the Issues and Decision Memorandum.⁵ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/frnotices>.

Scope of the Order⁶

The product covered by the *Order* is OCTG from Korea. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. For a list of issues raised by parties, see Appendix I.

³ See Memoranda, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023-2024," dated June 26, 2026; "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023-2024," dated August 25, 2026; and "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023-2024," dated September 2, 2026.

⁴ Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. Because the current deadline falls on a weekend (i.e., September 12, 2026), the deadline becomes the next business day (i.e., September 14, 2026). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2023-2024 Administrative Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value*, 79 FR 53691 (September 10, 2014) (*Order*).

Changes Since the Preliminary Results

We have made three changes since the *Preliminary Results*, which are: (1) to rely on U.S. benchmark prices to calculate the particular market situation (PMS) adjustment, (2) to apply a different source to calculate constructed value (CV) profit and selling expense ratios for NEXTEEL and SeAH, and (3) to apply a correction to SeAH's margin program by updating the constructed export price (CEP) profit rate.

Rate for Non-Individually Examined Respondents

The statute and Commerce's regulations at the time of initiation do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. For the rate for non-selected respondents in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}." For these final results, we are assigning the non-individually examined respondents a rate of 19.87 percent, which is the simple average of the weighted-average dumping margins calculated for NEXTEEL and SeAH.⁷

Final Results of Review

For these final results, Commerce determines that the following weighted-average dumping margins exist for the

⁷ Commerce does not calculate a weighted average of the dumping margins for two mandatory respondents using actual sales values because doing so would reveal business proprietary information (BPI). Instead, in an administrative review, Commerce normally compares a weighted average of the dumping margins of the mandatory respondents using publicly ranged values of their total export sales of subject merchandise with the simple average of their rates, selecting whichever value is closer to the weighted average using BPI sales data as the rate for companies not selected for individual examination. However, in this administrative review, SeAH did not submit publicly ranged sales data, so we have instead applied a simple average of SeAH's and NEXTEEL's calculated dumping margins.

¹ See *Certain Oil Country Tubular Goods from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2023-2024*, 91 FR 12575 (March 16, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Post-Preliminary Analysis," dated June 11, 2026.

period September 1, 2023, through August 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
NEXTEEL Co., Ltd.	29.94
SeAH Steel Corporation	9.80
Review-Specific Rate for Non-Examined Companies ⁸	19.87

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days after the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.⁹

For entries of subject merchandise during the POR produced by NEXTEEL or SeAH for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.¹⁰ For the companies that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established in these final results of review. Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

⁸ See Appendix II for a list of the non-examined companies receiving a review-specific rate.
⁹ In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).
¹⁰ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies listed in these final results will be equal to the simple-average dumping margins established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.24 percent,¹¹ the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties did occur and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction

¹¹ See *Certain Oil Country Tubular Goods from the Republic of Korea: Notice of Court Decision Not in Harmony With Final Determination*, 81 FR 59603, 59604 (August 30, 2016).

of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 14, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Calculation of Constructed Value (CV) Profit and Selling Expenses
 - Comment 2: Particular Mark Situation (PMS) Finding and Adjustment
 - Comment 3: SeAH's Constructed Export Price (CEP) Offset
 - Comment 4: Ministerial Error Allegation
 - Comment 5: Differential Pricing
 - Comment 6: Rate for Non-Selected Companies
- VI. Recommendation

Appendix II

Non-Examined Companies Receiving a Review-Specific Rate

1. AJU Besteel Co., Ltd.
2. Dong-A Steel Co., Ltd.
3. HiSteel Co., Ltd.
4. Husteel Co., Ltd.
5. Hyundai Steel Company
6. Hyundai Steel Pipe Co., Ltd.
7. ILJIN Steel Corporation
8. K Steel Corporation
9. Keonwoo Metals Co., Ltd.
10. Kukje Steel Co., Ltd.
11. Kumkang Kind Co., Ltd.
12. MSTeel Co., Ltd.
13. Nissei Trading Co., Ltd.
14. POSCO International Corporation
15. Sung Won Steel Co., Ltd.
16. TGS Pipe Co. Ltd.

[FR Doc. 2026–19529 Filed 9–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****[C–570–231]****Tris(hydroxymethyl)aminomethane From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Determination of Critical Circumstances, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination****AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of Tris(hydroxymethyl)aminomethane (Tris) from the People's Republic of China (China). The period of investigation is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination.**DATES:** Applicable September 24, 2026.**FOR FURTHER INFORMATION CONTACT:**

Shane Subler or Katerina Katsiadas, AD/CVD Operations, Office OVIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6241 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:**Background**

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on May 18, 2026.¹ On July 16, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now September 18, 2026.²

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.³ A list of topics

discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The product covered by this investigation is Tris from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).⁵ No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁶

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁷ For further information, *see* the "Use of Facts Otherwise Available and Adverse Inferences" section in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206,

with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ *See* Antidumping Duties; Countervailing Duties, Final Rule, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁵ *See* Initiation Notice.

⁶ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁷ *See* sections 776(a) and (b) of the Act.

Commerce preliminarily finds that critical circumstances exist with respect to imports of subject merchandise from the mandatory respondent Changzhou Peicheng Imp. & Exp. Co. (Changzhou Peicheng), which has been assigned a rate based on total adverse facts available (AFA). Commerce also preliminarily determines that critical circumstances do not exist with respect to imports of subject merchandise from mandatory respondent Suzhou Yacoo Science Co., Ltd. (Suzhou Yacoo) and all other companies. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of Tris from China based on a request made by the petitioner.⁸ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than February 1, 2027, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily assigned a rate based entirely on facts available to Changzhou Peicheng. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Suzhou Yacoo. Consequently, the rate calculated for Suzhou Yacoo is also assigned as the rate for all other producers and exporters.

⁸ *See* Petitioner's Letter, "Petitioner's Request to Align Final Countervailing Duty Determination with the Companion Antidumping Duty Final Determination," dated August 31, 2026. The petitioner in this investigation is Advancion Corporation (the petitioner).

¹ *See* Tris(hydroxymethyl)aminomethane from the People's Republic of China: Initiation of Countervailing Duty Investigation, 91 FR 28559 (May 18, 2026) (*Initiation Notice*).

² *See* Tris(hydroxymethyl)aminomethane from the People's Republic of China: Postponement of Preliminary Determination of Countervailing Duty Investigation, 91 FR 43606 (July 16, 2026).

³ *See* Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Tris(hydroxymethyl)aminomethane from the People's Republic of China," dated concurrently

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Changzhou Peicheng Imp. & Exp. Co	* 117.39
Suzhou Yacoo Science Co., Ltd. ⁹	20.63
All Others	20.63

* This rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 703(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.107(e), Commerce will instruct CBP to require a cash deposit equal to the estimated company-specific countervailable subsidy rate or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of:

(a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Changzhou Peicheng. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

Commerce intends to disclose its calculations performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁰ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing

each issue; and (2) a table of authorities.¹¹ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹² Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants, whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of Tris from China are materially injuring, or threaten material injury to, the U.S. industry.

¹¹ See 19 CFR 351.309(c)(2) and (d)(2).

¹² We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹³ See APO and Service Final Rule.

⁹ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Suzhou Yacoo: Jining Yacoo New Materials Technology Co., Ltd. and Yacoo Science (Anqing) Co., Ltd.

¹⁰ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (APO and Service Final Rule).

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix I**Scope of the Investigation**

The merchandise subject to this investigation is tris(hydroxymethyl)aminomethane (Tris), also commonly referred to as tromethamine or THAM, and its derivative, tris(hydroxymethyl)aminomethane hydrochloride (Tris HCl), also commonly referred to as Tris hydrochloride or tromethamine HCl. Tris and Tris HCl are organic compounds with molecular compositions of C₄H₁₁NO₃ and C₄H₁₁NO₃·ClH, respectively. The scope includes all grades, purities, and forms of Tris and Tris HCl, which vary based on the raw materials (nitromethane and formaldehyde) used in the production process and the end use application required. Tris and Tris HCl are packaged and sold in different forms and sizes, however, all Tris and Tris HCl are covered regardless of form or packaging. The Tris and Tris HCl covered by this investigation are chemical compounds with the Chemical Abstract Service (CAS) numbers 77–86–1 and 1185–53 1, respectively. The country of origin of the subject merchandise in this investigation is based on the country where the Tris molecule is manufactured. As a result, Tris HCl manufactured in a third country using Tris produced in China is subject to the investigation. In addition, reprocessing Tris or Tris HCl in a third country by, for example, recrystallizing, retesting, or repackaging the merchandise does not remove the product from the scope of this investigation. Tris and Tris HCl covered by the scope of this investigation are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.19.9690. Although the HTSUS subheading and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Scope Comments
- V. Injury Test
- VI. Preliminary Determination of Critical Circumstances
- VII. Analysis of China's Financial System
- VIII. Diversification of China's Economy
- IX. Use of Facts Otherwise Available and Adverse Inferences
- X. Subsidies Valuation Information
- XI. Interest Rates and Benchmarks

XII. Analysis of Programs

XIII. Recommendation

[FR Doc. 2026–19530 Filed 9–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[A–570–124, C–570–125]

Certain Vertical Shaft Engines Between 99cc and 225cc, and Parts Thereof, From the People's Republic of China: Affirmative Final Determinations of Circumvention of the Antidumping and Countervailing Duty Orders–5C65M0 and BC70M0 Engines

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of model numbers 5C65M0 and BC70M0 of small vertical shaft engines produced by Chongqing Zongshen General Power Machine Co., Ltd. (Zongshen) in the People's Republic of China (China) constitute later-developed merchandise that, when imported into the United States, circumvent the antidumping duty (AD) and countervailing duty (CVD) orders on certain vertical shaft engines between 99cc and up to 225cc, and parts thereof (small vertical engines), from China.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2638.

SUPPLEMENTARY INFORMATION:**Background**

On May 4, 2021, Commerce published in the **Federal Register** the AD and CVD orders on small vertical shaft engines from China.¹ On July 7, 2025, Commerce initiated a circumvention inquiry of the *Orders* pursuant to section 781(d) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(k) to determine whether engines with a model numbers 5C65M0 and BC70M0 produced by Zongshen are later-developed merchandise that are circumventing the *Orders*, such that they should be subject to the *Orders*.²

¹ See *Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 23675 (May 4, 2021) (*Orders*).

² See *Certain Vertical Shaft Engines Between 99cc and 225cc, and Parts Thereof, from the People's*

On May 18, 2026, Commerce published in the **Federal Register** its *Preliminary Determination*³ that imports of model 5C65M0 and BC70M0 engines produced by Zongshen in China constitute later-developed merchandise that when imported into the United States circumvent the AD and CVD orders on small vertical engines from China.⁴ On June 15, 2026, and September 3, 2026, Commerce extended the final determination of this circumvention inquiry. The deadline to issue the final determination is September 17, 2026.⁵ For a summary of events that occurred since the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for consideration in the final determination, see the Issues and Decision Memorandum.⁶

The Issues and Decision

Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Orders

The products subject to the *Orders* are small vertical shaft engines from China. For a complete description of the scope of the *Orders*, see the Issues and Decision Memorandum.⁷

Merchandise Subject to the Circumvention Inquiry

The merchandise subject to this circumvention inquiry are engine models 5C65M0 and BC70M0 produced by Zongshen in China (inquiry merchandise).

Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders, 90 FR 30874 (July 11, 2025) (*Initiation Notice*), and accompanying Initiation Decision Memorandum.

³ See *Certain Vertical Shaft Engines Between 99cc and 225cc, and Parts Thereof, From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 91 FR 28555 (May 18, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

⁴ See *Orders*.

⁵ See Memoranda, "Extension of Deadline for the Final Determination," dated June 15, 2026; "Extension of the Deadline for the Final Determination," dated September 3, 2026.

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Circumvention Inquiry—5C65M0 and BC70M0 Engines," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁷ *Id.* at 2–3.

Methodology

Commerce is conducting this circumvention inquiry pursuant to section 781(d) of the Act, and 19 CFR 351.226(k).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached as an appendix to this notice. Based on our analysis of the comments received from interested parties, we made no changes to the *Preliminary Determination*.

Affirmative Final Circumvention Determination

Consistent with the *Preliminary Determination*, Commerce continues to determine that engine models 5C65M0 and BC70M0 small vertical shaft engines produced by Zongshen in China, constitute later-developed merchandise that, when imported into the United States, are circumventing the *Orders*, pursuant to section 781(d) of the Act.

Suspension of Liquidation and Cash Deposit Requirements

Based on the affirmative final determination of circumvention, in accordance with 19 CFR 351.226(l)(3)(i), Commerce will direct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of previously suspended entries and apply the applicable cash deposit rate. Further, in accordance with 19 CFR 351.226(l)(3)(ii), Commerce will direct CBP to suspend liquidation and require a cash deposit of estimated AD and CVD duties for each unliquidated entry of engine models 5C65M0 and BC70M0 produced by Zongshen in China not yet suspended, are entered, or withdrawn from warehouse, for consumption on or after July 11, 2025, the date of publication of the *Initiation Notice* of this circumvention inquiry in the **Federal Register**.

Administrative Protective Order (APO)

This notice will serve as the only reminder to all parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is published in accordance with section 781(d) of the Act and 19 CFR 351.226(g)(2).

Dated: September 17, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of Circumvention Inquiry
- VI. Changes Since the *Preliminary Determination*
- VII. Discussion of the Issues
 - Comment 1: Whether Judicial Precedent and Prior Commerce Decisions Allow Merchandise Meeting the Description of a Scope Exclusion
 - Comment 2: Whether Merchandise Similar to the Models 5C65M0 and BC70M0 Engines from Zongshen Was Available at the Time of the Underlying Less Than Fair Value and CVD Investigations
 - Comment 3: Whether Merchandise with Previously Available Features Can Be Found to Be Later-Developed
 - Comment 4: Commerce's Application of Section 781(d) of the Act in this Circumvention Finding
- VIII. Circumvention Determination
- IX. Recommendation

[FR Doc. 2026–19519 Filed 9–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–940]

Certain Freight Rail Couplers and Parts Thereof From India: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain freight rail couplers and parts thereof (freight rail couplers) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT:

Colin Thrasher, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3004.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of freight rail couplers from India.¹ In the *Preliminary Determination*, Commerce postponed the final determination until September 18, 2026, and invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published its *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.²

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The products covered by this investigation are freight rail couplers from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

Commerce received comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*.³ For the

¹ See *Certain Freight Rail Couplers and Parts Thereof from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 91 FR 24517 (May 6, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Freight Rail Couplers and Parts Thereof from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, "Less-Than-Fair-Value Investigations of Certain Freight Couplers and Parts Thereof from the Czech Republic and India and Countervailing Duty Investigation of Certain Freight

final determination, Commerce made no changes to the scope of the investigation from that published in the *Preliminary Determination*.⁴

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, Commerce conducted on-site verification of the sales and cost information submitted by Kharagpur Metal Reforming Industries Pvt Ltd (Kharagpur) and Texmaco Rail and Engineering Limited (Texmaco).⁵ We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Kharagpur and Texmaco.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. For a list of the issues

addressed in the Issues and Decision Memorandum, *see* Appendix II.

Changes Since the Preliminary Determination

We made certain changes since the *Preliminary Determination*. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Export price is calculated in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act.

Pursuant to sections 776(a) and (b) of the Act, Commerce is relying upon facts otherwise available, with adverse inferences (AFA), for Bhilai Engineering Corporation Ltd. and Jupiter Wagons Ltd. For a full description of the methodology underlying the determination to apply AFAta Bhilai Engineering Corporation Ltd. and Jupiter Wagons Ltd., *see* the *Preliminary Determination* PDM. These determinations remain unchanged in the final determination.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all other exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

In this investigation, Commerce calculated estimated weighted-average dumping margins for Texmaco and Kharagpur that are not zero, *de minimis*, or based entirely on facts otherwise available. Accordingly, Commerce calculated the all-others rate using a weighted average of the dumping margins calculated for the examined respondents relying on publicly-ranged sales data.⁶

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the period July 1, 2024, through June 30, 2025:

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Bhilai Engineering Corporation Ltd.	*71.01	71.01
Jupiter Wagons Ltd.	*71.01	71.01
Kharagpur Metal Reforming Industries Pvt Ltd.	2.32	0.00
Texmaco Rail and Engineering Limited	15.79	12.10
All Others	5.24	1.55

* Rate is based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose the calculations and analysis performed in connection with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the publication of the notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 6, 2026,

the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average

Rail Couplers and Parts Thereof from India: Final Scope Decision Memorandum," dated concurrently with, and hereby adopted by, this notice.

⁴ *Id.*

⁵ *See* Memoranda, "Verification of the Sales Responses of Texmaco Rail and Engineering Limited," dated July 30, 2026; "Verification of the Sales Responses of Kharagpur Metal Reforming Industries Pvt. Ltd.," dated July 23, 2026; "Verification of the Cost Response of Texmaco Rail and Engineering Limited," dated August 13, 2026; and "Verification of the Cost Response of Kharagpur Metal Reforming Industries Pvt. Ltd.," dated August 17, 2026.

⁶ With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball*

Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. In this investigation, Commerce based the all-others rate on the publicly-ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, "Final Calculation of All-Others Rate," dated concurrently with this determination.

dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

To determine the cash deposit rates in an LTFV investigation, Commerce normally adjusts the estimated weighted-average dumping margins by the amount of domestic pass-through and export subsidies countervailed in the companion countervailing duty (CVD) investigation. Accordingly, where Commerce has made a final affirmative determination of countervailable export subsidies, Commerce offsets the estimated weighted average dumping margins in the LTFV investigation by the appropriate export subsidy rate from the companion CVD investigation.⁷ Commerce has continued to adjust the cash deposit rate for export subsidies found in the companion CVD investigation by the appropriate export subsidy rate; however, the suspension of liquidation of provisional measures in the companion CVD case has been discontinued.⁸ Therefore, we are not instructing CBP to collect cash deposits based on the adjusted estimated weighted-average dumping margin for export subsidies at this time. If the U.S. International Trade Commission (ITC) makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of publication of the ITC's final affirmative determination in the **Federal Register** to be the company-specific estimated weighted-average dumping margin adjusted for export subsidies.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the

domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of freight rail couplers from India no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension of Liquidation" section.

Administrative Protective Order (APO)

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This final determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix I

Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as "fits" or "assemblies") and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by this investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; and (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of this investigation when imported individually. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight rail couplers and parts are included within the scope whether finished

or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M-211, "Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts," and/or AAR M-215 "Coupling Systems," or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1010, 8607.30.1050, and 8607.30.1090. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 7326.90.8688, 8606.10.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, or under subheading 8606.99.0160. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Discussion of the Issues
 - Comment 1: Price Difference Methodology
 - Comment 2: Cost-Based Particular Market Situation (PMS)
 - Comment 3: Sales-Based PMS
 - Comment 4: Constructed Value Profit

⁷ See Memorandum, "Final Calculation of All-Others Rate," dated concurrently with this notice.

⁸ See *Certain Freight Rail Couplers and Parts Thereof from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 91 FR 10370 (March 3, 2026).

Comment 5: Cash Deposit Subsidy Offset
 Comment 6: U.S. Sales Surcharge
 Comment 7: Application of Total AFA
 Kharagpur—Cost
 Comment 8: Cost Verification Finding
 Comment 9: Scrap Offset
 Comment 10: Revised Sales Databases
 Comment 11: Application of AFA
 Comment 12: Application of Total AFA—
 Cost
 Comment 13: Application of Partial AFA—
 Cost
 Comment 14: Scrap and Consumables
 Costs
 Comment 15: Sales Versus Production
 Quantities
 Comment 16: Cost Reporting Methodology
 Comment 17: Cost Programming
 V. Recommendation

[FR Doc. 2026–19521 Filed 9–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–073; C–570–074; A–525–001; C–525–002; A–351–854; A–891–001; A–729–803; A–428–849; A–533–895; C–533–896; A–560–835; A–475–842; A–523–814; A–485–809; A–801–001; A–856–001; A–791–825; A–469–820; A–583–867; A–489–839; C–489–840]

Common Alloy Aluminum Sheet From the People's Republic of China, Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Türkiye: Final Results of Changed Circumstances Reviews and Revocation of the Antidumping and Countervailing Duty Orders, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is issuing the final results of the changed circumstances reviews (CCRs) of the antidumping duty (AD) and countervailing duty (CVD) orders on common alloy aluminum sheet (aluminum sheet) from the People's Republic of China (China), Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Türkiye (Türkiye), to revoke the orders, in part, with respect to certain aluminum can stock.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Saba, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5849.

SUPPLEMENTARY INFORMATION:

Background

On August 11, 2026, Commerce published its initiations and preliminary results in the CCRs on aluminum sheet from China and Bahrain *et al.*,¹ in which Commerce found that changed circumstances warranted retroactive revocation of the *China Aluminum Sheet Orders* and *Bahrain et al. Aluminum Sheet Orders*,² in part, with respect to certain aluminum can stock. We provided interested parties with the opportunity to comment and to request a public hearing regarding the *Preliminary Results*.

Scope of the China Aluminum Sheet Orders

The merchandise covered by these *Orders* is common alloy aluminum sheet from China. For a full description of the revised scope of the *China Aluminum Sheet Orders*, see Appendix I.

Scope of the Bahrain et. al. Aluminum Sheet Orders³

The merchandise covered by these *Orders* is common alloy aluminum sheet from Bahrain, Brazil, Croatia,

¹ See *Common Alloy Aluminum Sheet from the People's Republic of China, Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Türkiye: Initiation and Preliminary Results of Changed Circumstances Reviews and Intent to Revoke the Antidumping and Countervailing Duty Orders*, in Part, 91 FR 51666 (August 11, 2026) (*Preliminary Results*).

² See *Common Alloy Aluminum Sheet from the People's Republic of China: Antidumping Duty Order*, 84 FR 2813 (February 8, 2019) (*China Aluminum Sheet AD Order*); and *Common Alloy Aluminum Sheet from the People's Republic of China: Countervailing Duty Order*, 84 FR 2157 (February 6, 2019) (*China Aluminum Sheet CVD Order*) (collectively, *China Aluminum Sheet Orders*). See also *Common Alloy Aluminum Sheet from Bahrain, India, and the Republic of Turkey: Countervailing Duty Orders*, 86 FR 22144 (April 27, 2021) (*Bahrain et al. Aluminum Sheet CVD Orders*); and *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Turkey*, 86 FR 22139 (April 27, 2021) (*Bahrain et al. Aluminum Sheet AD Orders*) (collectively, *Bahrain et al. Aluminum Sheet Orders*).

³ We note that there is an error in the *Bahrain et al. Aluminum Sheet CVD Orders*, where the temper H–39 was not included in the scope language regarding the aluminum can stock exclusion. As seen in the final determinations of the *CVD Orders*, temper H–39 should have been included in the scope language regarding the aluminum can stock exclusion. See, e.g., *Common Alloy Aluminum Sheet from Bahrain: Final Affirmative Countervailing Duty Determination*, 86 FR 13333 (March 8, 2021) (*CAAS Bahrain Final*).

Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Türkiye. For a full description of the revised scope of the *Bahrain et al. Aluminum Sheet Orders*, see Appendix II.

Final Results of the CCRs and Intent To Revoke the Orders, in Part

Commerce did not receive comments, and as a result, Commerce continues to find that the individual members of the Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group (CAAS Enforcement Working Group)⁴ and Jupiter Aluminum Corporation account for greater than 85 percent of the domestic industry and have expressed support for the CCR Requests.⁵ Thus, we find that changed circumstances warrant revocation of the *China Aluminum Sheet Orders* and *Bahrain et al. Aluminum Sheet Orders*, in part, with respect to certain aluminum can stock.

Commerce is revoking the *China Aluminum Sheet Orders*, in part, by replacing the following language originally in the scope of the *China Aluminum Sheet Orders*:

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

The revised language for the *China Aluminum Sheet Orders* is as follows:

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39,⁶ or H–391 temper. In addition,

⁴ The individual members of the CAAS Enforcement Working Group are Arconic Corporation; Commonwealth Rolled Products Inc.; Constellium Rolled Products Ravenswood, LLC; JW Aluminum Company; Novelis Corporation; and Texarkana Aluminum, Inc.

⁵ See July 24th Response and July 28th Response.

⁶ In the *Preliminary Results*, in the interest of aligning the aluminum can stock exclusion language across the *China Aluminum Sheet Orders* and *Bahrain et al. Aluminum Sheet Orders* we invited comment on whether it is appropriate to include temper H–39 in the modified exclusionary language for aluminum can stock with regard to the *China Aluminum Sheet Orders*. Commerce received

Continued

aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is generally classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055; however, the written description of aluminum can stock covered by the scope exclusion set forth above is dispositive, regardless of HTSUS classification.

The revised scope description of the *China Aluminum Sheet Orders* in Appendix I includes this replacement language.

Commerce is revoking the *Bahrain et al. Aluminum Sheet Orders* in part, by replacing the following language originally in the scope of the *Bahrain et al. Aluminum Sheet Orders*:

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-19, H-41, H-48, H-39,⁷ or H-391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

The revised language for the *Bahrain et al. Aluminum Sheet Orders* is as follows:

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-19, H-41, H-48, H-39, or H-391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is generally classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055; however, the written description of aluminum can stock covered by the scope exclusion set forth

above is dispositive, regardless of HTSUS classification.

The revised scope description of the *Bahrain et al. Aluminum Sheet Orders* in Appendix II includes this replacement language.

Application of the Final Results of These Reviews

The CAAS Enforcement Working Group requested that Commerce apply the final results of these reviews retroactively to all unliquidated entries of aluminum can stock.⁸ Section 751(d)(3) of the Tariff Act of 1930, as amended (the Act) provides that “[a] determination under this section to revoke an order . . . shall apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the administering authority.” We note that substantially all of the domestic industry, which is in support of the partial revocation, also agrees with applying the partial revocation to all unliquidated entries of aluminum can stock, noting that “[t]he retroactive application of the final results of {Commerce’s} clarifying that the Orders’ scope definitions exclude aluminum can stock is appropriate given that the Petitioners have always intended that aluminum can stock meeting the written description be excluded from the Orders’ scope regardless of classification.”⁹ Thus, because all parties are in agreement, and Commerce has no administrability concerns, the final results of these CCRs are applicable to all unliquidated entries of aluminum can stock retroactive to the date on which suspension of liquidation began.

Instructions to U.S. Customs and Border Protection (CBP)

Because we determine that there are changed circumstances that warrant the revocation of the *China Aluminum Sheet Orders* and *Bahrain et al. Aluminum Sheet Orders*, in part, we will instruct CBP to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties on, all unliquidated entries of the merchandise covered by this partial revocation

retroactive to the date on which suspension of liquidation began.¹⁰

Commerce intends to issue instructions to CBP within 15 days after the date of publication of these final results of CCRs in the **Federal Register**. We note that Commerce normally issues assessment instructions no earlier than 35 days after the date of publication of the final results of a CCR in the **Federal Register** to allow interested parties sufficient time to challenge Commerce’s determination.¹¹ In these CCRs, as the request was supported by more than 85 percent of the domestic industry, we received no comments from interested parties in opposition to the *Preliminary Results*, and due to the need to issue assessment instructions for the subject entries in an expeditious manner, we find it appropriate to shorten the timeline for issuing assessment instructions for these CCRs.

Notification to Interested Parties

This notice is published in accordance with section 751(b)(1) and 777(1) of the Act, 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

¹⁰ For the *China Aluminum Sheet CVD Order* suspension of liquidation began on April 23, 2018. See *Common Alloy Aluminum Sheet from the People’s Republic of China: Preliminary Affirmative Countervailing Duty (CVD) Determination, Alignment of Final CVD Determination with Final Antidumping Duty Determination, and Preliminary CVD Determination of Critical Circumstances*, 78 FR 17651 (April 23, 2018). For the *China Aluminum Sheet AD Order* suspension of liquidation began on June 22, 2018. See *Antidumping Duty Investigation of Common Alloy Aluminum Sheet from the People’s Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value, Preliminary Affirmative Determination of Critical Circumstances, and Postponement of Final Determination*, 83 FR 29088 (June 22, 2018). For the *Bahrain et al. Aluminum Sheet CVD Orders* suspension of liquidation began on August 14, 2020. See e.g., *Common Alloy Aluminum Sheet from Bahrain: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 85 FR 49636 (August 14, 2020). For the *Bahrain et al. Aluminum Sheet AD Orders* suspension of liquidation began on October 15, 2020. See e.g., *Common Alloy Aluminum Sheet from Bahrain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 85 FR 65372 (October 15, 2020).

¹¹ See, e.g., *Certain Metal Lockers and Parts Thereof from the People’s Republic of China: Final Results of Antidumping Duty Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part*, 89 FR 22377 (April 1, 2024). See also *Jinan Farmlady Trading Co., Ltd. v. United States*, 228 F.Supp.3d 1351, 1357 (CIT 2017).

no comments on the issue. Accordingly, pursuant to 19 CFR 351.225(q)(1)(iii)(A), we have clarified the scope and included temper “H-39” in the modified aluminum can stock exclusion language.

⁷ We note that there is an error in the *Bahrain et al. Aluminum Sheet CVD Orders*, where the temper H-39 was not included in the scope language regarding the aluminum can stock exclusion. As seen in the final determinations of the *CVD Orders*, temper H-39 should have been included in the scope language regarding the aluminum can stock exclusion. See, e.g., *Common Alloy Aluminum Sheet from Bahrain: Final Affirmative Countervailing Duty Determination*, 86 FR 13333 (March 8, 2021).

⁸ See CAAS Enforcement Working Group’s Letter, “Request for Initiation of Changed Circumstances Review to Further Clarify Exclusion of Aluminum Can Stock from Scope of AD/CVD Orders,” dated June 22, 2026 at 5–6.

⁹ *Id.* at 5. See also CAAS Enforcement Working Group’s Letter, “Petitioner’s Response to Second Supplemental Questionnaire,” dated July 28, 2026 at 2–3.

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix I

Revised Scope of the China Aluminum Sheet Orders

The merchandise covered by these *Orders* is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these *Orders* includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209–14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these *Orders* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is generally classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055; however, the written description of aluminum can stock covered by the scope exclusion set forth above is dispositive, regardless of HTSUS classification.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of these *Orders* may also be entered into the United States under HTSUS subheadings

7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.¹²

Appendix II

Revised Scope of the Bahrain et al. Aluminum Sheet Orders

The merchandise covered by these *Orders* is common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these *Orders* includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these *Orders* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm

¹² In the *Preliminary Results*, pursuant to 19 CFR 351.225(q)(1)(iii)(B), we preliminarily clarified that aluminum sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of these *Orders* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive. We invited interested parties to comment on this scope clarification. Because we received no comments, we have made no changes to our scope clarification and have modified the scope description accordingly.

to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is generally classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055; however, the written description of aluminum can stock covered by the scope exclusion set forth above is dispositive, regardless of HTSUS classification.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of these *Orders* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

[FR Doc. 2026–19516 Filed 9–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–221]

Large Diameter Graphite Electrodes From the People's Republic of China: Preliminary Affirmative Critical Circumstances Determination in Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist with respect to imports of large diameter graphite electrodes (large diameter graphite electrodes) from the People's Republic of China (China). The period of investigation is January 1, 2025, through December 31, 2025. Interested parties are invited to comment on this preliminary determination of critical circumstances.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8043.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2026, Commerce published the notice of initiation of this countervailing duty (CVD) investigation in the **Federal Register**.¹ On July 30, 2026, Commerce published its *Preliminary Determination*.² In the *Preliminary Determination*, Commerce applied facts available with an adverse inference (AFA) to the two mandatory respondents, Dantan New Materials Co., Ltd. (Dantan New Materials) and Shanxi Juxian Graphite New Material Co., Ltd. (Shanxi Juxian), and the Government of China.³

On September 1, 2026, the Large Diameter Graphite Electrodes Fair Trade Coalition (the petitioners) filed a timely critical circumstances allegation, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206, alleging that critical circumstances exist with respect to large graphite electrodes from China.⁴

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1), because the petitioners submitted the critical circumstances allegation more than 30 days before the scheduled date of the final determination, Commerce will make a preliminary finding as to whether there is a reasonable basis to believe or suspect that critical circumstances exist.

Critical Circumstances Allegation

The petitioners allege that there was a massive increase in imports of large graphite electrodes from China and provided monthly import data for the period November 2025 through June 2026.⁵ The petitioners state that a comparison of total imports, by quantity, for the base period of November 2025 through February 2025 to the comparison period of March 2026 through June 2026, shows that imports from China increased by 105.43 percent,

which is considered “massive” under 19 CFR 351.206(h)(2) and section 703(e)(1)(b) of the Act.⁶ The petitioners also allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the World Trade Organization Agreement on Subsidies and Countervailing Measures (SCM Agreement).⁷

Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that Commerce will preliminarily determine that critical circumstances exist in a CVD investigation if there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the SCM Agreement;⁸ and (B) there have been massive imports of the subject merchandise over a relatively short period.

In determining whether “massive imports” occurred over a “relatively short period,” pursuant to section 703(e)(1)(B) of the Act and 19 CFR 351.206(h) and (i), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the base period) to a comparable period of at least three months following the filing of the petition (*i.e.*, the comparison period). However, the regulations also provide that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from the earlier time.⁹ Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.¹⁰

Alleged Countervailable Subsidies Are Inconsistent With the SCM Agreement

Commerce considered the evidence on the record that certain programs are inconsistent with the SCM Agreement because they are contingent upon export performance. Based on information on the record, we preliminarily find a

reasonable basis to believe or suspect that Dantan New Materials, Shanxi Juxian, and all other producers and/or exporters received countervailable subsidies inconsistent with the SCM Agreement under section 703(e)(1)(A) of the Act. Such programs include: Export Loans from Chinese State-Owned Bank; Export Seller's Credit; Export Buyer's Credit; Subsidies for the Development of Famous Brands and China World Top Brands; Foreign Trade Development Fund Grants; and Export Assistance Grants.¹¹ Thus, because there is a reasonable basis to believe or suspect these programs are inconsistent with the SCM Agreement, we preliminarily find that the criterion under section 703(e)(1)(A) of the Act has been met.

Massive Imports

As explained in the *Preliminary Determination*, Dantan New Materials and Shanxi Juxian did not cooperate in this investigation, and we preliminarily applied total AFA under sections 776(a) and (b) of the Act. Therefore, in accordance with sections 776(a) and (b) of the Act, we preliminarily find that critical circumstances exist with respect to imports of large graphite electrodes from China for Dantan New Materials and Shanxi Juxian under section 703(e)(1) of the Act.

For all other producers and/or exporters, to determine their total volume of shipments, Commerce's normal practice is to subtract shipments reported by the cooperating mandatory respondents from the total shipment data of subject merchandise. However, as stated above, there are no cooperative respondents in this investigation. Therefore, for all other exporters and/or producers, we compared the monthly shipment data using import data from Trade Data Monitor (TDM) for a base and a comparison period.

When determining whether massive shipments occurred within the meaning of 19 CFR 351.206(h), Commerce's practice is to include the month the petition was filed in the base period if the petition was filed during the last half of the month.¹² Further, when

¹ See *Large Diameter Graphite Electrodes from the People's Republic of China and India: Initiation of Countervailing Duty Investigations*, 91 FR 13577 (March 20, 2026) (*Initiation Notice*).

² See *Large Diameter Graphite Electrodes from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination*, 91 FR 48076 (July 30, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

³ See *Preliminary Determination* PDM at 4–19.

⁴ The petitioners are the Large Diameter Graphite Electrodes Fair Trade Coalition and its individual members, Resonac Graphite America Inc. and Tokai Carbon GE LLC. See Petitioners' Letter, “Petitioners' Allegation of Critical Circumstances,” dated September 1, 2026 (Petitioners' Allegation).

⁵ See Petitioners' Allegation at 5–7.

⁶ *Id.*

⁷ *Id.* at 3–4.

⁸ Commerce limits its critical circumstances findings to those subsidies contingent upon export performance or use of domestic over imported goods (*i.e.*, those prohibited under Article 3 of the SCM Agreement). See, e.g., *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire from Germany*, 67 FR 55808, 55809–10 (August 30, 2002).

⁹ See 19 CFR 351.206(i).

¹⁰ See 19 CFR 351.206(h)(2).

¹¹ See Petitioners' Letter, “Petition for the Imposition of Antidumping and Countervailing Duties,” dated February 24, 2026 (Petition), at Volume IV; see also Checklist, “Countervailing Duty Investigation Initiation Checklist: Large Diameter Graphite Electrodes from the People's Republic of China,” dated March 16, 2026.

¹² See, e.g., *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, 73 FR 31966 (June 5, 2008), and accompanying Issues and Decision Memorandum (IDM) at 91–92; see also *Overhead Door Counterbalance Torsion Springs from India: Preliminary Affirmative Determination of Critical*

provisional measures have been applied, Commerce's practice is to use the longest period for which information is available through the month in which provisional measures were applied or the month prior to provisional measures being applied if the preliminary determination published in the first half of the month.¹³ The Petition was filed during the second half of February 2026, and the *Preliminary Determination* published during the second half of July 2026 (*i.e.*, the month in which provisional measures were applied). Thus, to determine whether there was a massive surge in imports, Commerce analyzed the total import volume from the filing of the petition until provision measures were imposed, *i.e.*, the five-month base period of October 2025 through February 2026 and a five-month comparison period of March 2026 through July 2025.¹⁴ The quantity of shipments reported in the TDM data for the Harmonized Tariff Schedule of the United States (HTSUS) number 8545.11.0020 during the comparison period exceeded the quantity of shipments reported for the base period by greater than 15 percent.¹⁵ Therefore, we determine that the record supports a determination that there is a massive surge in imports between the base and comparison periods for all other exporters and producers of large graphite electrodes from China.¹⁶

Final Determination

We will make a final determination concerning critical circumstances in the final determination of this investigation, which is currently scheduled for December 7, 2026.

Public Comments

Case briefs or other written comments limited to Commerce's preliminary determination of critical circumstances may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which this notice is published in the **Federal Register**. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing

case briefs.¹⁷ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁸

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁹ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²⁰

Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for Dantan New Materials, Shanxi Juxian, and all other producers and/or exporters, we intend to direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from China entered, or withdrawn from warehouse for consumption, on or after May 1, 2026, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated preliminary subsidy rates established in the *Preliminary Determination*. This suspension of liquidation will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, we will notify the ITC of this

preliminary determination of critical circumstances.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.206.

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

[FR Doc. 2026–19518 Filed 9–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–941]

Certain Freight Rail Couplers and Parts Thereof From India: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain freight rail couplers and parts thereof (freight rail couplers) from India. The period of investigation is April 1, 2024, through March 31, 2025.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Blythe or Joshua Jacobson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3457 or (202) 482–0266, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2026, Commerce published the *Preliminary Determination* on freight rail couplers from India in the **Federal Register** and invited interested parties to comment.¹ In August 2026, the petitioner,² Kharagpur Metal Reforming Industries Pvt Ltd. (KMRI), Texmaco Rail and

Circumstances in the Countervailing Duty Investigation, 90 FR 35660, 61 (July 29, 2025).

¹³ See, e.g., *Certain Quartz Surface Products from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, In Part, 85 FR 25400 (May 1, 2020) and accompanying IDM at 2–3.

¹⁴ See Memorandum, “Preliminary Critical Circumstances Analysis,” dated concurrently with this notice, at Attachment.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁸ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁹ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²⁰ See *APO and Service Final Rule*.

¹ See *Certain Freight Rail Couplers and Parts Thereof from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 91 FR 10370 (March 3, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² The petitioner is the Coalition of Freight Coupler Producers, whose members are McConway & Torley LLC and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

Engineering Limited (Texmaco), and the Government of India (GOI) timely submitted case and rebuttal briefs. For a complete discussion of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.³

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The product covered by this investigation is freight rail couplers from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

Commerce received comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*.⁴ For the final determination, Commerce made no changes to the scope of the investigation from that published in the *Preliminary Determination*.⁵

Verification

Consistent with section 782(i) of the Act, in June 2026, Commerce conducted verifications of the information reported by the GOI, KMRI, and Texmaco.⁶ We used standard verification procedures, including an examination of relevant account records and original source documents provided by the respondents.⁷

³ See Memorandum, “Issues and Decisions Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, “Less-Than-Fair-Value Investigations of Certain Freight Couplers and Parts Thereof from the Czech Republic and India and Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from India: Final Scope Decision Memorandum,” dated concurrently with, and hereby adopted by, this notice.

⁵ *Id.*

⁶ Commerce did not complete the verification of Texmaco. See Issues and Decision Memorandum at Comments 2 and 3 for further discussion.

⁷ See Memoranda, “Verification of the Questionnaire Responses of the Government of India,” dated July 31, 2026; “Verification of the Questionnaire Responses of Kharagpur Metal Reforming Industries Pvt Ltd., dated July 31, 2026; and “Verification of the Questionnaire Responses of Texmaco Rail and Engineering Limited,” dated July 31, 2026.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

Commerce notes that, in making these findings, we relied, in part, on facts available and, because we found that one or more respondents did not act to the best of their ability to respond to Commerce’s requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁹ For further information, see the “Use of Facts Otherwise Available and Adverse Inferences” section in the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our review and analysis of the information received during verification and comments received from parties, we made certain changes to the countervailable subsidy rate calculations for KMRI, Texmaco, and for all other producers/exporters. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigation, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. In this investigation, Commerce assigned a rate based entirely

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 71(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ See sections 776(a) and (b) of the Act.

on facts available to Texmaco. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for KMRI. Consequently, the rate calculated for KMRI is also assigned as the rate for all other producers and exporters.

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist for the period April 1, 2024, through March 31, 2025:

Company	Subsidy rate (percent <i>ad valorem</i>)
Kharagpur Metal Reforming Industries Pvt Ltd	9.71
Texmaco Rail and Engineering Limited	* 75.00
Bhilai Engineering Corporation Ltd	* 75.00
Jupiter Wagons Ltd	* 75.00
All Others	9.71

* Rate based on facts available with adverse inferences.

Disclosure

Commerce intends to disclose the calculations and analysis performed in connection with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of the notice in the **Federal Register**, in accordance with 19 CFR 351.244(b).

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of freight rail couplers, as described in the scope of the investigation section, that were entered, or withdrawn from warehouse, for consumption on or after March 3, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of freight rail couplers entered or withdrawn from warehouse, on or after July 1, 2026, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all entries of freight rail couplers from March 3, 2026, through June 30, 2026.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order,

reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited, or securities posted, as a result of the suspension of liquidation will be refunded or canceled.

International Trade Commission Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of freight rail couplers from India. As Commerce's final determination is affirmative, in accordance with section 705(b)(2)(B) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of import of freight rail couplers from India. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix I

Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as "fits" or "assemblies") and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by this investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; and (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of this investigation when imported individually. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight rail couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M-211, "Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts," and/or AAR M-215 "Coupling Systems," or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding,

grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1010, 8607.30.1050, and 8607.30.1090. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 7326.90.8688, 8606.10.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, or under subheading 8606.99.0160. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Subsidies Valuation
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Changes Since the *Preliminary Determination*
- VI. Analysis of Programs
- VII. Discussion of the Issues
 - Comment 1: Whether to Apply Adverse Facts Available (AFA) Towards the Government of India (GOI) for Programs Not Used by Mandatory Respondents
 - Comment 2: Whether to Complete Texmaco's Verification
 - Comment 3: Whether the Application of Total AFA is Warranted for Texmaco
 - Comment 4: Whether to Accept Texmaco's Rebuttal Factual Information
 - Comment 5: Calculation of the *Ad Valorem* Rate for Companies Receiving Total AFA
 - Comment 6: Whether the Local Content Requirements for the More than Adequate Remuneration (MTAR) Program is Distinct from the Federal GOI Purchase of Freight Rail Couplers for MTAR Program
 - Comment 7: Whether Texmaco Benefited from the Purchase of Freight Rail Couplers for MTAR Programs
 - Comment 8: Whether the Application of Total AFA is Warranted for KMRI
 - Comment 9: Benchmark Selection for Calculating the Federal GOI Purchase of Freight Rail Couplers for MTAR Program
 - Comment 10: Whether to Limit the Benefit Calculation for the Federal GOI Purchase of Freight Rail Couplers for MTAR Program to Restricted Tenders for KMRI
 - Comment 11: Whether Goods and Service Tax Should Be Removed from the Price for KMRI's Sales of Freight Rail Couplers
 - Comment 12: Whether to Offset the Antidumping Duty (AD) Margin by the Federal GOI Purchase of Freight Rail Couplers for MTAR Program Rate

Comment 13: Whether to Adjust the Calculations of KMRI's *Ad Valorem Rate* for Late Delivery Charges
Comment 14: Whether to Adjust the Calculations of the Provision of Electricity for Less than Adequate Remuneration (LTAR) Program for KMRI's Electronic Payment Rebates
Comment 15: Whether to Adjust the Calculations of the Provision of Electricity for LTAR Program for KMRI's Construction Electricity
VIII. Recommendation
[FR Doc. 2026–19522 Filed 9–23–26; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–851–806]
Certain Freight Rail Couplers and Parts Thereof From the Czech Republic: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.
SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain freight rail couplers and parts thereof (freight rail couplers) from the Czech Republic are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025.
DATES: Applicable September 24, 2026.
FOR FURTHER INFORMATION CONTACT: Andrew Hart, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1058.
SUPPLEMENTARY INFORMATION:

Background
On May 6, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of freight rail couplers from the Czech Republic.¹ In the *Preliminary Determination*, Commerce postponed the final determination until September 18, 2026, and invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published its *Preliminary*

¹ See *Certain Freight Rail Couplers and Parts Thereof from the Czech Republic: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 91 FR 24506 (May 6, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

Determination, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.²
The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation
The product covered by this investigation is freight rail couplers from the Czech Republic. For a complete description of the scope of this investigation, see Appendix I.
Scope Comments

Commerce received comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*.³ For the final determination, Commerce made no changes to the scope of the investigation from that published in the *Preliminary Determination*.⁴
Verification

As provided in section 782(i)(1) of the Tariff Act of 1930, as amended (the Act), in June 2026, Commerce verified the sales and cost information submitted by mandatory respondent CKD Kutná Hora A.S. (CKD) for use in the final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by CKD.⁵

² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).
³ See Memorandum, “Less-Than-Fair-Value Investigations of Certain Freight Couplers and Parts Thereof from the Czech Republic and India and Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from India: Final Scope Decision Memorandum,” dated concurrently with, and hereby adopted by, this notice.
⁴ *Id.*
⁵ See Memoranda, “Verification of the Sales Responses of CKD Kutná Hora A.S. in the Less-Than-Fair-Value Antidumping Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic,” dated July 10, 2026; and “Verification of the Cost Response of CKD Kutná Hora A.S. (CKD) in the Less-Than-Fair-Value Investigation of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic,” dated August 3, 2026.

Analysis of Comments Received
All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II.
Changes Since the Preliminary Determination
We made certain changes to the margin calculations for CKD, since the *Preliminary Determination*.⁶ For a discussion of these changes, see the Issues and Decision Memorandum.
All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated weighted-average dumping margin, *i.e.*, the all-others rate, for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.
In this investigation, Commerce calculated an individual estimated weighted-average dumping margin for CKD, the only individually examined producer in this investigation. Because the only individually calculated estimated weighted-average dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for CKD is the estimated weighted-average dumping margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination
Commerce determines that the following estimated weighted-average dumping margins exist for the period, July 1, 2024, through June 30, 2025:

Exporter or producer	Weighted-average dumping margin (percent)
CKD Kutná Hora A.S.	73.74
All Others	73.74

⁶ See Memoranda, “Final Analysis Memorandum for CKD Kutná Hora A.S.,” and “Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—CKD Kutná Hora A.S.,” dated concurrently with this notice.

Disclosure

Commerce intends to disclose the calculations and analysis performed in connection with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the publication of the notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of freight rail couplers, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 6, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for subject merchandise exported by CKD is equal to the company-specific estimated weighted-average dumping margin listed in the table above; (2) if the exporter is not listed in the table above, but the producer is, then the cash deposit rate is equal to the company-specific estimated weighted-average dumping margin listed for the producer of the subject merchandise in the table above; and (3) the cash deposit rate for all other producers and exporters is equal to the all-others estimated weighted-average dumping margin listed in the table above.

These suspension of liquidation instructions and cash deposit requirements will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, Commerce will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with sections 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of

freight rail couplers from the Czech Republic no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section above.

Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

Appendix I

Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as “fits” or “assemblies”) and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (e.g., coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by this investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; and (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of this investigation when imported individually. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight rail couplers and parts are included within the scope whether finished or unfinished, or if joined with nonsubject individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M-211, “Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts,” and/or AAR M-215 “Coupling Systems,” or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1010, 8607.30.1050, and 8607.30.1090. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 7326.90.8688, 8606.10.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, or under subheading 8606.99.0160. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Discussion of the Issues
 - Comment 1: CKD’s Revised Sales and Cost Data

Comment 2: Affiliation of CKD and Wabtec Corporation LLC and Whether to Use Constructed Export Price
 Comment 3: Whether to Revise CKD's Reported Costs
 V. Recommendation

[FR Doc. 2026–19520 Filed 9–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–234]

N-Cyclohexylbenzothiazole-2-Sulfenamide From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable September 24, 2026.

FOR FURTHER INFORMATION CONTACT:

Allison Hollander and Caroline Carroll, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805 and (202) 482–4948, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 27, 2026, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation on imports of N-cyclohexylbenzothiazole-2-sulfenamide (CBS) from the People's Republic of China (China).¹ Currently, the preliminary determination is due no later than October 14, 2026.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the

investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 25, 2026, the petitioner² submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.³ The petitioner stated that it requests postponement to allow Commerce adequate time to conduct a thorough analysis in this investigation and account for any potential export subsidies calculated in the companion countervailing duty investigation, pursuant to section 772(c) of the Act.⁴

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 14 days (*i.e.*, 154 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than October 28, 2026. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 18, 2026.

Steven Presing,

Executive Director for Policy and Negotiations.

[FR Doc. 2026–19517 Filed 9–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG040]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold an all-Advisory Body online meeting.

DATES: The online meeting will be held Friday, October 9, 2026, from 10 a.m. to 12 p.m. Pacific Time.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see <https://www.pcouncil.org>). You may send an email to Mr. Hayden York (hayden.york@pcouncil.org) or contact him at (503) 820–2424 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT:

Kerry Griffin, Staff Officer, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The Pacific Fishing Effort Mapping Project (PacFEM) is a set of mapping dashboards that display the best-available publicly accessible data on commercial fishing effort footprints on the West Coast. Planning for new and expanding uses of offshore space, such as offshore aquaculture, mining, sea floor exploration, energy transmission, or renewable energy demands detailed data on existing uses, such as commercial fisheries.

Dr. Lisa Pfeiffer (NOAA Northwest Fisheries Science Center) will provide a presentation on PacFEM, followed by a question and answer session. More information on PacFEM can be found in this NOAA announcement and on the Pacific States Marine Fisheries Commission's PacFEM portal. This meeting is for informational purposes and is not directly related to a future Pacific Council agenda item.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids

¹ See *N-Cyclohexylbenzothiazole-2-Sulfenamide from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 91 FR 32941 (June 2, 2026) (*Initiation Notice*).

² The petitioner is LANXESS Corporation.

³ See Petitioner's Letter, "Petitioner's Request to Partially Extend the Preliminary Determination of the Antidumping Duty Investigation," dated August 25, 2026.

⁴ *Id.*

should be directed to Mr. Hayden York (hayden.york@pcouncil.org) or contact him at (503) 820-2424) at least 10 days prior to the meeting date.

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

Dated: September 21, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026-19490 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for Information Pertaining to Events, Registrations, and Programs

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter “USPTO” or “Agency”), as required by the Paperwork Reduction Act of 1995, invites comments on the proposed information collection: 0651–New (Generic Clearance for Information Pertaining to Events, Registrations, and Programs). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, you must submit comments regarding this information collection on or before November 23, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* InformationCollection@uspto.gov. Include “0651–New comment” in the subject line of the message.
- *Federal eRulemaking Portal:* <https://www.regulations.gov>.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Drew Hall, Office of the Chief Administrative Officer, 571–270–1715.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Drew Hall at: Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; 571–270–1715; or Drew.Hall1@uspto.gov with “0651–New comment” in the subject line. Additional information about this information collection is available at <https://www.reginfo.gov> under “Information Collection Review.”

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) directly sponsors and organizes events, including research-related initiatives, meetings, workshops, presentations, panels, advisory committees, and outreach events. The USPTO routinely registers attendees for these events. This new generic clearance request will allow the USPTO to provide a quick and efficient process for the approval of registration and application forms for USPTO-sponsored events that go beyond what is necessary to register. This also includes one-time miscellaneous forms that are primarily of an administrative nature and are necessary to achieve mission objectives. The information provided to the USPTO will have no effect on an individual’s application for other USPTO programs or benefits.

The USPTO seeks to collect common data from interested respondents such as name, organization, email address, phone number, address, country, state, city or town, special accommodation requests, and how the respondent became aware of the pertinent event or conference. The information will be used by the USPTO to assess attendance, to make logistical arrangements for events such as venue selection and seating, and to enable USPTO staff to adequately prepare and facilitate post-event follow-ups. Additionally, the information will help ensure that participants have an effective, efficient, and satisfying experience with USPTO programs and services. If applicable, the information collection may be used to facilitate respondents’ payment for travel and hotel expenses.

As part of this proposed information collection, the USPTO seeks, when applicable, to receive greater feedback from those respondents participating in USPTO programs. To obtain such feedback, the USPTO may solicit or receive other respondent background information such as their group size, sector experience, and experience with

USPTO services. Depending on the topic of the program(s), the USPTO may also ask respondents about topics specific to the nature of the USPTO programs and services.

In addition to hosting events, the USPTO also participates in events organized by outside groups such as universities, trade associations, and businesses. As part of this information collection, the USPTO may use speaker invitation forms, questionnaires, and related items to learn more about these organizations and to determine if they will provide beneficial opportunities for the mission and goals of the agency.

This information collection covers a variety of methods used by the USPTO to register or involve the public in its events and programs. The estimated number of annual responses and burden hours requested in this information collection are based on estimates from other Department of Commerce and USPTO generic clearances. Each specific request for clearance under this generic information collection will detail estimates with the following information: respondent types, number of respondents, number of responses, time per response, burden hours, and associated costs.

II. Method of Collection

Items in this information collection may be submitted electronically, by phone, or in paper form by mail, fax, or hand delivery.

III. Data

OMB Control Number: 0651–New.

Forms: None.

Type of Review: New information collection.

Affected Public: Private sector.

Respondent’s Obligation: Voluntary.

Frequency: On occasion.

Estimated Number of Annual

Respondents: 100,000 respondents.

Estimated Number of Annual Responses: 100,000 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 5 minutes (0.08 hours) to complete. This includes the time to gather the necessary information, create the document(s), and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 8,333 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$2,072,500. The USPTO estimates the hourly cost burden for this information collection uses a blended rate for the respondent cost burden calculations, averaging the rates of attorneys, paralegals, and *pro se*

respondents. Each specific request for clearance under this generic information collection will detail estimates for the hourly cost burden.

The USPTO uses an attorney rate of \$550 per hour, which is the average billing rate for intellectual property work in all firms as shown in the *2025 Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).¹ The hourly rate for paraprofessionals/paralegals is estimated at \$134 as shown in the *2024 Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).² The USPTO derives the *pro se* wage rate from the mean hourly wage (\$62.13) for physical scientists according to the data from the Bureau of Labor Statistics (BLS).³

The combined average of these respondent rates is \$248.71. Using this blended hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$2,072,500 per year.

Estimated Total Annual Respondent Non-hourly Cost Burden: \$0. Each specific request for clearance under this generic information collection will detail estimates for cost burden. Typically, there will be no non-hourly cost burden on the public.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who

intend 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.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While one may request in a comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2026-19576 Filed 9-23-26; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: October 24, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 8970-00-082-5665—Food Packet, Survival, General Purpose

Authorized Source of Supply: NEWVIEW Oklahoma, Inc., Oklahoma City, OK
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s): 7025-00-NIB-0012—Promotional Item, Navy, USB Drive, 2 GB, Submarine

Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI

Contracting Activity: DEPT OF DEFENSE, NAVSUP FLT LOG CTR NORFOLK

NSN(s)—Product Name(s):

6530-01-247-7157—Handle, Litter, Pole
6530-00-784-4335—Strap, Webbing, Litter Securing

6530-00-784-3450—Spreader Bar and Stirrups, Litter

6530-00-784-1250—Cover, Litter

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

NSN(s)—Product Name(s): 4210-01-387-1392—Rake, Collapsible, Forest Fire

Authorized Source of Supply: BESTWORK INDUSTRIES FOR THE BLIND, INC, Cherry Hill, NJ

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026-19551 Filed 9-23-26; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* October 25, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R.

Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

¹ *2025 Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F-35. (<https://www.aipla.org/home/news-publications/economic-survey/2025-report-of-the-economic-survey>).

² *2024 National Utilization & Compensation Report Executive Summary* published by the National Association of Legal Assistants (NALA); pg. 2. (<https://nala.org/wp-content/uploads/2025/01/2024-NALA-Compensation-Utilization-Report-ExecSumm-FINAL-1-15-25.pdf>).

³ The USPTO uses the Bureau of Labor Statistics (BLS) Occupation Employment Statistics wage category 19-2099 (Physical scientists, all other), from the May 2025 OEWS Profiles; https://data.bls.gov/oesprofile/?major_group=190000&occupation=192099&measure=01&areas=INDUSTRY,STATE,MSA.

SUPPLEMENTARY INFORMATION:**Additions**

On August 20, 2026, the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. (91 FR 53850) This final notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. The Committee has determined that the products listed below are suitable for procurement by the Federal Government and has added these products to the Procurement List. In accordance with 41 CFR 51–5.2, the Committee has authorized the qualified nonprofit agencies described with the products as the authorized source(s) of supply. Additionally, in accordance with 41 CFR 51–2.4, the Committee considered relevant information from the contracting activity that this product requirement is not applicable to other Federal entities and has granted the activity's requested preference for purchase or distribution. These products are not available through the Commission's Commercial Distribution Program, and other Federal entities wishing to purchase this product must contact the contracting activity directly for information on purchase availability.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) added to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

*Product(s)**NSN(s)—Product Name(s):*

6140–01–108–2159—Battery, Storage, 12V, Sealed Lead Acid, F2 Terminals, EA/1

6140–01–518–5195—Battery, Storage, 12V, Lead Acid (AGM), EA/1

6140–01–691–1088—Battery, Storage, 12V, Sealed Lead Acid, EA/1

Authorized Source of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC

Mandatory For: DEPT OF DEFENSE

Contracting Activity: DEPT OF DEFENSE, DLA LAND AND MARITIME

On July 23, 2026 (91 FR 46413), August 4, 2026 (91 FR 50812), and August 20, 2026 (91 FR 53850), the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. The Committee determined that the services listed below are suitable for procurement by the Federal Government and has added these services to the Procurement List as a mandatory purchase for the contracting activities listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activities at the locations listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized nonprofit agencies listed as the mandatory source(s) of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the services(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the services(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) added to the Procurement List.

End of Certification*Service(s)*

Service Type: Janitorial Service

Mandatory For: Centers for Disease Control and Prevention, Fort Collins Colorado Campus, Fort Collins, CO, 3156 Rampart Road, FORT COLLINS, CO

Authorized Source of Supply: ServiceSource, Inc., Oakton, VA

Contracting Activity: HEALTH AND HUMAN SERVICES, DEPARTMENT OF, CDC OFFICE OF ACQUISITION SERVICES

Service Type: Janitorial Service

Mandatory For: Bureau of Reclamation, Yuma Area Office, Yuma, AZ, 7301 Calle Agua Salada, YUMA, AZ

Authorized Source of Supply: The Centers for Habilitation/TCH, Tempe, AZ

Contracting Activity: INTERIOR, DEPARTMENT OF THE, LOWER COLORADO REGIONAL OFFICE

On August 4, 2026 (91 FR 50812) the Commission proposed a product for PL addition (91 FR 50812). The Commission received one public comment with the commenter suggesting the Commission should confirm the proposed addition has been evaluated for employment potential for individuals who are blind or have a significant disability including workplace accommodations, quality and types of employment, and career advancement opportunities. The respective central nonprofit agency is responsible for identifying opportunities for employment, evaluating the qualifications of nonprofit agencies to perform a requirement, and distributing orders among qualified nonprofit agencies. See 41 U.S.C. 8503(c); 41 CFR 51–3.2(b),(f); Commission Policy 51.301 (May 1, 2025). After the CNA proposes a product or service for PL addition, the Commission reviews the proposal against the suitability criteria at 41 CFR 51–2.4, which also includes qualifications of the performing nonprofit agency and the employment potential of the proposed addition. Having determined all of the suitability criteria were satisfied, the Commission proposed addition of this product to the PL.

Service Type: Custodial Service

Mandatory For: Maryland Procurement Office

Authorized Source of Supply: Chimes District of Columbia, Baltimore, MD

Contracting Activity: Maryland Procurement Office

Service Type: Housekeeping Services

Mandatory For: U.S. Air Force, North Star Inn, Joint Base Elmendorf-Richardson, AK, Admin Only, 7153 Fighter Dr., Joint Base Elmendorf-Richardson, AK

Authorized Source of Supply: SourceAmerica, Vienna, VA

Authorized Source of Supply: Global Connections to Employment, Inc., Pensacola

Contracting Activity: DEPT OF DEFENSE, FA5000 673 CONS LGC

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the DEPT OF THE AIR FORCE, FA5000 673 CONS LGC, JBER, AK, Housekeeping Services—Custodial, USAF, Joint Base Elmendorf-Richardson AK contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the DEPT OF THE AIR FORCE will refer its business elsewhere, this addition must be effective on October 1, 2026, ensuring timely execution for a October 1, 2026 start date. The Committee published an initial notice of proposed Procurement List addition in the **Federal Register** on August 20, 2026 (91 FR 53850) but did not receive any comments. This addition will not create a public hardship and has limited effect on the public at large. Rather, this addition will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition enables the Federal customer to continue operations without interruption.

Service Type: Department of Commerce
Contract Closeout Service

Mandatory For: Department of Commerce,
1401 Constitution Ave. NW, Washington,
DC

Authorized Source of Supply: VisionCorps,
Lancaster, PA

Contracting Activity: COMMERCE,
DEPARTMENT OF, DEPT OF
COMMERCE ESO

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the Department of Commerce, Contract Closeout Service, Dept. of Commerce, Washington, DC contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the Department of Commerce will refer its business elsewhere, this addition must be effective on October 4, 2026, ensuring timely execution for a October 4, 2026 start date. The Committee published an initial notice of proposed Procurement

List addition in the **Federal Register** on August 20, 2026 (91 FR 53850) but did not receive any comments. This addition will not create a public hardship and has limited effect on the public at large. Rather, this addition will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition enables the Federal customer to continue operations without interruption.

Deletions

On August 20, 2026 (91 FR 53850), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 5340–00–543–
3557—Strap, Webbing, 80" x 1"

Authorized Source of Supply: The Charles
Lea Center, Inc., Spartanburg, SC

Contracting Activity: DEPT OF DEFENSE,
DLA LAND AND MARITIME

NSN(s)—Product Name(s):

8415–00–NSH–3021—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, XSS

8415–00–NSH–3022—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, SS

8415–00–NSH–3026—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, XSR

8415–00–NSH–3027—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, SR

8415–00–NSH–3028—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, MR

8415–00–NSH–3029—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, LR

8415–00–NSH–3030—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, XLR

8415–00–NSH–3032—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, SL

8415–00–NSH–3033—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, ML

8415–00–NSH–3034—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, LL

8415–00–NSH–3035—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, XLL

8415–00–NSH–3040—Drawers, Midweight
Fire Retardant, ECWCS, Army, Desert
Sand, XLXL

Authorized Source of Supply: New Horizons
Rehabilitation Services, Inc., Auburn
Hills, MI

Contracting Activity: DEPT OF DEFENSE,
W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

2320–01–398–7188—Combat Identification
Kit, Armored M996, Platform, Brown

2320–01–398–7197—Combat Identification
Kit, HMMWV Armored Avenger
Platform, Brown

2350–01–421–7060—Combat Identification
Kit, M578 VTR Platform, Tan

2590–01–392–1566—Combat Identification
Kit, M60 AVLB Platform, Brown

2590–01–394–2531—Combat Identification
Kit, M88A1 Platform, Brown

2590–01–394–2534—Combat Identification
Kit, M1A1/M1A2 Abrams Platform,
Brown

2590–01–394–5641—Combat Identification
Assembly, M1A1/A2 Platform, Front
Glacias, Brown

2590–01–394–8449—Combat Identification
Assembly, M1A1/A2 Platform, Side &
Rear, Brown

2590–01–398–5163—Combat Identification
Kit, Platform, Brown

2590–01–398–5168—Combat Identification
Kit, Joint Combat ID Marking System,
Brown

2590–01–398–5170—Combat Identification
Kit, M2A2 BfV Platform, Brown

2590–01–398–5171—Combat Identification
Kit, M993 MLRS, Brown

2590–01–398–5173—Combat Identification
Kit, M93 NBCRS Platform, Brown

2590–01–398–5178—Combat Identification
Panel Kit, Brown

2590–01–398–5180—Combat Identification
Kit, M109 Paladin Platform, Brown

2590–01–398–7190—Combat Identification
Kit, HMMWV TOW Platform, Brown

2590-01-398-8089—Combat Identification Assembly, HMMWV Platform, Front, Brown

2590-01-501-9527—Combat Identification Kit, Stryker Multi-Platform, Brown

2590-01-507-2544—Combat Identification Kit, Stryker MCV, MEV, NBCRV Platform, Brown

Authorized Source of Supply: Crossroads Rehabilitation Center, Inc., Indianapolis, IN

Contracting Activity: DEPT OF DEFENSE, W4GG HQ US ARMY TACOM

Service(s)

Service Type: Administrative Service

Mandatory For: U.S. Department of Homeland Security, Customs and Border Protection, Otay Mesa, San Ysidro and San Diego Port of Entry SENTRI Enrollment Centers, San Diego, CA, 610 W Ash Street, Suite 1200, San Diego, CA

Authorized Source of Supply: Job Options, Inc., San Diego, CA

Contracting Activity: DEPARTMENT OF HOMELAND SECURITY, BORDER ENFORCEMENT CTR DIV

Service Type: Furniture Design and Configuration Services

Mandatory For: USPFO Pennsylvania, Pennsylvania National Guard, Fort Indiantown Gap, PA, 1167 Utility Road, Fort Indiantown Gap, PA

Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI

Contracting Activity: DEPT OF DEFENSE, W7NX USPFO ACTIVITY PA ARNG

Service Type: Laundry and Dry Cleaning Service

Mandatory For: U.S. Army, Joint Base Lewis-McChord, Joint Base Lewis-McChord, WA, Building 2015, Box 339500, Joint Base Lewis-McChord, WA

Authorized Source of Supply: Northwest Center, Seattle, WA

Contracting Activity: DEPT OF DEFENSE, W6QM MICC-JB LEWIS-MC CHORD

Service Type: Mailroom Operation

Mandatory For: Internal Revenue Service, Internal Revenue Service Mailroom, 12309 N MoPac Expressway, Austin, TX; 12309 N MoPac Expressway, Austin, TX; Internal Revenue Service, Internal Revenue Service Mailroom, 300 East 8th Street, Austin, TX, 300 East 8th Street, Austin, TX

Authorized Source of Supply: Austin Task, Inc., Austin, TX

Contracting Activity: DEPARTMENT OF THE TREASURY, NATIONAL OFFICE—PROCUREMENT OBO

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026-19552 Filed 9-23-26; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-2245]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Direct PLUS Loan Request for Supplemental Information

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 26, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453-5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Direct PLUS Loan Request for Supplemental Information.

OMB Control Number: 1845-0103.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,379,766.

Total Estimated Number of Annual Burden Hours: 689,883.

Abstract: The Federal Direct PLUS Loan Request for Supplemental Information serves as the means by which a parent applicant may provide certain information to a school that will assist the school in originating the borrower's Direct PLUS Loan award, as an alternative to providing this information to the school by other means established by the school. This is a request for a revision of the currently approved form.

The One Big Beautiful Bill Act (OBBBA) signed into law on July 4, 2025, made statutory changes to Sections 455(a), 455(d), 455(e), 455(g), and 455(q) that impact borrower eligibility, terms and conditions, and borrowers' rights and responsibilities for Direct PLUS Loans received on or after July 1, 2026.

The new regulations directly impact the Direct PLUS Loan Request. Namely, the regulations modify the annual and aggregate loan limits for Direct PLUS Loans for parent borrowers and eliminate a graduate or professional student's eligibility for new PLUS loans as of July 1, 2026.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-19536 Filed 9-23-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-2080]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Stronger Connections Grant Program Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 26, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact La'Shawndra Scroggins, (202) 219-1617.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Stronger Connections Grant Program Annual Performance Report.

OMB Control Number: 1810-0788.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 3,051.

Total Estimated Number of Annual Burden Hours: 6,270.

Abstract: The Bipartisan Safer Communities Act (BSCA) provided \$1 billion in funding to State educational agencies (SEAs), to be distributed under Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). The BSCA specified that SEAs must make competitive subgrants to high-need local educational agencies

(LEAs), as determined by the SEA, for activities that support safe and healthy students under section 4108 of the ESEA. The U.S. Department of Education designated BSCA section 4108 funds as the Stronger Connections Grant (SCG) program.

This is a revised information-collection request for the SCG program's performance reporting requirement. Under the Education Department's General Administrative Regulations (EDGAR, Section 75.720), grantees must submit annual performance reports unless the Secretary allows less frequent reporting. Accordingly, this information collection request removes the annual reporting requirement and replaces it with a final report.

Additionally, this revised information collection request reduces the number of proposed data items to be collected from grantees in their final report. This change decreases reporting burden by 34,366 hours and ensures that SEA grantees provide only the critical information needed, including: (1) the identification of the LEAs awarded SCG funds, and (2) how the SEA and its LEAs used SCG funds. This proposed information collection request balances reducing burden on grantees while collecting the essential information included in Attachment A for non-unitary systems and Attachment B for unitary systems.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-19534 Filed 9-23-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4684-072]

GR Catalyst One, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Stillwater Hydroelectric Project

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4684-072.

c. *Date Filed:* April 29, 2025.

d. *Applicant:* GR Catalyst One, LLC (GR Catalyst).

e. *Name of Project:* Stillwater Hydroelectric Project (Stillwater Project or project).

f. *Location:* On the Hudson River at the New York State Canal Corporation's Lock C-4 dam in Saratoga, Rensselaer, and Washington counties, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Kelly Maloney, Asset Management, Relevate Power, 230 Park Ave., Suite 447, New York, New York 10169; Phone at 207-233-1995, or email at Kelly.Maloney@relevatepower.com.

i. *FERC Contact:* Samantha Pollak at (202) 502-6419, or samantha.pollak@ferc.gov.

j. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental effects of relicensing the Stillwater Hydroelectric Project. The Commission will use this environmental document in its decision-making process to determine whether to issue a new license for the project.

k. This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. This notice is intended to advise all participants as to the potential scope of the National Environmental Policy Act (NEPA) document and to seek additional information pertinent to this analysis. Commission staff does not intend to issue a separate scoping document.

As part of the NEPA review process, the Commission takes into account concerns the public may have about proposals and the environmental effects that could result from its action whenever it considers the issuance of a hydropower license. This gathering of public input is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues.

l. *Scoping Comments:* By this notice, the Commission requests written public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 21, 2026.

Comments should focus on the potential environmental effects and reasonable alternatives. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Stillwater Hydroelectric Project (P-4684-072).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The Stillwater Project consists of the following facilities: (1) a 5-foot-high concrete gravity dam topped with wooden flashboards; (2) an 821-foot-long uncontrolled spillway with a crest elevation of 82.4 feet National Geodetic Vertical Datum of 1929 (NGVD 29) containing two sections of flashboards (Section A and Section B) of differing heights [approximately 2.1 feet high (Section A) and 1.33 feet high (Section B)]; (3) a reservoir with a surface area of 1,500 acres and a normal volume of 9,000 acre-feet at an elevation of 84.1 feet NGVD 29; (4) an outlet structure containing three 11-foot-wide, 10-foot-deep sluice gates and a 10-foot-wide fish bypass gate located between the right abutment of the dam and the powerhouse; (5) an intake structure; (6) an approximately 116-foot by 56-foot concrete and steel powerhouse containing two turbines with a combined capacity of 3.5 megawatts; (7) a 275-foot-long tailrace channel varying

in width from 110 feet near the draft tube extensions to 230 feet at its downstream end; (8) a 4.16/34.5-kilovolt (kV) step-up transformer adjacent to the powerhouse; (9) a 3.5-mile-long, 34.5-kV overhead transmission line; and (10) appurtenant facilities.

GR Catalyst proposes to continue operating the project in a run-of-river mode with a minimum flow of 500 cubic feet per second (cfs) provided year-round over the east section of the flashboards. GR Catalyst also proposes to continue providing a year-round flow of 104 cfs through the fish bypass system, adjacent to the downstream end of the trashrack, for downstream fish passage.

o. A copy of the application, with details of the proposed project, can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the project's docket number excluding the last three digits in the docket number field to access the document (P-4684-072). For assistance, contact FERC at FEROnlineSupport@ferc.gov (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

p. *NEPA Process and the Environmental Document:* Any environmental document issued by the Commission will discuss effects that could occur as a result of the project's relicensing under the relevant general resource areas, such as:

- geology and soils;
- water resources;
- fish resources;
- aquatic resources;
- terrestrial resources;
- recreation resources;
- land use resources;
- aesthetic resources;
- cultural resources;
- socioeconomic resources, and
- air quality.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid effects on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Intent to Prepare an*

Environmental Assessment will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an Environmental Impact Statement* will be issued. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary. If eSubscribed, you will receive instant email notification when the environmental document is issued (see paragraph (r) of this notice for instructions on using eSubscription).

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

r. This notice is being distributed to the Commission's official mailing list for the project and any additional entities on the applicant's distribution list. You can access the Commission's official mailing list for this project at <https://ferconline.ferc.gov/MailListLOR.aspx?Type=MailList&ListVar=P-4684>. If you want to receive future mailings for the project and are not included on the Commission's official mailing list, or if you wish to be removed from the Commission's official mailing list, please send your request by email to FEROnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written or emailed requests must specify your wish to be added to or removed from the mailing list and must clearly identify the following on the first page: Stillwater Hydroelectric Project No. 4684-072.

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email

notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document (P-4684). For assistance, contact FERC at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

(Authority: 18 CFR 2.1)

Dated: September 21, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-19582 Filed 9-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4684-072]

GR Catalyst One, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4684-072.

c. *Date filed:* April 29, 2025.

d. *Applicant:* GR Catalyst One, LLC (GR Catalyst).

e. *Name of Project:* Stillwater Hydroelectric Project (Stillwater Project or project).

f. *Location:* On the Hudson River at the New York State Canal Corporation's Lock C-4 dam in Saratoga, Rensselaer, and Washington counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Kelly Maloney, 230 Park Ave., Suite 447, New York, New York 10169; Phone at 207 233-1995, or email at Kelly.Maloney@releватepower.com.

i. *FERC Contact:* Samantha Pollak at (202) 502-6419, or samantha.pollak@ferc.gov.

j. *Deadline for filing motions to intervene and protests:* on or before 5:00 p.m. Eastern Time on November 20, 2026.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Stillwater Hydroelectric Project (P-4684-072).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The application has been accepted for filing but is not ready for environmental analysis at this time.

l. *The Stillwater Project consists of the following facilities:* (1) a 5-foot-high concrete gravity dam topped with wooden flashboards; (2) an 821-foot-long uncontrolled spillway with a crest elevation of 82.4 feet National Geodetic Vertical Datum of 1929 (NGVD 29) containing two sections of flashboards (Section A and Section B) of differing heights [approximately 2.1 feet high (Section A) and 1.33 feet high (Section B)]; (3) a reservoir with a surface area of 1,500 acres and a normal volume of 9,000 acre-feet at an elevation of 84.1 feet NGVD 29; (4) an outlet structure containing three 11-foot-wide, 10-foot-deep sluice gates and a 10-foot-wide fish bypass gate located between the right abutment of the dam and the powerhouse; (5) an intake structure; (6) an approximately 116-foot by 56-foot

concrete and steel powerhouse containing two turbines with a combined capacity of 3.5 megawatts; (7) a 275-foot-long tailrace channel varying in width from 110 feet near the draft tube extensions to 230 feet at its downstream end; (8) a 4.16/34.5-kilovolt (kV) step-up transformer adjacent to the powerhouse; (9) a 3.5-mile-long, 34.5-kV overhead transmission line; and (10) appurtenant facilities.

GR Catalyst proposes to continue operating the project in a run-of-river mode with a minimum flow of 500 cubic feet per second (cfs) provided year-round over the east section of the flashboards. GR Catalyst also proposes to continue providing a year-round flow of 104 cfs through the fish bypass system, adjacent to the downstream end of the trashrack, for downstream fish passage.

m. A copy of the application may be viewed on the Commission's website at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the documents (P-4684). For assistance, contact FERC Online Support (see item j above).

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502-6595 or OPP@ferc.gov.

o. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the

application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

p. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Scoping Notice for comments.	September 2026.
Scoping Comments due Request Additional Information (if necessary).	October 2026. October 2026.
Issue Notice of Ready for Environmental Analysis.	January 2027.

(Authority: 18 CFR 2.1)

Dated: September 21, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–19583 Filed 9–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–174–000.

Applicants: Walleye Power, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Walleye Power, LLC.

Filed Date: 9/17/26.

Accession Number: 20260917–5349.

Comment Date: 5 p.m. ET 10/8/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–109–000.

Applicants: Entergy Texas, Inc., *et al.* v. Midcontinent Independent System Operator Inc. and Southwest Power Pool.

Description: Complaint of Entergy Texas, Inc., *et al.* v. Midcontinent Independent System Operator Inc. *et al.*

Filed Date: 9/18/26.

Accession Number: 20260918–5400.

Comment Date: 5 p.m. ET 10/19/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER10–2984–072.

Applicants: Merrill Lynch Commodities, Inc.

Description: Notice of Change in Status of Merrill Lynch Commodities, Inc.

Filed Date: 9/18/26.

Accession Number: 20260918–5431.

Comment Date: 5 p.m. ET 10/9/26.

Docket Numbers: ER26–2903–001.

Applicants: Maine Yankee Atomic Power Company.

Description: Tariff Amendment: Response to Deficiency Letter Regarding June 22 Filing to Amend Rate Sch FERC 1 to be effective 11/21/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5209.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2905–001.

Applicants: Connecticut Yankee Atomic Power Company.

Description: Tariff Amendment: Response to Deficiency Letter Re June 22 Filing to Amend Rate Sch FERC 10 and 11 to be effective 11/21/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5219.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2906–001.

Applicants: Yankee Atomic Electric Company.

Description: Tariff Amendment: Response to Deficiency Letter Regarding June 22 Filing to Amend Rate Sch FERC 3 to be effective 11/21/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5243.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2923–002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2900R30 KMEA NITSA NOA to be effective 9/1/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5169.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2929–002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2415R24 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5164.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2930–002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1266R22 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5158.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–2931–002.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2562R17 Kansas Municipal Energy

Agency NITSA and NOA to be effective 9/1/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5153.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–3717–000.

Applicants: El Paso Electric Company (EPE).

Description: Request for Approval of Transmission Rate Incentives by El Paso Electric Company.

Filed Date: 9/1/26.

Accession Number: 20260901–5318.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–3808–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–09–21 SA 4863 NSP-Summit Lake Solar GIA (S1085) to be effective 9/15/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5091.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–3809–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–09–21 SA 4862 Entergy MS-Greer Energy Storage GIA (S1127) to be effective 9/11/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5175.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–3810–000.

Applicants: Talen CG Marketing, LLC.

Description: Compliance filing: Notice of Succession and Request for Waiver to be effective 8/31/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5180.

Comment Date: 5 p.m. ET 10/13/26.

Docket Numbers: ER26–3811–000.

Applicants: Lazbuddie Wind Energy Holdings LLC.

Description: Tariff Amendment: MBR Cancellation to be effective 9/30/2026.

Filed Date: 9/21/26.

Accession Number: 20260921–5241.

Comment Date: 5 p.m. ET 10/13/26.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs/filing/efiling/filing/req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Dated: September 21, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-19574 Filed 9-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26-1262-000.

Applicants: National Fuel Gas Supply Corporation.

Description: § 4(d) Rate Filing: Housekeeping & Virtual Interconnect to be effective 10/19/2026.

Filed Date: 9/18/26.

Accession Number: 20260918-5255.

Comment Date: 5 p.m. ET 9/30/26.

Docket Numbers: RP26-1263-000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Antero Neg Rate Agmts, Eff. 9.19.26 to be effective 9/19/2026.

Filed Date: 9/18/26.

Accession Number: 20260918-5290.

Comment Date: 5 p.m. ET 9/30/26.

Docket Numbers: RP26-1264-000.

Applicants: Formentera Operations LLC, Palo Duro Natural Resources LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al., Request for Expedited Action and Request for Shortened Comment Period of Formentera Operations LLC, et al.

Filed Date: 9/18/26.

Accession Number: 20260918-5347.

Comment Date: 5 p.m. ET 9/30/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be

considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Dated: September 21, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-19575 Filed 9-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF25-8-000]

LED Enterprises, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Yuma Pipeline Project, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Yuma Pipeline Project involving construction and operation of facilities by LED Enterprises, LLC (LED Enterprises) in Maricopa and Yuma Counties, Arizona. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This

gathering of public input is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 21, 2026. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written or oral comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on March 19, 2025, you will need to file those comments in Docket No. PF25-8-000 to ensure they are considered.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise

of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

A fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas, Landowner Topics link.

Public Participation

There are four methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using *eComment* is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. With *eFiling*, you can provide comments in a variety of formats by attaching them as a file with your submission. New *eFiling* users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (PF25–8–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

(4) In lieu of sending written comments, the Commission invites you to attend one public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Tuesday, October 6, 2026, 5:00–7:00 p.m. Mountain Time.	Four Points by Sheraton, 2030 S Avenue 3E, Yuma, Arizona 85365, (928) 248–4105.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Individual oral comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of oral comments in a convenient way during the timeframe allotted.

The scoping session is scheduled from 5:00 p.m. to 7:00 p.m. Mountain Time. You may arrive at any time after 5:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 7:00 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 6:30 p.m. Please see appendix 1 for additional information on the session format and conduct.¹

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC’s *eLibrary* system (see the last page of this notice for instructions on using *eLibrary*). If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from LED Enterprises

will also be present to answer project-specific questions.

Additionally, the Commission offers a free service called *eSubscription*, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for *eSubscription*.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Summary of the Planned Project

LED Enterprises proposes to construct and operate 138 miles of 30-inch-diameter pipeline, two meter stations, and 10 mainline valves (MLV) in Maricopa and Yuma Counties, Arizona. The Yuma Pipeline Project would provide about 800 million cubic feet of natural gas per day to supply the new demand for power generation, industrial, residential consumption, and other new demands in the northwestern Mexican market, as well as the demand for power generation in the Yuma area and throughout Arizona. According to LED Enterprises, its project would increase access of natural gas from the U.S. market to customers located in northwest Mexico and the Yuma, Arizona area.

The Yuma Pipeline Project would consist of the following facilities:

- 138 miles of 30-inch-diameter pipeline;
- two meter stations; and
- ten mainline valves.

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned facilities would disturb about 2,557 acres of land for the aboveground facilities and the pipeline. Following construction, LED Enterprises would maintain about 827 acres for permanent operation of the project’s facilities; the remaining acreage would be restored. The majority of the planned pipeline route parallels existing utility or road rights-of-way.

NEPA Process and the Environmental Document

Any environmental document issued by Commission staff will discuss impacts that could occur as a result of the construction and operation of the

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called “eLibrary.” For instructions on connecting to *eLibrary*, refer to the last page of this notice. For assistance, contact FERC at FercOnlineSupport@ferc.gov or call toll free, (866) 208–3676 or TTY (202) 502–8659.

planned project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomic;
- air quality and noise; and
- reliability and safety.

Commission staff have already identified several issues that deserve attention based on a preliminary review of the planned facilities and the environmental information provided by LED Enterprises. This preliminary list of issues includes agricultural impacts, land use conversion, and socioeconomic.

Commission staff will also evaluate reasonable alternatives to the planned project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the environmental document.

If a formal application is filed, Commission staff will then determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the environmental issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its determination on the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued once an application is filed, which will open an additional public comment period. Staff will then prepare a draft EIS that

will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS, and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the environmental document.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice. Currently, the U.S. Army Yuma Proving Ground has expressed its intention to participate as a cooperating agency in the preparation of the environmental document to satisfy its NEPA responsibilities related to this project.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴ The environmental document for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local

government representatives and agencies; elected officials; Native American Tribes; environmental and public interest groups; other interested parties; and local libraries. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number PF25-8-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 3).

Becoming an Intervenor

Once LED Enterprises files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a

² For instructions on connecting to eLibrary, refer to the last page of this notice.

³ Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S. Code § 4336(a)(3)).

⁴ The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

public notice that establishes an intervention deadline.

Additional Information

Additional information about the project is available on the FERC website (www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

(Authority: 18 CFR 2.1)

Dated: September 21, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-19581 Filed 9-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-576-000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on September 4, 2026, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056-6106, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Leidy Access Expansion Project (Project). The Project consists of: (1) constructing approximately 3.38 miles of 42-inch-diameter pipeline loop (Diamond Loop); (2) modifying the existing Compressor Station 515 to include pig launcher/receiver and tie-in facilities; (3) constructing a new mainline valve site at the terminus of the Diamond Loop; and (4) constructing related appurtenant facilities, all located in Luzerne County, Pennsylvania. The Project will allow Transco to provide 183,100 dekatherms per day of incremental, firm transportation service. Transco estimates the cost of the Project to be \$54.7 million and proposes an

incremental recourse rate, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Moe Daraiseh, Senior Regulatory Analyst, Certificates and Modernization, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251-1396, by phone at (281) 520-1904, or by email at Moe.Daraiseh@Williams.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of

the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

Transco stated that a water quality certificate under section 401 of the Clean Water Act is required for the project from Pennsylvania Department of Environmental Protection, Major Projects Permitting Division. When available, Transco should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on October 13, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 13, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–576–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–576–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 13, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–576–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–576–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal

Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Moe Daraiseh, Senior Regulatory Analyst, Certificates and Modernization, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251–1396, or by email (with a link to the document) at Moe.Daraiseh@Williams.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking The Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/subscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on October 13, 2026. (Authority: 18 CFR 2.1.)

Dated: September 21, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–19580 Filed 9–23–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0098; FRL–13636–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for the Surface Coating of Large Household and Commercial Appliances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for the Surface Coating of Large Household and Commercial Appliances (EPA ICR Number 1954.11, OMB Control Number 2060–0457) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0098, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats,

information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Surface Coating of Large Household and Commercial Appliances (40 CFR part 63, subpart NNNN) were proposed on December 22, 2000; promulgated on July 23, 2002; and amended on: April 20, 2006 (71 FR 20465), March 15, 2019 (84 FR 9611), July 8, 2020 (85 FR 41100), and November 19, 2020 (85 FR 73854). These regulations apply to both existing and new facilities that perform surface coating of large household and commercial appliances and related parts where the total Hazardous Air Pollutants (HAPs) emitted are greater than or equal to 10 tons per year of any one HAP, or where the total HAPs

emitted are greater than or equal to 25 tons per year of any combination of HAPs. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart NNNN.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any deviation from an emission limitation (either a numerical emission limit, an operating limit, or an equipment or work practice standard), or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: 5900–564.

Respondents/affected entities: Facilities that perform surface coating of large household and commercial appliances and related parts.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart NNNN).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, periodically, semiannually.

Total estimated burden: 4,380 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$606,000 (per year), which includes \$7,370 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent. Operation and maintenance (O&M) and labor costs have been adjusted upwards based on inflation.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–19499 Filed 9–23–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R06-OAR-2021-0029; FRL-12218-03-R6]

Notice of Availability for Public Comment; Reconsideration of Air Plan Disapproval; Texas; Control of Air Pollution From Visible Emissions and Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability for public comment.

SUMMARY: On August 20, 2020, the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), submitted a state implementation plan (SIP) to the Environmental Protection Agency (EPA). The SIP submission addressed emissions during planned maintenance, startup, and shutdown (MSS) activities for certain electric generating units (EGUs) and included requirements intended to address visible emissions (opacity) and particulate matter (PM) emissions during planned MSS activities. These requirements were included in eight Agreed Orders (AOs) issued by TCEQ to the affected EGUs, which were provided in the 2020 SIP submission. The EPA disapproved the 2020 SIP submission on December 20, 2024, after determining that the requirements contained in these AOs did not meet the Clean Air Act's (CAA) enforceability requirements or the requirement that emission limitations must apply on a continuous basis. The EPA subsequently granted reconsideration of the disapproval on May 11, 2026. Through this notice of availability, the EPA is providing an opportunity for the public to provide additional information to the Agency during the reconsideration process. Since the EPA disapproved the 2020 SIP submission, TCEQ has rescinded four of the eight AOs. The EPA is soliciting public comments on the impact of these rescissions on the EPA's prior evaluation of the SIP submission as well as any other information that would further inform the Agency's reconsideration of the 2024 disapproval action.

DATES: Written comments must be received on or before October 26, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA-R06-OAR-2021-0029, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not

submit electronically 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. The 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, please contact the person listed under the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: The index to the docket for this action is available electronically at <https://www.regulations.gov>. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Feldman, State Planning and Implementation Branch, Air and Radiation Division, EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270; telephone number: (214) 665-9793; email address: feldman.michael@epa.gov. We encourage the public to submit comments via <https://www.regulations.gov>. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document, the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple abbreviations and terms in this document. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and acronyms here:

List of Acronyms

AEL—Alternative Emission Limitation
AO—Agreed Order
CAA—Clean Air Act
EGU—Electric Generating Unit
ESP—Electrostatic Precipitator
MSS—Maintenance, Startup, and Shutdown
NAAQS—National Ambient Air Quality Standard(s)
PM—Particulate Matter
RTC—Response to Comments
SIP—State Implementation Plan
SSM—Startup, Shutdown, and Malfunction

TAC—Texas Administrative Code
TCEQ—Texas Commission on Environmental Quality

Table of Contents

- I. Executive Summary
 - A. What action is the EPA taking?
 - B. What is the legal authority and what are the requirements?
- II. Background
 - A. Texas's 2020 SIP Submission and Background
 - B. Summary of the EPA's Bases for the 2024 Disapproval
 - C. Petition for Reconsideration
- III. Request for Public Comment

I. Executive Summary

A. What action is the EPA taking?

The EPA is providing notice and opportunity for public comment to inform the Agency's process of reconsidering the December 20, 2024, disapproval action (89 FR 104043). See section III of this preamble for more information.

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

The EPA issued its December 20, 2024, disapproval action¹ after notice of its proposal and public comment² and in accordance with CAA section 110 and the Agency's implementing regulations regarding SIP submission at 40 CFR part 51, subpart F. The applicable SIP requirements for the 2020 SIP submission and specific bases for the 2024 disapproval are provided in the applicable proposed (89 FR 71237, Sept. 3, 2024) and final rule (89 FR 104043, Dec. 20, 2024) as well as under section II of this preamble. The EPA granted the petition for reconsideration based on its authority under the Administrative Procedures Act (APA).

II. Background

A. Texas's 2020 SIP Submission and Background

The State made a SIP submission to the EPA on August 20, 2020, intended to address emissions from certain sources during planned MSS events. To address these emissions, the State adopted and submitted for inclusion in its SIP AOs for eight coal-fired power plants (comprised of thirteen units) equipped with electrostatic precipitators (ESPs) as the PM control device, four of which TCEQ has rescinded since the EPA's 2024 disapproval.^{3 4} The State

¹ 89 FR 104043 (Dec. 20, 2024).

² 89 FR 71237 (Sept. 3, 2024).

³ The AOs included the following eight facilities: (1) Southwestern Electric Power Company (SWEPCO) H.W. Pirkey Power Plant; (2) Lower Colorado River Authority (LCRA) Sam Seymour Fayette Power Project; (3) Luminant Generation

developed the AOs to impose source-specific alternative requirements for visible emissions (opacity) and particulate matter during identified periods of planned MSS activities. For all other periods of operation, the affected sources would remain required to comply with the existing emission limitations set forth in the Texas SIP, specifically Title 30 of the Texas Administrative Code (TAC) sections 111.111 and 111.153(b). The 2020 SIP submission references but does not revise 30 TAC Chapter 111 regulations, sections 111.111 and 111.153(b), which contain State rules for opacity and particulate matter, and which were originally approved into the State's SIP in 1972.⁵

As noted, the SIP submission at issue in this action raised issues related to emissions during MSS. The term MSS has considerable overlap with the events the EPA refers to as startup, shutdown, and malfunction (SSM).⁶ Issues associated with SSM are discussed at length in a SIP Call that the EPA issued to States in 2015 ("2015 SSM SIP Action"), where the EPA found that certain SIP provisions were inconsistent with CAA sections 110(a)(2)(A) and 302(k) due to how automatic exemption provisions excluded applicability of emission limitations during SSM periods.⁷ On March 1, 2024, the D.C. Circuit Court of Appeals partially remanded and vacated the 2015 SSM SIP Action.⁸ As is relevant here, the Court vacated the

2015 SSM SIP Action with respect to SIP provisions that contain automatic exemptions for emissions during SSM events.⁹ The Court's opinion stated that while emission limitations must be continuous, the EPA must determine that it is "necessary or appropriate" for an emissions restriction in a SIP to meet the definition of "emission limitation" for the continuity requirement to apply.

Because emission limitations must be continuous,¹⁰ they cannot include gaps or periods during which sources are not required to limit their emissions and thus, for example, cannot include exemptions for emissions during periods of operation such as MSS. The EPA interprets the CAA to allow SIP provisions to include Alternative Emission Limitations (AELs) that apply to sources during specific modes of operation during which the source cannot meet an otherwise applicable emission limitation, such as may be the case during MSS periods. However, the generally applicable emission limitation and any AELs must together constitute enforceable standards that apply on a continuous basis to meet the CAA definition of "emission limitation." The August 20, 2022, SIP submission from Texas included new AELs imposed through the AOs that would apply during MSS periods in lieu of the otherwise applicable numerical opacity and particulate matter limits.

B. Summary of the EPA's Bases for the 2024 Disapproval

The EPA previously identified several concerns with Texas's 2020 SIP submission in the 2024 disapproval and accompanying proposal.¹¹ The EPA found that it was "necessary or appropriate" for the relevant PM and opacity limitations (the combination of the existing limits in 30 TAC Chapter 111 and the new requirements established in the AOs) to meet the definition of "emissions limitation." The Agency determined that the combination of limits was not continuous because: (1) there was no limit in the frequency of startup or shutdown events; (2) the submission did not address the feasibility or availability of any specific measures to minimize emissions during startup or shutdown; (3) the AOs were not practically enforceable due to ambiguities that made it unclear as to what procedures an operator must follow to be in compliance during startup and

shutdown and at what point in the startup or shutdown process the facility must switch from compliance with the AO to compliance with 30 TAC 111.111(a)(1) and 30 TAC 111.153(b) as required for routine operation; and (4) the AOs did not include any work practices that the sources were required to comply with during periods of planned online or offline maintenance activities. The EPA also found that the AOs were not enforceable as required by CAA section 110(a)(2)(A) because: (1) the AOs did not provide for adequate monitoring, recordkeeping and reporting; (2) the conditions in the AOs were too subjective to provide for practical enforceability; and (3) the AOs lacked specificity and clarity as to the start and duration of startup and shutdown periods. The EPA also noted that the 2020 SIP submission did not sufficiently address CAA section 110(l) noninterference requirements for the attainment and maintenance of the NAAQS. The detailed evaluation of these issues can be found in the proposal and further explained in the response to comments in the final rule.¹²

Due to these concerns, the EPA determined in its 2024 disapproval that the requirements contained in the AOs provided in the 2020 SIP submission did not meet the CAA's enforceability requirement or the requirement that emission limitations must apply on a continuous basis.

C. Petition for Reconsideration

In October 2025, the State of Texas and industry submitted a petition for administrative reconsideration of the 2024 disapproval to the EPA.¹³ The October 2025 petition identified as grounds for reconsideration that the rulemaking did not reflect the current Administration's policy views, relied on modeling information that was not made available to stakeholders and public commenters prior to the comment deadline, and lacked a statutory basis. The EPA granted the October 2025 petition for reconsideration on May 11, 2026.¹⁴ As part of the reconsideration process, the EPA is publishing this notice of availability for public comment to

Company, LLC Martin Lake Steam Electric Station; (4) NRG Texas Power, LLC Limestone Electric Generating Station; (5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; (6) Southwestern Public Service Company (SPS) Harrington Station in Potter County; (7) Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station; and (8) Public Service Company of Oklahoma (PSCO) Oklaunion Power Station.

⁴ In May 2025, TCEQ revoked the AOs for the following four facilities as the sources have shutdown, are no longer operating, or have transitioned to natural gas as fuel for power generation: (1) TMPA Gibbons Creek Steam Electric Station; (2) PSCO Oklaunion Power Station; (3) SPS Harrington Station; and (4) SWEPCO H.W. Pirkey Power Plant.

⁵ Texas first promulgated rules for the control of visible emissions (opacity) and particulate matter emissions for inclusion in its SIP on January 28, 1972, and the EPA first approved those rules into the SIP on May 31, 1972 (37 FR 10895). The rules have not substantively changed since their original approval as part of the SIP.

⁶ The term SSM refers to startup, shutdown or malfunction at a source. It does not include periods of maintenance at such a source. An SSM event is a period of startup, shutdown or malfunction during which there may be exceedances of the applicable emission limitations and thus excess emissions. See 80 FR 33840, 33843 (June 12, 2015).

⁷ See 80 FR 33840.

⁸ *Environ. Comm. Fl. Elec. Power v. EPA*, 94 F.4th 77.

⁹ The EPA had considered automatic exemptions for emissions during other modes of operation such as maintenance to pose the same legal deficiency.

¹⁰ CAA sections 110(a)(2)(A) and 302(k).

¹¹ 89 FR 104043; 89 FR 71237.

¹² 89 FR 104043; see also 89 FR 71237.

¹³ The agency is treating the petition as a petition for rulemaking under the APA, 5 U.S.C. 553(e). Certain industry groups and the State of Texas also filed a petition for review in the Fifth Circuit Court of Appeals, *Business Coalition for Clean Air et al. v. EPA*, No. 25–60077 (5th Cir. 2025).

¹⁴ See letter dated May 11, 2026, from the EPA Region 6 Regional Administrator, Scott Mason IV, to the Texas Attorney General Ken Paxton, granting the October 2025 petition for reconsideration, available in the docket for this notice.

inform the Agency's reconsideration of the 2024 disapproval.

III. Request for Public Comment

As stated in section I.A of this preamble, the EPA is providing notice and opportunity for public comment as part of our reconsideration process. The EPA is soliciting public comments on the impacts of TCEQ's rescissions of four of the eight AOs on the Agency's prior evaluation of the SIP submission on as well as any other information that would further inform the EPA's reconsideration of the 2024 disapproval action. All relevant information and documentation, including for the proposed rule and final rule, as well as information received during the proposal's comment period, are available in the docket for this document (Docket No. EPA-R06-OAR-2021-0029).

Dated: August 26, 2026.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2026-19496 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0120; FRL-13638-01-OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Primary Magnesium Refining (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Primary Magnesium Refining EPA ICR Number 2098.11, OMB Control Number 2060-0536) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-

HQ-OAR-2021-0120, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Aiden Titel Natural Resources Division (D230-0L), Office of Clean Air Programs, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-4836; email address: titel.aiden@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Magnesium Refining (40 CFR part 63, subpart TTTTT) were proposed on January 22, 2003; promulgated on October 10, 2003; and most recently amended on

November 19, 2020. These regulations apply to both existing and new facilities that perform primary magnesium refining where the total hazardous air pollutants (HAPs) emitted are greater than, or equal to, 10 tons per year for each HAP, or where the total HAPs emitted are greater than, or equal to, 25 tons per year of any combination of HAPs. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart TTTTT.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Primary magnesium refining facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTTTT).

Estimated number of respondents: One (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 972 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$135,000 (per year), which includes \$1,820 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent. Operation and maintenance (O&M) have been adjusted upwards based on inflation.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026-19503 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2026-7625; FRL-13613-01-OGC]

Proposed Consent Decree; Clean Air Act Citizen Suit**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the “Act”), notice is given of a proposed consent decree in *Center for Biological Diversity and Center for Environmental Health v. Lee Zeldin*, No. 4:25-cv-10007-JST. On November 20, 2025, and December 24, 2025, Plaintiffs Center for Biological Diversity and the Center for Environmental Health filed a complaint and amended complaint, respectively, in the United States District Court, Northern District of California, Oakland Division, alleging that the Environmental Protection Agency (EPA) failed to perform certain non-discretionary duties in accordance with the Act to take final action on certain state implementation plan (SIP) revisions submitted by the States of California and Colorado pertaining to the 2008 and 2015 ozone national ambient air quality standards (NAAQS). The EPA is providing notice of this proposed consent decree, which would resolve all remaining claims in the case by establishing deadlines for the EPA to take final action as specified in the decree.

DATES: Written comments on the proposed consent decree must be received by October 26, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2026-7625, online at <https://www.regulations.gov> (the EPA’s preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. 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 “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Corin James, Air and Radiation Law Office, Office of General Counsel, U.S.

Environmental Protection Agency; telephone (202) 564-1754; email address james.corin01@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining a Copy of the Proposed Consent Decree**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2026-7625) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

II. Additional Information About the Proposed Consent Decree

The proposed consent decree would establish deadlines for final actions on the portions of SIP submissions as described in the proposed consent decree by the associated deadlines. These include:

1. A notice of final rulemaking to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, portions of the June 26, 2023 SIP submission as described in the proposed consent decree. This June 26, 2023 SIP submission addresses, among other revisions, nonattainment planning requirements for the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado Severe nonattainment area with respect to the 2008 Ozone NAAQS; nonattainment planning requirements for the Denver Metro/North Front Range Moderate nonattainment area with respect to the 2015 Ozone NAAQS (which is now classified as Serious); revisions to the State’s Regulation 3 including processing fees, hazardous air pollutants, and other revisions; revisions to the State’s Regulation 7

including SIP strengthening measures, gasoline tank truck testing requirements, and other revisions; revisions to the Common Provisions; and revisions to the Motor Vehicle Emissions Budgets and Transportation Conformity with respect to the 2015 Ozone NAAQS. The deadlines for action on different portions of the June 23, 2026 Colorado SIP submission include July 9, 2027; August 31, 2027; and December 17, 2027. See the proposed consent decree located in the docket for this rulemaking for a full list of the SIP revisions on which the appropriate EPA official will sign a final action and each associated deadline.

2. A notice of final rulemaking to approve a SIP revision submitted to the EPA by the State of Colorado, promulgate a Federal Implementation Plan (FIP), or approve in part a revised SIP revision and promulgate a partial FIP to address the deficiencies identified in the EPA’s limited disapproval of certain portions of SIP submissions submitted by the State of Colorado on May 14, 2018; May 13, 2020; March 22, 2021; May 18, 2021; and May 20, 2022, which were intended to address certain Reasonably Available Control Technology (RACT) requirements for the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado area’s prior status as a Serious nonattainment area for the 2008 Ozone NAAQS, see 88 FR 29827 (May 9, 2023), no later than August 31, 2027.

3. A notice of final rulemaking to approve a SIP revision submitted to the EPA by the State of California, promulgate a FIP, or approve in part a revised SIP revision and promulgate a partial FIP to address the deficiencies identified in the EPA’s limited disapproval of CARB’s Oil and Gas Methane Rule, see 87 FR 59314, no later than March 15, 2028.

The proposed consent decree would also require the EPA to send notice of each action to the Office of the Federal Register for review and publication in the **Federal Register** no later than 15 business days after signature.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the EPA will accept written comments relating to the proposed consent decree. The EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2026-7625, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. The EPA may publish any comment received to its public docket. Do not submit to the 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. The 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>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, the EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows the EPA to contact you in case the EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to the EPA electronically is the EPA's preferred method for

receiving comments. The electronic public docket system is an "anonymous access" system, which means the EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." The EPA is not required to consider these late comments.

Gautam Srinivasan,
Associate General Counsel.

[FR Doc. 2026-19497 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2008-0150; FRL-13648-01-OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (EPA ICR Number 1791.10, OMB Control Number 2040-0187), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on April 6, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments. **DATES:** Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OW-2008-0150, to EPA online using www.regulations.gov (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any

personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Catherine Brady, Oceans, Wetlands and Communities Division, Office of Wetlands, Oceans and Watersheds, 4504T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-566-2424; email address: brady.catherine@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on April 6, 2026, during a 60-day comment period (91 FR 17272). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: Pursuant to Clean Water Act (CWA) section 312, states are authorized to petition EPA for more stringent requirements to apply within state waters for sewage discharges from all vessels, as well as certain discharges from vessels of the Armed Forces. This ICR covers the information collection activities associated with CWA section 312(f) and 312(n).

(A) *Sewage No-Discharge Zones:* CWA section 312(f) and the implementing regulations in 40 CFR part 140 identify the information that must be included in a state's application to EPA to establish a no-discharge zone (NDZ) for vessel sewage for some or all of the

state's waters. In designated vessel sewage NDZs, the discharge of both treated and untreated sewage from vessels is prohibited.

(B) *Uniform National Discharge Standards NDZs and Review of Discharge Determination or Standards:* CWA section 312(n), the Uniform National Discharge Standards (UNDS), requires EPA and the Department of War to establish uniform national discharge standards to control discharges incidental to the normal operation of a vessel of the Armed Forces. CWA section 312(n)(7) and the implementing regulations in 40 CFR part 1700 identify the information that a state must submit to EPA in the state's application to establish an NDZ for one or more UNDS discharges. A state may seek a NDZ designation for any UNDS discharge for which EPA and the Department of War have promulgated national standards of performance and corresponding implementing regulations, respectively. Additionally, CWA section 312(n)(5) provides that that the governor of any state may petition EPA and the Department of War to review any discharge determination or standard promulgated under CWA section 312(n) if there is significant new information that could reasonably result in a change to the discharge determination or standard.

The proposed collection of information is intended to capture the burden on state respondents to develop petitions, as well as the burden on EPA to review the petitions. EPA cannot require state respondents to provide additional information as part of the petition processes beyond what is enumerated in the regulations. This ICR is necessary to fulfill EPA's obligations under the statute to receive and respond to state petitions; however, development and submission of a petition by a state is not required. Instead, a state must develop and submit a petition only when the state wishes to designate an NDZ either for sewage or for an UNDS discharge, or to request a review of an UNDS discharge determination or standard.

Form Numbers: None.

Respondents/affected entities: States.

Respondent's obligation to respond:

Required to obtain or retain a benefit (CWA section 312(f)) and CWA section 312(n)).

Estimated number of respondents: 8 (total).

Frequency of response: One time.

Total estimated burden: 458 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$33,823.53 (per year), which includes \$400 annualized

capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 118.7 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The decrease is due to an adjustment to the number of expected respondents, with the EPA expecting fewer applications submitted pursuant to CWA section 312(f)(3) during this renewal cycle. The EPA increased the burden hours for some aspects of petition development based on input from consultations.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026-19523 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0124; FRL-13639-01-OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Aluminum, Copper, and Other Non-Ferrous Foundries (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Aluminum, Copper, and Other Non-Ferrous Foundries (EPA ICR Number 2332.07, OMB Control Number 2060-0630) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2021-0124, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T,

1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Aiden Titel, Natural Resources Division (D230-0L), Office of Clean Air Programs, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-4836; email address: titel.aiden@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aluminum, Copper and Other Non-ferrous Metals Foundries (40 CFR Part 63, Subpart ZZZZZZ) were proposed on February 9, 2009; promulgated on June 25, 2009; and revised on September 10, 2009. These regulations apply to existing facilities and new facilities conducting melting operations located at an aluminum, copper, or other non-ferrous foundry that is an area source of hazardous air

pollutants (HAP) emissions, melts 600 tons per year (tpy) of aluminum, copper, or other non-ferrous metal or greater, and uses material that either contains or has the potential to emit HAP for which the source category was listed. New facilities include those that commenced construction, or modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR Part 63, Subpart ZZZZZZ.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Aluminum, copper and other non-ferrous metals foundries.

Respondent's obligation to respond: Mandatory (40 CFR Part 63, Subpart ZZZZZZ).

Estimated number of respondents: 318 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 11,900 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$1,640,000 (per year). There are no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026-19505 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0105; FRL-13637-01-OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Semiconductor Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Semiconductor Manufacturing (EPA ICR Number 2042.09, OMB Control Number 2060-0519) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2021-0105, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of

Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Semiconductor Manufacturing (40 CFR part 63, subpart BBBBB) were proposed on May 8, 2002; promulgated on May 22, 2003; and most recently amended on July 22, 2008 and November 19, 2020. These regulations apply to existing facilities and new facilities that either emits or has the potential to emit, considering controls, in the aggregate, any single hazardous air pollutants (HAP) at a rate of 10 tons per year (tpy) or even more or any combination of HAP at a rate of 25 tpy or more. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart BBBBB.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Semiconductor manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBBB).

Estimated number of respondents: One (total).

Frequency of response: Initially, semiannually.

Total estimated burden: 41 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$6,220 (per year), which includes \$550 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026-19504 Filed 9-23-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2026-4852; FRL-13649-01-OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EPA Program Information on Source Water Protection (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), EPA Program Information on Source Water Protection (EPA ICR Number 1816.09, OMB Control Number 2040-0197) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently

approved through September 30, 2026. Public comments were previously requested via the **Federal Register** on July 9, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before October 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OW-2026-4852 to EPA online using www.regulations.gov (our preferred method), by email to OW-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Laura Montoya, Drinking Water Capacity and Compliance Assistance Division, Office of Ground Water and Drinking Water, MC 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-2202; email address: montoya.laura@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through September 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on July 9, 2026 during a 60-day comment period (91 FR 42440). This notice allows an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West,

Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: EPA is collecting data from the states on their advancement toward substantial implementation of source water protection strategies for all community water systems (CWSs). EPA and states use this voluntary collection of data to track and understand the progress toward increasing the percentage of CWSs (and the populations they serve) where risk is minimized through source water protection. Source water protection data that states submit directly to the Safe Drinking Water Information System is accessible to the public via EPA's website at: <https://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-information-system-sdwis-federal-reporting>. Availability of this information, together with source water and demographic indicators that are publicly available via EPA's Drinking Water Mapping Application to Protect Source Waters on EPA's website at: <https://www.epa.gov/sourcewaterprotection/drinking-water-mapping-application-protect-source-waters-dwmaps>, empowers communities to include these considerations in their own analyses and outreach efforts.

Form Numbers: None.

Respondents/affected entities: 51.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 51 (total).

Frequency of response: Annual.

Total estimated burden: 102 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$6,608 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is decrease of 186 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is anticipated because all states will report source water protection data directly to the Safe Drinking Water Information System, decreasing the previous burden of reporting information to EPA Regional contacts via email. Additionally, state databases are fully developed and tracking is routine,

which EPA expects will minimize hourly burden and cost for states.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–19502 Filed 9–23–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0061]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the

existing information collections described below (OMB Control No. 3064–0061). The notices of proposed renewal for these information collections were previously published in the **Federal Register** on July 22, 2026, allowing for a 60-day comment period. No comments were received.

DATES: Comments must be submitted on or before October 26, 2026.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- **Email:** comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- **Mail:** Robert Meiers, Regulatory Attorney, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- **Hand Delivery:** Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building

(located on F Street NW) on business days between 7 a.m. and 5 p.m.

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 these information collections by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Robert Meiers, Regulatory Attorney, Romeiers@fdic.gov, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. **Title:** Summary of Deposits.
OMB Number: 3064–0061.
Affected Public: FDIC-insured depository institutions.
Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0061]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Summary of Deposits, 12 CFR 304.3(c) (Mandatory)	Reporting (Annual)	3,651	1	03:00	10,953
Total Annual Burden (Hours) .....	.....	.....	.....	.....	10,953

Source: FDIC.

General Description of Collection: The Summary of Deposits (SOD) is the annual survey of branch office deposits as of June 30 for all FDIC-insured institutions, including insured U.S. branches of foreign banks. All FDIC-insured institutions that operate a main office and one or more branch locations (including limited service drive-thru locations) as of June 30 each year are required to file the SOD Survey. Insured branches of foreign banks are also required to file. All data collected on the SOD submission are available to the public. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional use in research on banking. There is no change in the substance or methodology of this information collection. The change in burden is due solely to a decrease of 657 in the estimated number of respondents, from 11,610 annual respondents in the currently approved information collection to the current estimate of 10,953.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 22, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–19596 Filed 9–23–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board’s Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board’s Freedom of Information Office at <https://www.federalreserve.gov/foia/>

request.htm. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than October 9, 2026.

A. Federal Reserve Bank of Chicago (Christopher Koopmans, Senior Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414.

Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *The Mark J. Sexton 2026 Grantor Trust, Mark J. Sexton, as trustee and trust advisor, and the Jennifer Sexton Walther 2026 Grantor Trust, Jennifer Sexton Walther, as trustee and trust advisor, all of Saint Paul, Minnesota; the Andrew G. Sexton 2026 Grantor Trust, Andrew G. Sexton, as trustee and trust advisor, both of Cedar Falls, Iowa to join the Sexton Family Control Group, a group acting in concert, to retain voting shares of Readlyn Bancshares, Inc., and thereby indirectly retain voting shares of Nashua Bancshares, Inc., both of Saint Paul, Minnesota.*

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,
Secretary of the Board.

[FR Doc. 2026-19595 Filed 9-23-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Assistance Listing Number: 93.576]

Announcement of the Intent To Award a Single-Source Cooperative Agreement to International Rescue Committee in New York, New York

AGENCY: Refugee Program Bureau, Office of Refugee Resettlement (ORR),

Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of issuance of a single-source cooperative agreement.

SUMMARY: The ACF, ORR, Refugee Program Bureau announces the intent to solicit and award a single-source cooperative agreement up to \$20,000,000 to International Rescue Committee (IRC), in New York, New York, for the National Virtual Program for Professional Advancement. The proposed project period is September 30, 2026, through September 29, 2027. Under this initiative, IRC will use its nationwide virtual service delivery model to provide professional advancement services to up to 1,334 eligible refugees who arrived in the United States between September 1, 2026, and September 30, 2026.

DATES: The proposed period of support is September 30, 2026, through September 29, 2027.

FOR FURTHER INFORMATION CONTACT: Miro Marinovich, Office of Refugee Resettlement, Administration for Children and Families, 330 C Street SW, Washington, DC 20201. Telephone: (202) 729-3638; Email: *miro.marinovich@acf.hhs.gov*.

SUPPLEMENTARY INFORMATION: ORR intends to solicit and award a cooperative agreement to IRC for the National Virtual Program for Professional Advancement (NVPPA). The proposed action will provide up to \$20,000,000 to IRC to establish and implement a nationwide virtual service model.

Under this initiative, IRC's national Economic Empowerment team will serve up to 1,334 eligible refugees who arrived in the United States before between September 1, 2026, and September 30, 2026. Services will be available virtually nationwide, regardless of a participant's location or initial resettlement agency, and will include outreach, orientation, intake, eligibility verification, Career Development Planning, navigation, job readiness and pathway-specific training, direct financial assistance, job development, and job placement support. IRC will track enrollment, services, disbursements, and employment outcomes.

Of the \$20,000,000 supplement, up to \$16,008,000 will go towards direct financial assistance for the costs of education and training of as much as \$12,000 per participant for 1,334 eligible refugees. The remaining \$3,992,000 will support IRC staffing, supplies, and associated indirect costs.

Eligible direct financial assistance will include tuition; degree, certification, licensing, and examination costs; credential evaluation; textbooks and software; uniforms and safety gear; transportation; child care; required equipment; and a vehicle when an approved Career Development Plan establishes that the purchase is necessary for a career goal.

IRC will use its existing national virtual infrastructure and apply eligibility, career planning, documentation, vendor verification, direct payment, reporting, and enrollment contingency controls. Payments generally will be made directly to vendors or training providers; staff will confirm that each expense aligns with an approved Career Development Plan; vendors will be verified as licensed or accredited; and IRC will report against defined enrollment and spending thresholds.

The proposed model addresses geographic barriers to assistance, unrecognized foreign credentials, and limited funds for career-related costs that can leave qualified refugees in survival employment below their skill level. It is intended to help participants recover prior professions or build new career pathways, support household self-sufficiency, and reduce geographic disparities in access to career services.

ORR proposes to solicit and award IRC because it can use its existing national virtual infrastructure and established program and stewardship controls, supporting a faster, more expansive launch than site-based programs.

Timely issuance is important because eligible clients are arriving throughout September 2026. The funding must be provided before the end of the fiscal year for IRC to begin serving eligible refugees on September 30, 2026. The proposed cooperative agreement through September 29, 2027, will allow IRC to set up and implement the nationwide virtual model.

Statutory Authority: Under section 8 U.S.C. 1522(c) of the Refugee Act, ORR is authorized to make grants to and contracts with public or private nonprofit agencies to assist refugees in obtaining the skills necessary for economic self-sufficiency.

Elizabeth Leo,

Grants Policy Branch Chief, Office of Grants Policy, Office of Administration.

[FR Doc. 2026-19570 Filed 9-23-26; 8:45 am]

BILLING CODE 4184-89-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Resources and Services Administration****Health Center Program Performance Period Extensions**

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Health centers with a current period of performance of January 1, 2023, through December 31, 2026; February 1, 2023, through January 31, 2027; or March 1, 2023, through February 28, 2027, are required to apply to continue serving their service area through a fiscal year 2027 Service Area Competition in response to a Notice of

Funding Opportunity once issued. To avoid a gap in services in service areas served by these health centers, health centers with a current period of performance of January 1, 2023, through December 31, 2026, or February 1, 2023, through January 31, 2027, will receive an extension with funds through June 30, 2027, to allow time for HRSA to award funds for these service areas. Health centers with a current period of performance of March 1, 2023, through February 28, 2027, will receive an extension with funds through July 31, 2027. The extension will support operational flexibility for HRSA and ensure continuity of access to comprehensive primary care for health center patients until a new award is made for the service area.

FOR FURTHER INFORMATION CONTACT: Patricia Burbano, Lead Public Health

Analyst, Office of Program and Policy Development, Bureau of Primary Care, Health Resources and Services Administration, at pburbano@hrsa.gov and 301-443-7238.

SUPPLEMENTARY INFORMATION: The 272 health center awardees, as listed in the table below, will receive an extension with funds.

- *Amount of Award(s):* 272 non-competitive awards totaling approximately \$527 million.
- *Performance Period:* January 1, 2023, to June 30, 2027; February 1, 2023, to June 30, 2027; March 1, 2023, to July 31, 2027.
- *Assistance Listing Number:* 93.224.
- *Award Instrument:* Grant—Noncompeting Continuation.
- *Authority:* Section 330 of the PHS Act (42 U.S.C. 254b, as amended).

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS01138	JAN	BETHEL FAMILY CLINIC	BETHEL	AK	\$1,170,214
H80CS04434	JAN	NATIVE VILLAGE OF EYAK	CORDOVA	AK	920,331
H80CS01130	JAN	NORTON SOUND HEALTH CORPORATION.	NOME	AK	1,570,821
H80CS00020	JAN	ALABAMA REGIONAL MEDICAL SERVICES.	BIRMINGHAM	AL	3,114,034
H80CS00230	JAN	EL RIO SANTA CRUZ NEIGHBORHOOD HEALTH CENTER, INC.	TUCSON	AZ	5,287,178
H80CS00651 *	JAN	EL RIO SANTA CRUZ NEIGHBORHOOD HEALTH CENTER, INC.	FLAGSTAFF	AZ	3,498,377
H80CS26606	JAN	HORIZON HEALTH AND WELLNESS, INC.	APACHE JUNCTION	AZ	1,104,304
H80CS26604	JAN	NEIGHBORHOOD OUTREACH ACCESS TO HEALTH.	PHOENIX	AZ	1,545,444
H80CS04321	JAN	SUNSET COMMUNITY HEALTH CENTER.	SOMERTON	AZ	3,083,576
H80CS00142	JAN	ALTAMED HEALTH SERVICES CORPORATION.	LOS ANGELES	CA	9,590,969
H80CS08739	JAN	AVENAL COMMUNITY HEALTH CENTER.	LEMOORE	CA	1,859,168
H80CS00138	JAN	COMMUNITY MEDICAL CENTERS, INC	STOCKTON	CA	4,187,760
H80CS26608	JAN	COPPERTOWER FAMILY MEDICAL CENTER, INC.	CLOVERDALE	CA	607,809
H80CS00628	JAN	MENDOCINO COMMUNITY HEALTH CLINIC, INC.	UKIAH	CA	2,974,677
H80CS26624	JAN	POMONA COMMUNITY HEALTH CENTER.	POMONA	CA	1,588,395
H80CS26609	JAN	RITTER CENTER	SAN RAFAEL	CA	923,835
H80CS00226	JAN	SALUD PARA LA GENTE	WATSONVILLE	CA	2,408,052
H80CS00049	JAN	SAN FRANCISCO COMMUNITY CLINIC CONSORTIUM.	SAN FRANCISCO	CA	3,716,539
H80CS00223	JAN	TIBURCIO VASQUEZ HEALTH CENTER INCORPORATED.	UNION CITY	CA	1,644,360
H80CS00137	JAN	UNITED HEALTH CENTERS OF THE SAN JOAQUIN VALLEY.	FRESNO	CA	6,627,140
H80CS26617	JAN	VIA CARE COMMUNITY HEALTH CENTER, INC.	LOS ANGELES	CA	1,491,132
H80CS00040	JAN	THE COLORADO COALITION FOR THE HOMELESS.	DENVER	CO	4,914,220
H80CS00212	JAN	PEAK VISTA COMMUNITY HEALTH CENTERS.	COLORADO SPRINGS	CO	4,954,528
H80CS00134	JAN	VALLEY WIDE HEALTH SYSTEMS, INC	ALAMOSA	CO	4,028,303
H80CS00155	JAN	GENERATIONS FAMILY HEALTH CENTER, INC.	WILLIMANTIC	CT	2,024,388
H80CS00026	JAN	CAMILLUS HEALTH CONCERN, INC	MIAMI	FL	2,570,563

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS00178	JAN	CENTRAL FLORIDA FAMILY HEALTH CENTER, INC.	SANFORD	FL	3,180,065
H80CS25684	JAN	HEALTH CARE DISTRICT OF PALM BEACH COUNTY.	WEST PALM BEACH	FL	3,835,339
H80CS00097	JAN	MCR HEALTH, INC	PALMETTO	FL	4,868,815
H80CS00182	JAN	MIAMI BEACH COMMUNITY HEALTH CENTER, INC.	MIAMI BEACH	FL	3,913,381
H80CS00187	JAN	TREASURE COAST COMMUNITY HEALTH, INC.	FELLSMERE	FL	2,083,857
H80CS08780	JAN	DIVERSITY HEALTH CENTER, INC	HINESVILLE	GA	1,070,923
H80CS00022	JAN	SAINT JOSEPHS MERCY CARE SERVICES.	ATLANTA	GA	3,091,763
H80CS00678	JAN	VALLEY HEALTHCARE SYSTEM, INC ..	COLUMBUS	GA	1,749,486
H80CS06641	JAN	KO'OLAULOHA HEALTH CENTER	KAHUKU	HI	978,975
H80CS06667	JAN	COMMUNITY HEALTH CENTER OF FORT DODGE, INC.	FORT DODGE	IA	1,224,846
H80CS00113	JAN	CRUSADERS CENTRAL CLINIC ASSOCIATION.	ROCKFORD	IL	3,712,028
H80CS00114	JAN	HEALTHNET, INC	INDIANAPOLIS	IN	4,488,331
H80CS00102	JAN	FAMILY HEALTH CENTERS, INC	LOUISVILLE	KY	3,927,495
H80CS00083	JAN	PARK DUVALLE COMMUNITY HEALTH CENTER, INC.	LOUISVILLE	KY	2,717,501
H80CS00206	JAN	CATAHOULA PARISH HOSPITAL DISTRICT # 2.	SICILY ISLAND	LA	1,507,895
H80CS26580	JAN	COMMON GROUND HEALTH CLINIC ...	GRETNA	LA	774,259
H80CS00129	JAN	EXCELTH, INC	NEW ORLEANS	LA	2,924,560
H80CS00006	JAN	THE BOSTON HEALTH CARE FOR THE HOMELESS PROGRAM, INC.	BOSTON	MA	2,342,726
H80CS00734	JAN	CHASE BREXTON HEALTH SERVICES, INC.	BALTIMORE	MD	2,107,558
H80CS00017	JAN	HEALTH CARE FOR THE HOMELESS, INC.	BALTIMORE	MD	3,105,560
H80CS26633	JAN	OWENSVILLE PRIMARY CARE, INC	WEST RIVER	MD	689,148
H80CS00068	JAN	TOTAL HEALTH CARE, INC	BALTIMORE	MD	4,660,378
H80CS08738	JAN	COVENANT COMMUNITY CARE, INC ..	DETROIT	MI	2,423,902
H80CS00033	JAN	DETROIT HEALTH CARE FOR THE HOMELESS.	DETROIT	MI	2,838,510
H80CS26564	JAN	SOUTH CENTRAL MISSOURI COMMUNITY HEALTH CENTER.	ROLLA	MO	1,134,648
H80CS00084	JAN	CENTRAL MISSISSIPPI CIVIC IMPROVEMENT ASSOCIATION, INC.	JACKSON	MS	4,201,339
H80CS00188	JAN	COASTAL FAMILY HEALTH CENTER, INC.	BILOXI	MS	5,188,694
H80CS55479	JAN	PARTNERSHIP HEALTH CENTER, INC	MISSOULA	MT	3,187,150
H80CS00009	JAN	CITY OF NEWARK, NEW JERSEY	NEWARK	NJ	2,038,114
H80CS00164	JAN	COMMUNITY HEALTH CARE, INC	BRIDGETON	NJ	4,163,434
H80CS00036	JAN	ALBUQUERQUE HEALTH CARE FOR THE HOMELESS, INC.	ALBUQUERQUE	NM	1,612,811
H80CS21582	JAN	ANTHONY L. JORDAN HEALTH CORPORATION.	ROCHESTER	NY	2,224,978
H80CS00007	JAN	CARE FOR THE HOMELESS	NEW YORK	NY	3,302,817
H80CS00171	JAN	NEIGHBORHOOD HEALTH CENTER OF WNY, INC.	BUFFALO	NY	1,892,852
H80CS00166	JAN	NORTHERN OSWEGO COUNTY HEALTH SERVICES, INC.	PULASKI	NY	1,600,831
H80CS00029	JAN	CARE ALLIANCE	CLEVELAND	OH	2,442,993
H80CS00118	JAN	COLUMBUS NEIGHBORHOOD HEALTH CENTER, INC.	COLUMBUS	OH	3,505,918
H80CS00201	JAN	HEALTHSOURCE OF OHIO, INC	LOVELAND	OH	4,314,409
H80CS00193	JAN	HOPEWELL HEALTH CENTERS, INC ...	CHILLICOTHE	OH	2,969,604
H80CS00196	JAN	OHIO NORTH EAST HEALTH SYSTEMS, INC.	YOUNGSTOWN	OH	2,356,837
H80CS26577	JAN	TALBERT HOUSE HEALTH CENTER ...	FRANKLIN	OH	1,138,155
H80CS26585	JAN	COMMUNITY HEALTH CENTER OF NORTHEAST OKLAHOMA, INC.	JAY	OK	714,133
H80CS00149	JAN	MULTNOMAH, COUNTY OF	PORTLAND	OR	5,279,597
H80CS00162	JAN	CENTRO DE SERVICIOS PRIMARIOS DE SALUD, INC.	FLORIDA	PR	947,794
H80CS02467	JAN	REPUBLIC OF PALAU	KOROR	PW	687,669

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS00154	JAN	BLACKSTONE VALLEY COMMUNITY HEALTH CARE, INC.	PAWTUCKET	RI	1,600,430
H80CS00057	JAN	THE PROVIDENCE COMMUNITY HEALTH CENTERS, INC.	PROVIDENCE	RI	3,606,058
H80CS00216	JAN	COMMUNITY HEALTH CENTER OF THE BLACK HILLS, INC.	RAPID CITY	SD	1,521,552
H80CS00135	JAN	HORIZON HEALTH CARE INC	HOWARD	SD	5,142,492
H80CS00219	JAN	SIOUX FALLS, CITY OF	SIOUX FALLS	SD	1,524,102
H80CS00128	JAN	CENTRO DE SALUD FAMILIAR LA FE, INC.	EL PASO	TX	3,117,129
H80CS00203	JAN	LA ESPERANZA CLINIC, INC	SAN ANGELO	TX	1,619,167
H80CS00126	JAN	REGENCE HEALTH NETWORK, INC	PLAINVIEW	TX	2,986,368
H80CS00073	JAN	PENINSULA INSTITUTE FOR COMMUNITY HEALTH, INC.	NEWPORT NEWS	VA	3,476,851
H80CS00147	JAN	COLUMBIA BASIN HEALTH ASSOCIATION.	OTHELLO	WA	3,353,813
H80CS00319	JAN	COMMUNITY HEALTH ASSOCIATION OF SPOKANE.	SPOKANE	WA	4,145,637
H80CS00677	JAN	PENINSULA COMMUNITY HEALTH SERVICES.	BREMERTON	WA	1,874,393
H80CS26599	FEB	KODIAK AREA NATIVE ASSOCIATION	KODIAK	AK	1,047,817
H80CS26588	FEB	CHRIST HEALTH CENTER, INC	BIRMINGHAM	AL	743,786
H80CS00795	FEB	HEALTH SERVICES, (INC)	MONTGOMERY	AL	3,390,019
H80CS26611	FEB	THE ACHIEVABLE FOUNDATION	CULVER CITY	CA	387,771
H80CS00787	FEB	ASIAN PACIFIC HEALTH CARE VENTURE, INC.	LOS ANGELES	CA	2,202,112
H80CS26616	FEB	BENEVOLENCE INDUSTRIES, INC	LOS ANGELES	CA	1,061,648
H80CS00052	FEB	CHILDREN'S HOSPITAL AND RESEARCH CENTER AT OAKLAND.	OAKLAND	CA	1,301,929
H80CS26607	FEB	GREENVILLE RANCHERIA	GREENVILLE	CA	637,545
H80CS26619	FEB	KEDREN COMMUNITY HEALTH CENTER, INC.	LOS ANGELES	CA	502,711
H80CS06674	FEB	LOS ANGELES CHRISTIAN HEALTH CENTERS.	LOS ANGELES	CA	2,264,480
H80CS26621	FEB	LOS ANGELES LGBT CENTER	LOS ANGELES	CA	1,125,154
H80CS26622	FEB	NHAN HOA COMPREHENSIVE HEALTH CARE CLINIC, INC.	GARDEN GROVE	CA	902,193
H80CS26623	FEB	OPERATION SAMAHAN, INC	NATIONAL CITY	CA	1,569,513
H80CS26625	FEB	SANTA BARBARA NEIGHBORHOOD CLINICS.	SANTA BARBARA	CA	850,880
H80CS00048	FEB	SANTA CRUZ, COUNTY OF	SANTA CRUZ	CA	1,188,634
H80CS26627	FEB	SERVE THE PEOPLE, INC	SANTA ANA	CA	1,111,376
H80CS08730	FEB	WESTSIDE FAMILY HEALTH CENTER	CULVER CITY	CA	1,020,681
H80CS00690	FEB	CLINICA CAMPESINA FAMILY HEALTH SERVICES.	LAFAYETTE	CO	4,023,469
H80CS00618	FEB	BORINQUEN HEALTH CARE CENTER, INC.	MIAMI	FL	3,320,193
H80CS26589	FEB	THE CENTER FOR FAMILY AND CHILD ENRICHMENT, INC.	MIAMI	FL	974,803
H80CS00423	FEB	CENTRAL FLORIDA HEALTH CARE, INC.	WINTER HAVEN	FL	3,898,671
H80CS00809	FEB	COMMUNITY HEALTH CENTERS, INC	WINTER GARDEN	FL	3,871,511
H80CS26590	FEB	EMPOWER U, INC	MIAMI	FL	706,790
H80CS26626	FEB	FOUNDCARE, INC	WEST PALM BEACH	FL	1,325,369
H80CS00732	FEB	JESSIE TRICE COMMUNITY HEALTH SYSTEM, INC.	MIAMI	FL	4,800,858
H80CS00019	FEB	NORTH BROWARD HOSPITAL DISTRICT.	FORT LAUDERDALE	FL	1,334,483
H80CS00081	FEB	RURAL HEALTH CARE, INC	PALATKA	FL	2,783,662
H80CS00393	FEB	CARECONNECT HEALTH, INC	RICHLAND	GA	3,125,623
H80CS26591	FEB	CENTER FOR PAN ASIAN COMMUNITY SERVICES, INC.	ATLANTA	GA	1,145,238
H80CS26592	FEB	COASTAL COMMUNITY HEALTH SERVICES, INC.	BRUNSWICK	GA	1,166,580
H80CS26593	FEB	GOOD SAMARITAN HEALTH CENTER OF COBB, INC.	MARIETTA	GA	642,049
H80CS26594	FEB	HEALTH EDUCATION, ASSESSMENT AND LEADERSHIP, INC.	ATLANTA	GA	1,424,268

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS00807	FEB	WAIANAE DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD, INC.	WAIANAE	HI	1,954,282
H80CS00670	FEB	COMMUNITY HEALTH CARE, INC	DAVENPORT	IA	2,317,991
H80CS00815	FEB	PEOPLES COMMUNITY HEALTH CLINIC, INC.	WATERLOO	IA	1,603,467
H80CS26601	FEB	FAMILY MEDICINE RESIDENCY OF IDAHO.	BOISE	ID	825,305
H80CS00556	FEB	VALLEY FAMILY HEALTH CARE, INC ..	PAYETTE	ID	1,897,586
H80CS26565	FEB	HAMDARD CENTER FOR HEALTH AND HUMAN SERVICES NFP.	ADDISON	IL	794,416
H80CS00324	FEB	UNIVERSITY OF ILLINOIS	CHICAGO	IL	1,828,288
H80CS26566	FEB	JANE PAULEY COMMUNITY HEALTH CENTER, INC.	INDIANAPOLIS	IN	1,688,080
H80CS26568	FEB	SOUTHLAKE COMMUNITY MENTAL HEALTH CENTER, INC.	MERRILLVILLE	IN	897,193
H80CS26569	FEB	WABASH VALLEY HEALTH CENTER, INC.	TERRE HAUTE	IN	489,305
H80CS00619	FEB	BIG SANDY HEALTH CARE, INC	PRESTONSBURG	KY	1,750,827
H80CS26595	FEB	PENNYROYAL HEALTHCARE SERVICE, INC.	PRINCETON	KY	773,823
H80CS26579	FEB	CASSE DENTAL HEALTH INSTITUTE ..	SHREVEPORT	LA	1,273,055
H80CS26581	FEB	JEFFERSON PARISH HUMAN SERVICES AUTHORITY.	METAIRIE	LA	577,110
H80CS08764	FEB	MOREHOUSE COMMUNITY MEDICAL CENTERS, INC.	BASTROP	LA	1,380,784
H80CS26582	FEB	MQVN COMMUNITY DEVELOPMENT CORP.	NEW ORLEANS	LA	599,271
H80CS26583	FEB	NO/AIDS TASK FORCE	NEW ORLEANS	LA	969,376
H80CS00378	FEB	CHARLES RIVER COMMUNITY HEALTH, INC.	BOSTON	MA	1,723,174
H80CS26638	FEB	ISLAND HEALTH, INC	EDGARTOWN	MA	880,389
H80CS00001	FEB	SPRINGFIELD, CITY OF	SPRINGFIELD	MA	984,537
H80CS00067	FEB	PARK WEST HEALTH SYSTEMS, INC ..	BALTIMORE	MD	1,818,800
H80CS00030	FEB	INGHAM, COUNTY OF	LANSING	MI	1,155,663
H80CS26511	FEB	UPPER GREAT LAKES FAMILY HEALTH CENTER.	HANCOCK	MI	1,648,378
H80CS00028	FEB	HENNEPIN COUNTY	MINNEAPOLIS	MN	953,798
H80CS26563	FEB	COMPASS HEALTH, INC	CLINTON	MO	4,490,408
H80CS26560	FEB	EAST CENTRAL MISSOURI BEHAVIORAL HEALTH SERVICES, INC.	MEXICO	MO	735,103
H80CS26561	FEB	HEALTH CARE COALITION OF LAFAYETTE COUNTY.	LEXINGTON	MO	1,589,935
H80CS00671	FEB	NORTHWEST HEALTH SERVICES, INC	SAINT JOSEPH	MO	2,376,942
H80CS00633	FEB	ACCESS FAMILY HEALTH SERVICES, INC.	SMITHVILLE	MS	1,158,607
H80CS00704	FEB	MONTANA MIGRANT AND SEASONAL FARM WORKERS COUNCIL INC.	BILLINGS	MT	1,467,948
H80CS26596	FEB	OCRACOE HEALTH CENTER, INC	OCRACOE	NC	398,706
H80CS00490	FEB	THE STEDMAN—WADE HEALTH SERVICES, INC.	WADE	NC	848,215
H80CS26562	FEB	HEARTLAND HEALTH CENTER, INC	GRAND ISLAND	NE	599,541
H80CS26640	FEB	MID—STATE HEALTH CENTER	PLYMOUTH	NH	783,184
H80CS00380	FEB	SOUTHERN JERSEY FAMILY MEDICAL CENTERS, INC.	HAMMONTON	NJ	2,995,773
H80CS04211	FEB	ZUFALL HEALTH CENTER INC	DOVER	NJ	2,905,088
H80CS26605	FEB	NORTHERN NEVADA HIV OUTPATIENT PROGRAM, EDUCATION AND SERVICES.	RENO	NV	1,231,440
H80CS00313	FEB	HUDSON RIVER HEALTHCARE, INC	PEEKSKILL	NY	9,177,036
H80CS26630	FEB	JERICHO ROAD MINISTRIES, INC	BUFFALO	NY	681,644
H80CS26631	FEB	LA CASA DE SALUD, INC	BRONX	NY	1,533,770
H80CS26574	FEB	ASIAN SERVICES IN ACTION, INC	AKRON	OH	802,248
H80CS00399	FEB	THE COMMUNITY ACTION COMMITTEE OF PIKE COUNTY.	PIKETON	OH	2,041,552
H80CS00816	FEB	OHIO HILLS HEALTH SERVICES	BARNESVILLE	OH	934,228
H80CS26578	FEB	WOOD, COUNTY OF	BOWLING GREEN	OH	492,310
H80CS00320	FEB	COMMUNITY HEALTH CENTERS INC ..	SPENCER	OK	3,156,576
H80CS00705	FEB	CENTERVILLE CLINICS, INC	FREDERICKTOWN	PA	2,558,402
H80CS26635	FEB	PROJECT H.O.M.E	PHILADELPHIA	PA	694,965

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS00707	FEB	RURAL HEALTH CORPORATION OF NORTHEASTERN PENNSYLVANIA.	WILKES BARRE	PA	1,274,557
H80CS00389	FEB	SPECTRUM HEALTH SERVICES, INC ..	PHILADELPHIA	PA	1,436,706
H80CS00379	FEB	CORPORACION DE SERVICIOS DE SALUD Y MEDICINA AVANZADA.	CIDRA	PR	2,945,739
H80CS00382	FEB	MOROVIS COMMUNITY HEALTH CENTER, INC.	MOROVIS	PR	1,755,209
H80CS00712	FEB	PRYMED MEDICAL CARE, INC	CIALES	PR	1,256,969
H80CS00454	FEB	THUNDERMIST HEALTH CENTER	WOONSOCKET	RI	2,492,863
H80CS26597	FEB	CARE NET OF LANCASTER	LANCASTER	SC	678,372
H80CS00750	FEB	COMMUNITY MEDICINE FOUNDATION, INC.	ROCK HILL	SC	1,222,808
H80CS00730	FEB	EAU CLAIRE COOPERATIVE HEALTH CENTER.	COLUMBIA	SC	3,026,815
H80CS00578	FEB	NEW HORIZON FAMILY HEALTH SERVICES, INC.	GREENVILLE	SC	2,416,761
H80CS00333	FEB	LAKE COUNTY PRIMARY CARE	TIPTONVILLE	TN	951,623
H80CS26598	FEB	MAURY REGIONAL HOSPITAL	COLUMBIA	TN	733,800
H80CS00762	FEB	OCOEE REGIONAL HEALTH CORPORATION.	BENTON	TN	808,595
H80CS26644	FEB	UTAH PARTNERS FOR HEALTH	MIDVALE	UT	931,433
H80CS00331	FEB	BLAND COUNTY MEDICAL CLINIC, INC.	BASTIAN	VA	750,144
H80CS00018	FEB	DAILY PLANET, INC	RICHMOND	VA	1,499,944
H80CS26636	FEB	ROCKBRIDGE AREA FREE CLINIC	LEXINGTON	VA	846,639
H80CS00386	FEB	STONY CREEK COMMUNITY HEALTH CENTER.	STONY CREEK	VA	165,998
H80CS26641	FEB	BATTENKILL VALLEY HEALTH CENTER, INC.	ARLINGTON	VT	825,626
H80CS26642	FEB	FIVE-TOWN HEALTH ALLIANCE, INC ..	BRISTOL	VT	649,773
H80CS26798	FEB	GIFFORD HEALTH CARE, INC	RANDOLPH	VT	710,050
H80CS00647	FEB	COUNTRY DOCTOR COMMUNITY CLINIC.	SEATTLE	WA	1,351,882
H80CS00437	FEB	INTERNATIONAL COMMUNITY HEALTH SERVICES.	SEATTLE	WA	1,547,748
H80CS26603	FEB	THE N.A.T.I.V.E. PROJECT	SPOKANE	WA	564,787
H80CS00493	FEB	NEW HEALTH PROGRAMS ASSOCIATION.	CHEWELAH	WA	1,329,307
H80CS00639	FEB	YAKIMA VALLEY FARM WORKERS CLINIC.	TOPPENISH	WA	8,552,473
H80CS00035	FEB	NEW COMMUNITY CLINIC, INC. LTD ...	GREEN BAY	WI	1,269,513
H80CS00034	FEB	OUTREACH COMMUNITY HEALTH CENTERS, INC.	MILWAUKEE	WI	1,320,134
H80CS00384	FEB	MONROE COUNTY HEALTH DEPARTMENT.	UNION	WV	1,055,199
H80CS26637	FEB	WILLIAMSON HEALTH AND WELLNESS CENTER, INC.	WILLIAMSON	WV	1,348,015
H80CS01137	MAR	ILIULIUK FAMILY AND HEALTH SERVICES, INC.	UNALASKA	AK	774,751
H80CS00279	MAR	HEALTHY CONNECTIONS, INC	MENA	AR	1,996,406
H80CS12845	MAR	NATIVE AMERICAN COMMUNITY HEALTH CENTER, INC.	PHOENIX	AZ	1,215,320
H80CS00249	MAR	ALLIANCE MEDICAL CENTER, INC	HEALDSBURG	CA	966,922
H80CS00338	MAR	ALTURA CENTERS FOR HEALTH	TULARE	CA	2,354,763
H80CS00286	MAR	EAST VALLEY COMMUNITY HEALTH CENTER, INC.	WEST COVINA	CA	2,311,104
H80CS12875	MAR	HURTT FAMILY HEALTH CLINIC, INC ..	TUSTIN	CA	1,077,591
H80CS02325	MAR	INDIAN HEALTH CENTER OF SANTA CLARA VALLEY.	SAN JOSE	CA	966,483
H80CS00248	MAR	INLAND BEHAVIORAL AND HEALTH SERVICES, INC.	SAN BERNARDINO	CA	1,400,851
H80CS00343	MAR	MARIN COMMUNITY CLINIC	NOVATO	CA	1,228,996
H80CS00285	MAR	NEIGHBORHOOD HEALTHCARE	ESCONDIDO	CA	3,389,312
H80CS06629	MAR	PEACH TREE HEALTHCARE	MARYSVILLE	CA	1,405,316
H80CS00575	MAR	REDWOOD COAST MEDICAL SERVICES, INC.	GUALALA	CA	773,136
H80CS00251	MAR	REDWOODS RURAL HEALTH CENTER, INC.	REDWAY	CA	1,040,912
H80CS00657	MAR	SAN BERNARDINO, COUNTY OF	SAN BERNARDINO	CA	1,038,267
H80CS00046	MAR	SANTA BARBARA, COUNTY OF	SANTA BARBARA	CA	1,104,885

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS00885	MAR	SCHOOL HEALTH CLINICS OF SANTA CLARA COUNTY.	SAN JOSE	CA	874,494
H80CS00873	MAR	ST. JOHN'S WELL CHILD AND FAMILY CENTER, INC.	LOS ANGELES	CA	4,207,873
H80CS00282	MAR	VISTA COMMUNITY CLINIC	VISTA	CA	3,024,263
H80CS00242	MAR	WEST COUNTY HEALTH CENTERS, INC.	GUERNEVILLE	CA	1,581,685
H80CS12859	MAR	HEART OF FLORIDA HEALTH CENTER, INC.	OCALA	FL	1,875,628
H80CS02520	MAR	NORTHEAST FLORIDA HEALTH SERVICES, INC.	DELAND	FL	922,130
H80CS00506	MAR	MCKINNEY MEDICAL CENTER, INC	WAYCROSS	GA	1,201,576
H80CS00764	MAR	OCONEE VALLEY HEALTHCARE, INC	GREENSBORO	GA	1,128,348
H80CS00290	MAR	HANA COMMUNITY HEALTH CENTER	HANA	HI	831,248
H80CS00814	MAR	KALIHI PALAMA HEALTH CENTER	HONOLULU	HI	1,581,411
H80CS02449	MAR	MOLOKAI OHANA HEALTH CARE, INC	KAUNAKAKAI	HI	558,366
H80CS00646	MAR	WAIMANALO HEALTH CENTER	WAIMANALO	HI	1,171,224
H80CS00272	MAR	COMMUNITY HEALTH CENTERS OF SOUTHEASTERN IOWA, INC.	WEST BURLINGTON	IA	1,185,235
H80CS00302	MAR	BOUNDARY REGIONAL COMMUNITY HEALTH CENTER, INC.	BONNERS FERRY	ID	1,414,500
H80CS00834	MAR	ACCESS COMMUNITY HEALTH NETWORK.	CHICAGO	IL	6,389,773
H80CS00533	MAR	CENTRAL COUNTIES HEALTH CENTERS, INC.	SPRINGFIELD	IL	1,714,479
H80CS00288	MAR	GREATER ELGIN FAMILY CARE CENTER.	ELGIN	IL	2,849,454
H80CS03983	MAR	VNA HEALTH CARE, AN ILLINOIS NOT-FOR-PROFIT CORPORATION.	AURORA	IL	3,040,538
H80CS00340	MAR	OPEN DOOR HEALTH SERVICES, INC	MUNCIE	IN	1,517,055
H80CS00880	MAR	SHALOM HEALTH CARE CENTER, INC	INDIANAPOLIS	IN	1,027,946
H80CS02456	MAR	WINDROSE HEALTH NETWORK, INC ..	TRAFALGAR	IN	1,477,173
H80CS00856	MAR	BOWLING GREEN-WARREN COUNTY PRIMARY CARE CENTER, INC.	BOWLING GREEN	KY	688,570
H80CS07772	MAR	KENTUCKY MOUNTAIN HEALTH ALLIANCE, INC.	HAZARD	KY	1,082,965
H80CS06716	MAR	JEFFERSON COMMUNITY HEALTH CARE CENTERS, INC.	AVONDALE	LA	2,007,054
H80CS00579	MAR	SOUTHWEST LOUISIANA PRIMARY HEALTH CARE CENTER, INC.	OPELOUSAS	LA	1,430,245
H80CS12857	MAR	WINN COMMUNITY HEALTH CENTER	WINNFIELD	LA	2,048,109
H80CS00560	MAR	BROCKTON NEIGHBORHOOD HEALTH CENTER, INC.	BROCKTON	MA	1,919,308
H80CS00303	MAR	FENWAY COMMUNITY HEALTH CENTER, INC.	BOSTON	MA	1,114,360
H80CS00241	MAR	REGENTS OF THE UNIVERSITY OF MINNESOTA.	MINNEAPOLIS	MN	1,059,809
H80CS00301	MAR	THE RURAL ALLIANCE FOR BETTER FAMILY HEALTH.	WEST PLAINS	MO	514,786
H80CS00860	MAR	CENTRAL MISSISSIPPI HEALTH SERVICES, INC.	JACKSON	MS	879,662
H80CS33884	MAR	PUREVIEW HEALTH CENTER	HELENA	MT	1,123,946
H80CS00728	MAR	CAROLINA FAMILY HEALTH CENTERS, INC.	WILSON	NC	2,780,378
H80CS00293	MAR	GASTON FAMILY HEALTH SERVICES, INC.	GASTONIA	NC	4,834,813
H80CS00554	MAR	AMMONOOSUC COMMUNITY HEALTH SERVICES, INC.	LITTLETON	NH	1,093,490
H80CS12867	MAR	HARBOR HOMES, INC	NASHUA	NH	1,126,235
H80CS00253	MAR	JEWISH RENAISSANCE MEDICAL CENTER.	PERTH AMBOY	NJ	999,400
H80CS00296	MAR	MORA VALLEY COMMUNITY HEALTH SERVICES, INC.	MORA	NM	659,086
H80CS26513	MAR	FIRSTMED HEALTH AND WELLNESS CENTER.	LAS VEGAS	NV	1,066,281
H80CS16639	MAR	COMMUNITY HEALTH CENTER OF RICHMOND, INC.	STATEN ISLAND	NY	1,477,034
H80CS00281	MAR	REFUAH HEALTH CENTER, INC	SPRING VALLEY	NY	2,107,902
H80CS33885	MAR	REGIONAL HEALTH REACH, INC	ROCHESTER	NY	766,043

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant No.	Budget period start	Name	City	State	Estimated award amount
H80CS12886	MAR	LOWER LIGHTS CHRISTIAN HEALTH CENTER, INC.	COLUMBUS	OH	1,979,945
H80CS12877	MAR	CARING HANDS HEALTHCARE CENTERS, INC.	MCALISTER	OK	911,325
H80CS11462	MAR	LAPINE COMMUNITY HEALTH CENTER.	LA PINE	OR	637,178
H80CS00567	MAR	UMPQUA COMMUNITY HEALTH CENTER, INC.	ROSEBURG	OR	1,647,774
H80CS12880	MAR	COMMUNITY HEALTH CLINIC, INC	NEW KENSINGTON	PA	811,854
H80CS12881	MAR	NORTH SIDE CHRISTIAN HEALTH CENTER.	PITTSBURGH	PA	1,056,179
H80CS00008	MAR	MUNICIPIO DE SAN JUAN	SAN JUAN	PR	809,107
H80CS00298	MAR	REGENESIS HEALTH CARE, INC	SPARTANBURG	SC	1,817,294
H80CS00304	MAR	COMMUNITY HEALTH OF EAST TENNESSEE, INC.	LA FOLLETTE	TN	680,461
H80CS08767	MAR	UNIVERSITY COMMUNITY HEALTH SERVICES, INC.	NASHVILLE	TN	1,026,920
H80CS00299	MAR	BRAZOS VALLEY COMMUNITY ACTION AGENCY, INC.	COLLEGE STATION	TX	2,260,056
H80CS12850	MAR	HEALTH OPPORTUNITIES FOR THE PEOPLE OF EAST TEXAS, INC.	TENAHA	TX	559,561
H80CS07890	MAR	SOUTHWEST UTAH COMMUNITY HEALTH CENTER, INC.	ST GEORGE	UT	1,436,544
H80CS12871	MAR	GREATER PRINCE WILLIAM AREA COMMUNITY HEALTH CENTER, INC.	WOODBIDGE	VA	1,396,823
H80CS00746	MAR	COMMUNITY HEALTH CENTER OF SNOHOMISH COUNTY.	EVERETT	WA	1,804,711
H80CS00280	MAR	ACCESS COMMUNITY HEALTH CENTERS, INC.	MADISON	WI	1,712,305
H80CS00662	MAR	KENOSHA COMMUNITY HEALTH CENTER, INC.	KENOSHA	WI	988,717
H80CS00294	MAR	CABIN CREEK HEALTH SYSTEMS, INC	DAWES	WV	1,248,529
H80CS00254	MAR	LINCOLN COUNTY PRIMARY CARE CENTER, INC.	HAMLIN	WV	1,002,444
H80CS00256	MAR	WIRT COUNTY HEALTH SERVICE ASSOCIATION, INC.	RAVENSWOOD	WV	1,263,923
H80CS00827	MAR	WOMENCARE, INC	SCOTT DEPOT	WV	1,707,595
H80CS00042	MAR	COMMUNITY ACTION OF LARAMIE COUNTY, INC.	CHEYENNE	WY	235,839

* This service area has a temporary 9-month budget period of April 1, 2026, through December 31, 2026. The scope of work from the predecessor health center was transferred to this health center to ensure continuity of services to the service area for this period. The period of performance for this service area will continue to use a January start date.

Purpose/Justification

HRSA will provide health centers with a current period of performance of January 1, 2023, through December 31, 2026, or February 1, 2023, through January 31, 2027, with a 6-month or 5-month extension with funds, respectively, through June 30, 2027. Health centers with a current period of performance of March 1, 2023, through February 28, 2027, will receive a 5-month extension through July 31, 2027. The extension will ensure continuity of services between their current period of performance end date and when a new award will be made for the service area.

Thomas J. Engels,
Administrator.

[FR Doc. 2026–19578 Filed 9–23–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Health Resources and Services Administration

[Docket No. FDA–2026–N–10738]

Improving Patient Access to Deceased Donor Islet Cells and Cell Products; Request for Information

AGENCY: Food and Drug Administration, Health Resources and Services Administration, Department of Health and Human Services.

ACTION: Notice; request for information.

SUMMARY: The Department of Health and Human Services (HHS) is opening a public docket to solicit input, supporting data, and comments to assist

HHS as it considers how best to regulate deceased donor islet cells and/or deceased donor islet cell products for the treatment of Type 1 diabetes (T1D). The purpose of this information is to allow HHS agencies to better understand how best to regulate these therapies, including whether and how regulation could differ between isolated and otherwise unmodified deceased donor islet cells and deceased donor islet cell products. In this request for information, HHS will specify the type where appropriate or will refer to both types under the umbrella term of islet therapies. HHS seeks information on whether sufficient publicly available information exists to establish standards for how to transplant deceased donor islet cells and/or develop deceased donor islet cell products, as well as whether other publicly available data exist to support their safe and effective

use. Additionally, HHS seeks input on the possibility of defining unmodified deceased donor islet cells as organs, which would allow the procurement, allocation, and transplantation of these cells to be performed in accordance with applicable Organ Procurement and Transplantation Network (OPTN) policy and regulated by HRSA. Doing so would require OPTN establishing appropriate standards for safety, effectiveness, quality and consistency of islet cell processing and isolation, and surveillance and policies regarding the training and experience of transplant surgeons and transplant physicians in designated pancreatic islet cell transplant programs.

DATES: Either electronic or written comments on the notice must be submitted by November 9, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2026-N-10738 for "Improving Patient Access to Deceased Donor Islet Cells and Cell Products; Request for Information." 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: Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911; Fraser Byrne, Health Resources and Services Administration, 240-472-0297, or HSBOAA@hrsa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

T1D, a chronic autoimmune disease where a patient's immune system destroys insulin-producing beta cells in the pancreas, remains a significant public health problem affecting millions of people globally with over 2 million individuals impacted in the United States. The Food and Drug Administration (FDA) has made significant progress in advancing treatments for T1D, moving beyond traditional insulin replacement. Islet therapies offer a viable option for eligible patients with T1D who meet strict criteria. To date, FDA has licensed one deceased donor islet cell product, Lantidra, which is an allogeneic pancreatic islet cellular therapy used in conjunction with concomitant immunosuppression, indicated for the treatment of adults with T1D who are unable to approach target hemoglobin A1c (HbA1c) because of current repeated episodes of severe hypoglycemia despite intensive diabetes management and education.

Islet cells and islet cell products, like Lantidra, may be developed from whole pancreata, procured from multiple deceased organ donors, and are not transplanted as whole pancreata. The National Organ Transplant Act, 42 U.S.C. 274 and its implementing regulations at 42 CFR 121 authorize the Health Resources and Services Administration (HRSA) and the OPTN to oversee organ donations, procurements, and transplants.

The OPTN is charged with developing organ allocation policies and managing the organ matching system and waiting list. Organs are a scarce national resource where demand far outpaces supply—there are currently over 100,000 people on the waiting list for an organ transplant. Patients needing a pancreas transplant are added to this national waitlist and charged a registration fee when added to the list. These patient registration fees support most of the annual costs of operating the OPTN. HRSA, as the federal agency overseeing the OPTN, also provides oversight of OPTN member

organizations (including transplant hospitals and organ procurement organizations) to ensure patient safety for donors and transplant recipients, equitable organ allocation, and compliance with OPTN policies.

Lantidra is licensed by FDA as a biological product under section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262). FDA's regulation of Lantidra includes ensuring the safety and effectiveness of Lantidra. FDA oversight covers the full manufacturing process for an islet cell product, including multiple critical steps that can affect product safety, purity, potency, viability, and sterility. This oversight extends to manufacturers, processing facilities, quality systems, product sponsors, and clinical administration of cellular therapies prior to marketing and continuing throughout the lifecycle of the product.

The Centers for Medicare & Medicaid Services (CMS) and the National Institutes of Health (NIH) also have a limited role regarding pancreatic islet cell transplantation. Section 733 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173, 117 Stat. 2066, 2352) mandates that CMS cover the costs of the transplantation of pancreatic islet cells, but only in the context of an NIH-sponsored clinical trial. CMS also plays a role in its regulation of Organ Procurement Organizations (OPO). Specifically, the Pancreatic Islet Cell Transplantation Act of 2004 (Pub. L. 108–362, 118 Stat. 1703) requires that pancreata procured for use in islet cell transplantation or islet cell transplantation research be counted in performance metrics for OPO certification purposes.

II. Regulation of Deceased Donor Islet Cells and Cell Products

HHS is considering how to best regulate unmodified deceased donor islet cells and cell products to ensure patients' access while ensuring safety and effectiveness. To assist us in doing so, HHS seeks public input regarding how best to regulate these islet therapies. For example, we are seeking input to better understand whether sufficient publicly available information exists to establish standards for regulation of deceased donor islet cell products, which could streamline sponsor development and FDA evaluation of Biologics License Applications (BLAs) for such products, and specifically whether publicly available data exist to support their safe and effective use. Additionally, we are seeking input on the possibility of defining deceased donor islet cells as

organs, which would allow the procurement, allocation, and transplantation of these cells to be regulated via HRSA's oversight of the OPTN rather than by the FDA pursuant to a BLA. Doing so would require OPTN establishing appropriate standards for safety, effectiveness, manufacturing quality and consistency, communicable disease control, and maintaining surveillance activities.

Currently, sponsors seeking to market an unmodified deceased donor islet cell product must submit a biologics license application under section 351 of the PHS Act. As noted above, we are seeking input to better understand whether sufficient publicly available information exists to establish standards for regulation of deceased donor islet cell products, which could streamline sponsor development and FDA evaluation of BLAs for such products and whether other publicly available data exist to support their safe and effective use. This is not the first time FDA has solicited input from interested parties to develop alternate approach to streamlining BLA development. For example, in 1998, FDA solicited clinical outcome data to develop proposed product standards and establishment and processing controls for unrelated allogeneic peripheral and placental/umbilical cord blood hematopoietic stem/progenitor cell products.¹

FDA reviewed the aggregate body of the submitted data, along with the published literature, and determined collectively that the safety and effectiveness of certain cord blood products had been established. FDA subsequently issued a guidance² document articulating standards for those sponsors who wish to rely on the data submitted in the FDA docket.

III. Request for Public Comments

This request for information provides an opportunity for interested parties and the public—including sponsors, patients, transplant centers that may have participated in relevant studies, and other interested individuals and groups—to provide HHS with input, supporting data, and comments to assist

¹ Request for Proposed Standards for Unrelated Allogeneic Peripheral and Placental/Umbilical Cord Blood Hematopoietic Stem/Progenitor Cell Products; Request for Comments (63 FR 2985, January 20, 1998).

² See FDA's guidance "BLA for Minimally Manipulated, Unrelated Allogeneic Placental/Umbilical Cord Blood Intended for Hematopoietic and Immunologic Reconstitution in Patients with Disorders Affecting the Hematopoietic System," available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/bla-minimally-manipulated-unrelated-allogeneic-placentalumbilical-cord-blood-intended-hematopoietic>.

HHS as it considers how best to regulate deceased donor islet cell products for the treatment of T1D. Specifically, HHS is interested in information that would help establish standards for how to develop and transplant deceased donor islet cell products and whether other publicly available data exist to support their safe and effective use, including data around how such cells and cell products are regulated and made available to patients outside the United States.

In evaluating potential regulatory approaches regarding the oversight of deceased donor islet cells and cell products, HHS is also considering the broader scientific, operational, and public health implications associated with the following proposed options. These include potential additional oversight of islet cells by the OPTN under HRSA's regulatory authority; whether reclassification of deceased donor islet cells as organs could establish precedent for other donor-derived cellular products; whether the OPTN framework, which was established to oversee allocation of vascularized organs, is appropriate for islet cellular therapies; and the potential effects of any regulatory change on treatment effectiveness, patient safety, product quality, provider participation, patient access, program costs, donor willingness, and Federal oversight responsibilities. HHS seeks information to better understand these considerations before determining whether any changes to the current oversight framework are warranted.

IV.A Questions for Consideration Regarding Food and Drug Administration Regulation

For deceased donor islet cell products that are intended to treat certain adult T1D patients, HHS is seeking the submission of information to determine if it would be possible to develop public standards based on publicly available data, including non-clinical and clinical data, and whether those data and the public standards would be sufficient to demonstrate the safety and efficacy of deceased donor islet cells product for certain subsets of patients with T1D. As part of this effort, FDA is seeking information to develop a set of standards to support licensure for deceased donor islet cell products for the treatment of adults with T1D who are unable to approach target HbA1c because of repeated episodes of severe hypoglycemia.

We seek input on the questions below. While the questions ask for information that would help establish standards for how to develop and

manufacture deceased donor islet cell products and whether other publicly available data exists to support their safe and effective use, we welcome any additional comments related to standards for deceased donor islet cells that may improve our understanding and advance our public health mission. To help HHS review information efficiently, please identify the question to which you are responding by its associated category and number. If you are responding to more than one question, please identify each question to which you are responding, and categorize each response by question.

A. General

1. What publicly available data sources/information demonstrate quality source material for creation of deceased donor islet cellular products? Elements include, but are not limited to, donor eligibility, pancreas procurement parameters, organ quality acceptance criteria, and infectious disease testing. Information might include donor health status, donor age, donor body mass index for organ quality acceptance criteria, donor screening and testing records equivalent to the information required by 21 CFR part 1271, subpart C for donor eligibility; data on organ procurement procedures, ischemia time (warm/cold), preservation methods, shipping containers and conditions for organ procurement parameters; predefined acceptance criteria for organ or deceased donor islet cell quality: size, fibrosis extent, and results of all required communicable disease tests using FDA-licensed, -approved, or -cleared test kits; performed by Clinical Laboratory Improvement Amendments-certified laboratory for infectious disease testing.

2. What publicly available data sources/information demonstrate control of the manufacturing? Elements might include summary of control strategy, process validation data and facility and Current Good Manufacturing Practice (CGMP) compliance.

3. What publicly available data sources/information demonstrate product quality and potency? Elements include characterization, release tests, validated potency assays and lot-to-lot consistency data, and other quality parameters.

4. What publicly available nonclinical toxicology data supports use of existing immunosuppressive regimens?

a. Reproductive, developmental, and carcinogenic risk studies: Should these studies be waived for sponsors using conventional allogeneic islet products manufactured by methods frequently

reported in the scientific literature for these endpoints, as considered by FDA.³

b. Novel route-of-administration safety data: Should animal model safety studies for the delivery route be waived where sponsors propose the standard percutaneous transhepatic portal vein delivery route?

5. What impact, if any, could reclassification of deceased donor islet cells as “organs” have on the existing regulatory framework for biological products regulated by FDA? What factors distinguish deceased donor islet cells from other biological products that justifies different regulatory treatment?

B. Data Sources

6. What types of information and data would be necessary to show that publicly available real-world evidence (RWE) is relevant to deceased donor allogeneic islet transplantation for the noted indication:

a. FDA welcomes data and information on the volume and duration of international clinical trial data.

b. Established and consistent clinical endpoints. Should FDA continue to apply the same primary endpoint in evaluating RWE that FDA considered in the 2009 Islet Guidance—composite HbA1c $\leq 6.5\%$ and elimination of severe hypoglycemia to facilitate direct comparison with endpoint routinely applied in Collaborative Islet Transplant Registry (CITR) and international registries?⁴

c. Well-defined patient population with robust natural history as control: Should FDA apply criteria such as persistent, life-threatening hypoglycemia, poor glycemic control despite intensive insulin management and education, or hypoglycemia unawareness, as enrollment criteria?

d. Should FDA consider a robust external control, consistent with the ‘historical control arm’ design FDA’s 2009 Islet Guidance referred to as sufficient for clinical trials?⁵

e. Are there additional reasons to support or limit RWE-supported

deceased donor islet cell transplantation for the noted indication?

7. What real-world data (RWD) sources would be acceptable? Could available registries such as CITR, UK Transplant Registry/National Health Service Blood and Transplant (NHSBT), Edmonton Protocol cohort (University of Alberta), published peer-reviewed literature, or data generated from a sponsor-held U.S. investigational new drug (IND) be considered as data sources? What are the limitations and advantages of each category?

8. What are the criteria to determine the RWD fitness? Should criteria such as: data completeness, endpoint consistency, manufacturing comparability, confounding and bias, and generalizability to U.S. patients be included? What are their limitations and advantages?

C. Manufacturing Data

9. How should Product Standards Derivation be addressed? Should FDA, based on RWE review, establish product standards (potency specifications, viability thresholds, etc.),⁶ that individual sponsors must demonstrate their product meets?⁷

D. Clinical Data

10. Should manufacturers or health care facilities be required to submit postmarketing data? Should the following be incorporated:

a. Clinical outcome data collection: Manufacturers required to collect and report product-related clinical outcomes from transplant centers (e.g., graft failure, delayed engraftment, infusion reactions, infection transmission).⁸

b. Adverse experience reporting: Mandatory reporting of serious and unexpected adverse experiences of the type currently required by 21 CFR 600.80, including toxicity associated

⁶ FDA has successfully applied this approach for cord blood products.

⁷ See FDA’s guidance “BLA for Minimally Manipulated, Unrelated Allogeneic Placental/Umbilical Cord Blood Intended for Hematopoietic and Immunologic Reconstitution in Patients with Disorders Affecting the Hematopoietic System,” Section II.D, pp. 6–7, available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/bla-minimally-manipulated-unrelated-allogeneic-placental-umbilical-cord-blood-intended-hematopoietic>.

⁸ See FDA’s guidance “BLA for Minimally Manipulated, Unrelated Allogeneic Placental/Umbilical Cord Blood Intended for Hematopoietic and Immunologic Reconstitution in Patients with Disorders Affecting the Hematopoietic System,” Section VIII.A, p. 45, available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/bla-minimally-manipulated-unrelated-allogeneic-placental-umbilical-cord-blood-intended-hematopoietic>.

³ See FDA’s guidance “Considerations for Allogeneic Pancreatic Islet Cell Products,” available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/considerations-allogeneic-pancreatic-islet-cell-products>, Section III.F, p. 6.

⁴ See FDA’s guidance “Considerations for Allogeneic Pancreatic Islet Cell Products,” available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/considerations-allogeneic-pancreatic-islet-cell-products>, Section IV.D.1, p. 9.

⁵ See FDA’s guidance “Considerations for Allogeneic Pancreatic Islet Cell Products,” Section IV.A, p. 6, available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/considerations-allogeneic-pancreatic-islet-cell-products>.

with islet infusion and immunosuppressive regimens.⁹

c. Biological product deviation reporting: Required reporting of deviations from CGMP, applicable regulations, or established specifications that may affect safety, purity, or potency of a distributed product, within 45 calendar days of acquiring information reasonably suggesting that a reportable event has occurred, as is currently submitted on Form FDA 3486 as required by 21 CFR 600.14.¹⁰

d. Annual product quality review: Annual review of production and control records to evaluate product quality and determination of the need for changes in specifications or manufacturing controls.¹¹

e. Postmarketing Registry contribution: Should manufacturers contribute standardized outcome data to CITR or a designated FDA registry supporting ongoing RWE generation for the U.S. patient population.

11. List additional data sources to address clinical risks associated with deceased donor islet cell transplantation. Risks include but are not limited to bleeding, blood clots, allograft rejection, immunosuppression related risks, graft function loss, and long-term burden of lifelong immunosuppression on patients who receive these transplants.

12. What information on product quality and manufacturing is needed to allow HHS to evaluate available effectiveness data regarding donor islet therapies? For example, some RWE is generated under international regulatory frameworks that treat unmodified deceased donor islets as tissue/organ products rather than biological products. Clinical outcomes data (efficacy and safety endpoints) from these international cohorts could be relevant and informative. However, manufacturing quality data from these cohorts may not be directly translatable to current standards for biological

products because they were generated under tissue/organ frameworks rather than CGMP-equivalent manufacturing oversight. What standards and supporting data would explicitly distinguish between the use of international RWE for clinical outcomes support (high fitness) versus manufacturing quality support (limited fitness; must be supplemented by the sponsor's own CGMP data)?

13. What is the current data regarding long-term graft durability beyond 5 years, and how does it weigh against the risk of long-term immunosuppression use?

14. Please discuss the comparability of international RWE. How generalizable are the experiences of international cohorts to the U.S. T1D population? Are there differences in disease management practices, HbA1c targets, hypoglycemia thresholds and other factors that could significantly impact the interpretability and applicability of international RWE to the US T1D population?

IV.B Questions for Consideration Regarding HHS Oversight Framework

The OPTN framework, overseen by HRSA, is built on creating policy and equity for allocating scarce, life-saving resources to the many patients in dire medical need for a new organ. HRSA's existing authorizing statute¹² and regulations¹³ define the organs that the OPTN is responsible for, including the pancreas. Reclassifying deceased donor islet cells as "organs" would be a departure for this established oversight framework.

1. *Existing shared oversight.* The current framework divides responsibilities between FDA oversight of manufacturing and biological product regulation and HRSA's oversight of the OPTN and its policies governing organ donation, procurement, and transplantation. Are there modifications to the existing shared oversight framework that could improve patient access to unmodified deceased donor islet cells and cell products without an alteration of FDA's and HRSA's current regulatory responsibilities? If so, please describe.

2. *Evidence of access barriers.* Stakeholders have expressed concern that the current regulatory structure, with most pancreatic islet cell transplants conducted under an IND, may have unintentionally limited the ability of providers to regularly or consistently perform islet cell therapies or infusions. Please provide RWD or

documented delays in providing this care as clinically indicated for patients who would benefit from this therapy. Please provide quantitative data or documented evidence demonstrating that FDA regulatory requirements, rather than manufacturing capacity, reimbursement, clinical infrastructure, donor availability, or other factors, are the primary cause of limited patient access.

3. *Alternative approaches.* Please provide publicly available examples of alternative approaches to regulating deceased donor islet cells for transplant (e.g., legal oversight frameworks implemented by other regulatory authorities).

4. *Implementation.* What operational changes may be necessary to implement reclassification of deceased donor islet cell products as organs under the OPTN framework? Please identify any policy changes that would be required and discuss any implementation challenges.

5. *Precedential effects.* If deceased donor islet cells were classified as organs for purposes of Federal oversight, what precedent could this establish for other donor-derived cellular products or future cell-based therapies? What factors should HHS consider in determining whether pancreatic islet cells are distinguishable from processed donor-derived cellular products?

6. *Suitability of the OPTN framework.* The OPTN framework was established primarily to oversee allocation of vascularized organs and transplant programs. What aspects of that framework are well suited—or not well suited—for oversight of processed cellular therapy products such as deceased donor islet cell products? Please identify any additional policies, expertise, or infrastructure that would be necessary.

7. *Manufacturing and product quality oversight.* FDA currently oversees manufacturing processes, quality systems, product release testing, potency, sterility, and other controls applicable to biological products. If regulatory oversight were transferred to HRSA, via its oversight of the OPTN, how should the full range of oversight functions across the products' life cycle be executed? Are there aspects of the current FDA framework that should continue at FDA, versus moving to HRSA via its oversight of the OPTN, regardless of the regulatory classification?

8. *Patient safety.* What patient safety risks should HHS consider when evaluating whether post-marketing oversight of deceased donor islet cell products should remain within the FDA biological product regulatory framework

⁹ See FDA's guidance "BLA for Minimally Manipulated, Unrelated Allogeneic Placental/Umbilical Cord Blood Intended for Hematopoietic and Immunologic Reconstitution in Patients with Disorders Affecting the Hematopoietic System," Section VIII.C, p. 46, available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/bla-minimally-manipulated-unrelated-allogeneic-placentalumbilical-cord-blood-intended-hematopoietic>.

¹⁰ See FDA's guidance "BLA for Minimally Manipulated, Unrelated Allogeneic Placental/Umbilical Cord Blood Intended for Hematopoietic and Immunologic Reconstitution in Patients with Disorders Affecting the Hematopoietic System," Section VIII.D, p. 46, available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/bla-minimally-manipulated-unrelated-allogeneic-placentalumbilical-cord-blood-intended-hematopoietic>.

¹¹ 21 CFR 211.180(e).

¹² 42 U.S.C. 274b(d)(2).

¹³ 42 CFR 121.2.

or be wholly incorporated into the OPTN framework? Please address issues including communicable disease transmission, manufacturing variability, sterility, product potency, traceability, and post-market surveillance.

9. *Provider implications.* If deceased donor islet cell products were reclassified as “organs”, would OPTN membership need to expand to include new types of providers (e.g., endocrinologists) to perform these treatments? Or would the existing pool of providers at OPTN member institutions perform these treatments if islet cells are classified as “organs”?

a. What are the potential provider implications?

b. What are the potential system costs and implications for each approach?

10. *Patient access.* If deceased donor islet cell products were reclassified as organs, what effect could that have on:

- a. the number and geographic distribution of treatment centers;
- b. patient travel requirements;
- c. provider participation;
- d. waiting times;
- e. patient costs;
- f. insurance coverage and
- g. donor willingness to participate in organ donation?

11. *Operational and financial impact on OPTN.* The OPTN is funded primarily through organ transplant patient registration fees. What operational, administrative, or financial impacts would reclassification have on the OPTN, its member organizations, and patients waiting for an organ transplant? Please comment on potential effects on policy development, Board of Directors and committee workload, information technology systems, membership requirements, patient registration processes, and overall program costs.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2026–19563 Filed 9–23–26; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute on Deafness and Other Communication Disorders.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute On Deafness And Other Communication Disorders, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute on Deafness and Other Communication Disorders.

Date: October 28, 2026.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lisa L Cunningham, Ph.D., Scientific Director, National Institute on Deafness, and Other Communication Disorders, National Institutes of Health, 35A Convent Drive, Rockville, MD 20850, (301) 443–2766 lisa.cunningham@nih.gov.

Information is also available on the Institute's/Center's home page: <https://www.nidcd.nih.gov/about/advisory-committees>, where an agenda and any additional information for the meeting will be posted when available.

Dated: September 21, 2026.

Rosalind M Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–19577 Filed 9–23–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6513–N–02]

Civil Monetary Penalty Amounts for 2026

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: This notice informs the public that inflation adjustments of civil monetary penalty amounts required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) are not being made for 2026.

DATES: September 24, 2026.

FOR FURTHER INFORMATION CONTACT: Scott Knittle, Principal Deputy General

Counsel, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20024; telephone number 202–402–2244 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Pub. L. 114–74, Sec. 701), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), requires agencies to make annual adjustments to civil monetary penalty (CMP) amounts for inflation. The annual adjustment is based on the percent change between the U.S. Department of Labor's Consumer Price Index for All Urban Consumers (“CPI-U”) for the month of October preceding the date of the adjustment, and the CPI-U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.¹

II. This Notice

On April 17, 2026, the Office of Management and Budget informed the heads of executive departments and agencies that “Due to the government shutdown, [the Bureau of Labor Statistics] was unable to produce the October 2025 data. Based on the lack of October 2025 CPI-U data, which is needed to make adjustments under the 2015 Act, there will be no updated cost-of-living adjustment multiplier for 2026 and agencies will continue using the 2025 civil monetary penalty levels as applicable.”²

As such, this notice informs the public that the statutory annual inflation adjustments of civil monetary penalty amounts are not being made for 2026 and that all HUD civil money

¹ 28 U.S.C. 2461 note.

² OMB Memorandum M–26–11: *Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, April 17, 2026, pp. 1–2.

penalties are maintained at their 2025 level.

David Woll,

General Counsel.

[FR Doc. 2026-19600 Filed 9-23-26; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 6620-N-01]

HUD Evaluation Policy

AGENCY: Office of the Assistant Secretary for Policy Development and Research, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This policy articulates the core principles of the Department of Housing and Urban Development's evaluation and research activities. This notice updates the Department's Evaluation Policy and reaffirms HUD's commitment to conducting rigorous, relevant evaluations, adhering to the tenets of Executive Order 14303, "Restoring Gold Standard Science," and using evidence from evaluations to inform policy and practice.

DATES: Effective date of this notice: September 24, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this notice, contact Jennifer Turnham, Evaluation Officer, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email PDREPublicComments@hud.gov, or telephone (202) 402-6021. The listed telephone number 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:

I. Background

Evaluation activity occurs in several offices at HUD, but the special mission of HUD's Office of Policy Development and Research (PD&R) is to improve life in American communities by building evidence to inform and strengthen housing and community development policy and practice and accelerate progress on HUD's priorities. PD&R builds evidence by conducting, supporting, and sharing research, surveys, demonstrations, program

evaluations, and best practices. Within HUD, PD&R is responsible for most, but not all, program evaluations. The office also conducts regulatory impact analyses that accompany regulations proposed by the Department.

In 2016, PD&R published its first Evaluation Policy describing the core standards guiding its evaluation and research activities.¹ In 2021, PD&R revised the Evaluation Policy to align with the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act"),² expand the scope of the policy to include all of HUD, and reflect PD&R's experience since publishing its initial policy.³

This 2026 revision reaffirms HUD's commitment to the program evaluation standards required by OMB Circular A-11 Section 290.5, consistent with the Evidence Act⁴—rigor; relevance and utility; transparency; independence and objectivity; and ethics—and affirms HUD's commitment to the tenets of Gold Standard Science (GSS) in producing and communicating evidence, consistent with Executive Order 14303, "Restoring Gold Standard Science" (May 23, 2025). Executive Order 14303 seeks to ensure that federally-funded research is transparent, rigorous, and impactful, and that Federal decisions are informed by reliable scientific evidence. The Executive Order requires federal agencies to conduct scientific activities in a manner that is: reproducible; transparent; communicative of error and uncertainty; collaborative and interdisciplinary; skeptical of findings and assumptions; structured for falsifiability of hypotheses; subject to unbiased peer review; accepting of negative results as positive outcomes; and without conflicts of interest. HUD reports annually on its efforts to implement Executive Order 14303.⁵

II. HUD Evaluation Policy

The Evaluation Policy covers evaluation, as defined by the Evidence Act,⁶ as well as other research and

evidence building projects and regulatory impact analyses. The policy applies to HUD's contractors, grantees, and staff involved in these activities and affirms HUD's commitment to federal evaluation standards (rigor, relevance and utility, transparency, independence and objectivity, and ethics).

Rigor

HUD is committed to using the most rigorous methods appropriate to the research questions and feasible within budget and other constraints. Rigor is necessary in all types of evaluations (impact evaluations, implementation or process evaluations, outcome evaluations, formative evaluations, and other types of scientific research) and applies to both qualitative and quantitative approaches. Rigor requires identifying well-founded inferences about cause and effect; understanding and correcting for bias in research questions and methods; using measures that capture the intended information; and clarity about the generalizability of findings. Where feasible and appropriate, rigorous research uses experimental or quasi-experimental methods to enable the falsification of hypotheses and assignment of causation, aligning with the GSS tenet of structuring (science) for the falsifiability of hypotheses.

HUD ensures that contractors and grantees conducting evaluations have appropriate expertise to apply rigor by evaluating applicants' experience and the skillsets of the proposed team members. HUD employs staff from a range of disciplines to ensure they have the technical and subject matter expertise to develop, oversee, and conduct high-quality evaluations that advance the agency's mission. HUD staff critically review all steps in the research and evaluation process, question findings, and assess underlying assumptions, consistent with the GSS tenet of skepticism of findings and assumptions. Evaluations must also clearly communicate uncertainty, margins of error, and limitations in findings, consistent with the GSS tenet of communicating error and uncertainty.

Relevance and Utility

HUD's evaluation and research activities reflect legislative requirements and HUD policy priorities. Relevance and utility are key considerations at all stages of the research process. Early input from stakeholders on research topics and questions helps ensure that

policies, and organizations intended to assess their effectiveness and efficiency." See <https://www.congress.gov/bill/115th-congress/house-bill/4174/text>.

¹ PD&R's 2016 Evaluation Policy can be found here: <https://www.federalregister.gov/documents/2016/12/06/2016-29215/hud-program-evaluation-policy-policy-statement>.

² Public Law 115-435, January 14, 2019.

³ HUD's 2021 Evaluation Policy can be found here: <https://www.federalregister.gov/documents/2021/08/13/2021-17339/hud-program-evaluation-policy-policy-statement>.

⁴ The standards are set forth in Section 290.5 of the Office of Management and Budget's Circular No. A-11, August 2025. See <https://www.whitehouse.gov/wp-content/uploads/2025/08/a11.pdf>.

⁵ See www.hud.gov/gss.

⁶ Section 101 of the Evidence Act defines evaluation as "an assessment using systematic data collection and analysis of one or more programs,

final products are relevant and useful to their audiences. Expert panels, including researchers and other subject matter experts, can also provide strategic guidance at key junctures over the course of the study. By incorporating a range of expertise and perspectives into the research and evaluation process, HUD ensures that resulting policy recommendations are actionable and reflect the GSS tenet of promoting collaborative and interdisciplinary research.

Once research is complete, ensuring its relevance and utility requires sharing findings with the public and key stakeholders in an accessible manner. HUD seeks to disseminate research and evaluation findings in ways that are useful to policymakers, practitioners, and communities affected by HUD programs and policies. This includes providing policy briefs, infographics, webinars, and/or stakeholder briefings to complement traditional research and evaluation reports.

Transparency

HUD strives for transparency in all phases of the research process. Each year, HUD communicates its research agenda through the annual Agency Evidence Plan.⁷ When it undertakes a methodologically complex project, HUD will publish the research design to provide transparency to the research community and ensure that the researchers are accountable to the original design, explaining any deviations if necessary. Requirements for researchers regarding the use of Artificial Intelligence (AI) in producing or informing evaluation findings and regarding the disclosure of AI use in published reports are communicated through grant agreements, contract documents, or publication guidelines.

To the extent possible, HUD shares all interim and final reports within six months of completion and typically permits contractors to publish their findings within six months of the contract ending (if HUD has not already published them). Reports must present comprehensive results (including favorable, unfavorable, and null findings) and clearly communicate caveats and areas of uncertainty, reinforcing the GSS tenet of accepting negative results as positive outcomes.

To aid in the replication and verification of findings, HUD publishes final datasets, analytic code, and model documentation to the extent feasible. HUD also archives administrative and

evaluation data for secondary use by interested researchers where possible, including working with the U.S. Census Bureau to store datasets from major research studies. External researchers may access these data through data licenses, data use agreements, inter-agency agreements, and/or formal research agreements with relevant entities. These practices support the GSS tenets of reproducibility and transparency.

Independence and Objectivity

Independence and objectivity are core principles of evaluation. HUD seeks input into its research agenda from a broad range of stakeholders and conducts most of its research and evaluation through competitively awarded grants and contracts with external experts. Reflecting the GSS tenet of unbiased peer review, HUD ensures all sponsored research and evaluation projects are conducted without undue influence, including the appearance or reality of bias. All applicants must document that they are free from conflicts of interest related to the research subject. During the application review process, HUD reviewers also disclose any conflicts of interest with applicants and recuse themselves if a conflict exists, consistent with the GSS tenet of science without conflicts of interest. Once a study is underway, HUD staff and expert panel members review study designs and findings for objectivity.

Ethics

HUD-sponsored evaluations must be conducted in an ethical manner and safeguard the dignity, rights, safety, and privacy of participants. Evaluations must comply with relevant regulations, such as those governing human subjects research. HUD is a signatory to the Federal Policy for the Protection of Human Subjects, generally known as the "Common Rule." 24 CFR part 60 includes its own requirements for protecting the privacy of human research subjects.⁸ In addition, PD&R protects the privacy of individuals through the Rule of Eleven,⁹ which prohibits disaggregated disclosure of data for any group of individuals or households numbering less than eleven. The Rule of Eleven applies to all research conducted by PD&R staff, contractors, grantees, or data license recipients.

HUD does not tolerate plagiarism, fabrication, or deliberate mischaracterization of data by staff, contractors, grantees, or data licensees engaged in any evaluation activity. In all cases, HUD expects evaluations and studies to reflect the expertise and original thought of the researchers.

Application of these Principles to Economic Analysis of Regulations

Economic analysis of both existing and proposed regulations, properly conducted, is a critical tool in improving public policy. Economists at HUD rely on the insights, data, and empirical estimates from rigorous program evaluations when predicting the economic impact of an incremental change to the program. In any HUD regulatory impact analysis:

- HUD analyzes whether the issues addressed by the regulation stem from a market failure, government failure, or other systemic problem, and whether the regulation addresses the root causes of those problems.
- HUD uses and as necessary produces the best objective estimates of the benefits, costs, and transfers resulting from the regulation, taking into account gaps and uncertainties in the available data and methodologies.
- HUD assesses the economic benefits, costs, and transfers of proposed regulatory actions as required by Executive Order 12866.¹⁰
- Where clear alternatives to the regulatory actions exist, HUD objectively estimates, where feasible, the benefits, costs, and transfers of those alternatives as well.

Reid Wilson,

Deputy Chief of Staff, performing the Delegable Duties of the Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2026-19528 Filed 9-23-26; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6619-N-01]

Notice of Informal Presentation of Views

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

¹⁰ See <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf> for the original order, and see <https://www.federalregister.gov/presidential-documents/executive-orders/william-j-clinton/1993> for citations of, and links to, other executive orders that amended or supplemented this order.

⁷ The Evidence Plan and related documents can be found at https://www.huduser.gov/portal/about/pdr_agenda.html.

⁸ <https://www.ecfr.gov/cgi-bin/retrieveECFR?n=pt24.1.60>.

⁹ <https://www.huduser.gov/portal/portal/sites/default/files/pdf/PDR-Privacy-Rule-of-Eleven.pdf>.

ACTION: Notice.

SUMMARY: HUD will gather information through a written Informal Presentation of Views to allow the Secretary to reach a fully informed decision on whether to suspend or revoke Scott Wiegand's installer's license.

DATES: *Close of Written Informal Presentation of Views:* The deadline for receiving documentary evidence is October 14, 2026.

ADDRESSES: Interested persons are invited to submit documentary evidence, including written statements or submissions of supporting documentation, regarding this Notice. Please submit all written documentation to the Office of Manufactured Housing Programs, Housing and Urban Development, 451 7th St. SW, Room 9252, Washington, DC 20410. Digital statements and documentation can be sent by email to mhs@hud.gov with the docket number included in the heading. Each document that is submitted in this proceeding must display on the front page the document number of this proceeding, "EB-IP2026-01" on the front page.

FOR FURTHER INFORMATION CONTACT: Angelo Wallace, Civil (Structural) Engineer, Office of Manufactured Housing Programs; telephone: 202-402-3848; email address:

Angelo.M.Wallace@hud.gov. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

SUPPLEMENTARY INFORMATION:**I. Statutory and Regulatory Background**

The Secretary of the United States Department of Housing and Urban Development ("Secretary") administers the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 *et seq.*) (the Act). Under this authority, the Secretary administers the Manufactured Home Construction and Safety Standards (24 CFR part 3280) and the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282), as well as the Manufactured Home Installation Program that includes licensure of installers in HUD-Administered states (24 CFR part 3286). The Manufactured Home Procedural and Enforcement Regulations prescribe procedures for the enforcement of the Secretary's administration of these standards.

Under 24 CFR 3286.209(b), the Secretary may suspend or revoke an installation license for, among other things, failing to comply with the requirements of 24 CFR parts 3285 and 3286, failing to take appropriate actions upon a failed inspection, and engaging in poor workmanship as evidenced by installing one or more homes that fail to meet the requirements of 24 CFR 3286.107.

II. Informal Presentation of Views for Mr. Wiegand

Scott Wiegand is currently licensed to install manufactured homes in HUD-Administered states with installer's license #IL20160193. The Office of Manufactured Housing Programs received multiple consumer complaints regarding manufactured home installations performed by Mr. Wiegand. An investigation showed that at least eight manufactured homes installed in Mays Landing, New Jersey, by Mr. Wiegand failed to comply with the manufacturer's installation instructions and the Model Manufactured Home Installation Standards (24 CFR part 3285). Further, although given multiple opportunities to correct these failures, the installations remain deficient.

In accordance with 24 CFR 3286.209(b), on November 24, 2025, the Secretary notified Mr. Wiegand of the intent to revoke his installer's license. On December 1, 2025, Mr. Wiegand responded stating that he disagrees with this determination. HUD construes this letter as a request for a presentation of views because Mr. Wiegand submitted a statement and documentation with his original letter.

Upon consideration of the factors identified in 24 CFR 3282.152(c)(4), the Secretary has determined that the Informal Presentation of Views will be held in accordance with the provisions of 24 CFR 3282.152(f). The parties involved in this proceeding are Scott Wiegand and the Secretary.

Jason McJury is hereby designated as the presiding officer for all proceedings. Mr. McJury is the Deputy Administrator for HUD's Office of Manufactured Housing Programs. Inquiries should be directed to the person listed under **FOR FURTHER INFORMATION CONTACT** above. All submissions will be taken in writing and considered by the presiding officer. The presiding officer will review written statements and documentary evidence as soon as practicable following the closing date of this notice. As provided for by 24 CFR 3282.153, interested persons may participate in the Informal Presentation of Views by presenting documentary evidence regarding this Notice to the address

identified above or by sending digital statements and documentation to the email address identified above.

Janet Golrick,

Director, National Disaster Coordinator, Performing the Delegable Duties of the General Deputy Assistant Secretary for the Office of Housing.

[FR Doc. 2026-19489 Filed 9-23-26; 8:45 am]

BILLING CODE 4210-67-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1453]

Certain Boiler Protection for Absorption Refrigeration Systems and Components Thereof; Notice of the Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a general exclusion order ("GEO") prohibiting the importation of certain boiler protection for absorption refrigeration systems and components thereof that infringe claims 1, 4, 6, and 10 of U.S. Patent No. 8,056,360 ("the '360 patent"), and cease and desist orders ("CDOs") against the defaulting respondents.

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the investigation on June 18, 2025, based on a complaint, as supplemented, filed by Complainants

ARPC LLC and Paul N. Unmack (together, “Complainants”), both of Butte, Montana. 90 FR 26066–67 (Jun. 18, 2026). The complaint alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain boiler protection for absorption refrigeration systems and components thereof by reason of infringement of claims 1, 4, 6, and 10 of the ’360 patent. *Id.* at 26066. The Commission’s notice of investigation named 10 respondents: Kuofanghenanmaoyiyouxiangongsi of Zhengzhou, China (“Koofang”); Wuhujiaoxiangdianzishangwuyouxia ngongsi of Wuhu, China (“Bydorunce”); Shenzhenshi Xiangfan Xinxizixun Youxiangongsi of Shenzhen, China (“RVGIVE”); Ruianshichensumaoyiy ouxiangongsi of Rui’an, China (“Tesmirror”); Wuhu Tianhao e-commerce Co., Ltd of Wuhu, China (“iJF”); shen zhen shi hong kang da ke ji you xian gong si of Shenzhen, China (“HKDAUTOTECH”); guangzhou yingpeng dianzi shangwu youxiangongsi of Guangzhou, China (“VISVIC”); Wang Hai Ping of Guangzhou, China (“Hofantek”); shen zhen shi xing han xing dian zi shang wu you xian gong si of Shenzhen, China (“XHXAUTO”); and Qingyuan nuoqedianzishangwuyouxianze rengongsi of Qingyuan, China (“Little Bear Pocket”). *Id.* The Office of Unfair Import Investigations (“OUI”) is participating in this investigation. *Id.*

On November 21, 2025, Complainants moved for an order to show cause and an entry of default against seven respondents—Koofang, Bydorunce, RVGIVE, Tesmirror, iJF, HKDAUTOTECH, and VISVIC. On December 2, 2025, OUI filed a response in support of the motion. On December 8, 2025, the CALJ issued an order to show cause against Koofang, Bydorunce, RVGIVE, Tesmirror, iJF, HKDAUTOTECH, and VISVIC. Order No. 8 (Dec. 8, 2025).

On December 11, 2025, Complainants moved to withdraw the complaint and terminate the investigation with respect to the three unserved respondents—Hofantek, Tesmirror, and XHXAUTO. On December 15, 2025, OUI filed a response in support of the motion. The Commission terminated those parties from the investigation. Order No. 10 (Dec. 19, 2025), *unreviewed by* Notice (Jan. 8, 2026).

On December 19, 2025, the CALJ issued an order correcting Order No. 8 based on the inadvertent exclusion of Little Bear Pocket and inadvertent inclusion of Tesmirror, and ordered Little Bear Pocket to show cause why it

should not be found in default. Order No. 9 (Dec. 19, 2025).

On January 11, 2026, Complainants moved for a summary determination of violation against the seven respondents subject to the show cause order, and requested the issuance of a GEO, the issuance of CDOs against each respondent, and the imposition of a bond of one hundred percent (100%) of the entered value of the infringing articles. On February 9, 2026, OUI filed a response in support of the motion.

On February 24, 2026, respondents Bydorunce and iJF moved to terminate the investigation based on the entry of a consent order. On February 27, 2026, OUI filed a response supporting the motion to terminate the investigation with respect to those parties. On March 6, 2026, Complainants filed a response supporting the motion. The Commission subsequently terminated Bydorunce and iJF from the investigation. Order No. 17 (Mar. 11, 2026), *unreviewed by* Comm’n Notice (Mar. 30, 2026).

On February 25, 2026, the CALJ found respondents Koofang, RVGIVE, Little Bear Pocket, and VISVIC (together, “the Defaulting Respondents”) in default for failing to respond to the order to show cause why they should not be found in default. Order No. 16 (Feb. 25, 2026), *unreviewed by* Notice (Mar. 20, 2026). The CALJ also declined to find HKDAUTOTECH in default because Complainants could not establish that the show cause order was served on HKDAUTOTECH.

On March 6, 2026, Complainants moved to terminate the investigation with respect to HKDAUTOTECH based on a partial withdrawal of the complaint. On March 12, 2026, OUI filed a response in support of the motion. The Commission subsequently terminated HKDAUTOTECH from the investigation. Order No. 19 (Mar. 24, 2026), *unreviewed by* Comm’n Notice (Apr. 15, 2026).

On May 21, 2026, the CALJ issued the subject ID granting the motion for summary determination of violation. Specifically, the ID found that: (1) the importation requirement is satisfied for all Defaulting Respondents; (2) all Defaulting Respondents’ accused products infringe claims 1, 4, 6, and 10 of the ’360 patent; (3) the asserted domestic industry product satisfies claims 1, 4, 6, and 10 of the ’360 patent; and (4) the economic prong of the domestic industry requirement is satisfied under both subsection 337(a)(3)(A) and (B). The CALJ recommended that the Commission issue a GEO, CDOs against each Defaulting Respondent, and set a bond rate of one hundred percent (100%) of

the entered value of the imported articles. No party petitioned for review of the ID.

On July 6, 2026, the Commission determined on its own initiative to review the final ID’s findings on the economic prong of the domestic industry requirement. 91 FR 42249–51 (July 8, 2026); 19 CFR 210.44. The Commission determined not to review the remaining findings, conclusions, and supporting analysis in the final ID, including its findings that Complainants have established by substantial, reliable, and probative evidence that the respondents’ products practice the asserted claims of the ’360 patent. The Commission also requested briefing on remedy, bonding, and the public interest.

On July 19, 2026, Complainants filed their initial submission to the Commission’s request for briefing. On July 20, 2026, OUI filed its initial submission to the Commission’s request for briefing. OUI filed a response submission on July 27, 2026. No other party filed a submission before the Commission.

Having reviewed the record of the investigation, including the final ID and the parties’ submissions, the Commission has found a violation of section 337 with respect to claims 1, 4, 6, and 10 of the ’360 patent. Specifically, the Commission has determined to affirm, with modifications, the final ID’s finding that Complainants have satisfied the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(B).

The Commission has determined that the appropriate remedy is: (1) a GEO under section 337(g)(2) and (d)(2)(B) prohibiting the entry of boiler protection for absorption refrigeration systems and components thereof that infringe claims 1, 4, 6, and 10 of the ’360 patent; and (2) CDOs against each of the four Defaulting Respondents under section 337(g)(1). The Commission has determined that the public interest factors do not preclude issuance of the remedial orders. The Commission has determined that a bond is required during the period of Presidential review and sets the bond in the amount of one hundred percent (100%) of entered value for imported infringing articles. 19 U.S.C. 1337(j)(3).

The investigation is terminated. The Commission’s reasoning in support of its determination is set forth more fully in its opinion. The Commission’s orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on September 21, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-19543 Filed 9-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1433]

Certain Glass Substrates for Liquid Crystal Displays, Products Containing the Same, and Methods for Manufacturing the Same; Notice of a Commission Determination to Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination ("final ID") issued by the presiding administrative law judge ("ALJ") on July 23, 2026, finding a violation of section 337 in the above referenced investigation. The Commission requests written submissions from the parties on certain issues under review, as indicated in this notice, and submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Lisa A. Murray, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2781. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General

information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On January 24, 2025, the Commission instituted this investigation based on a complaint, as supplemented, filed by Corning Incorporated ("Corning") of Corning, New York, alleging violations of section 337 of Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), due to the importation into the United States, sale for importation, or sale in the United States after importation of certain glass substrates for liquid crystal displays, products containing the same, and methods for manufacturing the same that allegedly infringe certain claims of U.S. Patent Nos. 8,627,684; 9,512,025; and 7,851,394 (collectively, "the Asserted Patents"). 90 FR 8140-41 (Jan. 24, 2025). The complaint, as supplemented, also alleges violations of section 337 based upon the importation and sale of certain glass substrates for liquid crystal displays, products containing the same, and methods for manufacturing the same by reason of misappropriation of certain trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names the following respondents: LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey ("LGE"); VIZIO, Inc. of Irvine, California ("VIZIO"); HKC Corporation Ltd. of Shenzhen City, Guangdong Province, China and HKC Overseas Ltd. of Hong Kong, China (collectively, "HKC"); Hisense USA Corporation of Suwanee, Georgia ("Hisense"); Caihong Display Devices Co., Ltd. of Xianyang City, China ("Caihong Display"); TCL China Star Optoelectronics, Technology Co., Ltd. of Shenzhen City, China ("CSOT"); TTE Technology, Inc., d/b/a TCL North America of Irvine, California ("TCL"); and Xianyang Caihong Optoelectronics, Technology Co., Ltd. of Xianyang City, China ("CHOT"). The Office of Unfair Import Investigations ("OUII") is also named as a party to this investigation.

The Commission previously terminated the investigation as to the Asserted Patents due to withdrawal of the complaint with respect to their asserted claims, pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1). Order No. 7 (Feb. 17, 2025), *unreviewed by Comm'n Notice*

(Feb. 26, 2025); Order No. 38 (July 1, 2025), *unreviewed by Comm'n Notice* (July 14, 2025); Order No. 51 (Aug. 26, 2025), *unreviewed by Comm'n Notice* (Sept. 22, 2025); Order No. 54 (Nov. 18, 2025), *unreviewed by Comm'n Notice* (Dec. 5, 2025); Order No. 55 (Nov. 20, 2025), *unreviewed by Comm'n Notice* (Dec. 15, 2025). The trade secrets remain at issue.

The Commission also terminated the investigation with respect to respondents HKC, VIZIO, and LGE, based on settlement agreements, pursuant to Commission Rule 210.21(b), 19 CFR 210.21(b). Order No. 44 (July 21, 2025), *unreviewed by Comm'n Notice* (Aug. 14, 2025) (HKC); Order No. 52 (Sept. 9, 2025), *unreviewed by Comm'n Notice* (Sept. 24, 2025) (VIZIO); Order No. 53 (Sept. 24, 2025), *unreviewed by Comm'n Notice* (Dec. 15, 2025) (LGE).

On February 10, 2026, the Commission affirmed an ID (Order No. 64) granting Corning's motion for summary determination that the remaining respondents have satisfied the importation requirement of section 337(a)(1)(A), (B). Order No. 64 (Jan. 9, 2026), *unreviewed by Comm'n Notice* (Feb. 10, 2026).

On April 20, 2026, the Commission affirmed an ID (Order No. 85) granting a joint motion filed by Corning and Hisense to partially terminate the investigation with respect to Hisense on the basis of a settlement agreement, pursuant to Commission Rule 210.21(b), 19 CFR 210.21(b). Order No. 85 (Mar. 25, 2026), *unreviewed by Comm'n Notice* (Apr. 20, 2026).

On July 23, 2026, the ALJ issued the subject ID, finding a violation of section 337 by each of Respondents Caihong Display, CHOT, CSOT, and TCL ("Respondents") by reason of misappropriation of certain trade secrets. On August 4, 2026, Respondents filed a petition for review. On the same date, Complainant and OUII filed contingent petitions for review. On August 12, 2026, each party filed responses to the other parties' petitions.

On August 6, 2026, the ALJ issued a Recommended Determination on remedy and bonding ("RD"). The RD recommends that, if the Commission finds a violation, it should issue a limited exclusion order of approximately 5 to 6 years. The RD also recommends that a cease and desist order issue as to Respondent TCL. The RD further recommends a bond rate of 9.8 percent, to be imposed during the period of Presidential review on imported articles subject to the limited exclusion order.

On September 8, 2026, Complainant submitted public interest comments

pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). On the same date, Coalition for a Prosperous America, New American Industrial Alliance, and Respondents Caihong Display and CHOT filed comments in response to the Commission's **Federal Register** notice seeking submissions on the public interest. See 91 FR 51747–48 (Aug. 11, 2026).

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, and the responses thereto, the Commission has determined to review the ID in part.¹ Specifically, the Commission has determined to review: (1) the final ID's determination that CHOT and CSOT are in violation of section 337; (2) the final ID's determination that relief is not barred by any statute of limitations; and (3) the final ID's statements and findings that Corning did not take reasonable measures to maintain the secrecy of its trade secrets during the years that elapsed before Corning pursued any legal claim against Respondents.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Please discuss, with reference to the evidentiary record, whether CHOT and/or CSOT can be characterized as affiliated companies, parents, subsidiaries, agents, or other related business entities, or successors or assigns, of any other Respondent in this proceeding.

2. Please explain, with reference to the evidentiary record, the extent to which CHOT and CSOT have or have not had "close working relationships" with Caihong Display, as referenced in footnote 113 on page 205 of the FID, at any time between January 2007 and the present.

3. Please discuss whether their relationships with Caihong Display are sufficient circumstantial evidence to conclude that CHOT and/or CSOT knew or should have known of the content of any Corning trade secrets used by Caihong Display, in addition to knowing of the trade secrets' existence and Caihong Display's alleged misappropriation.

4. Please discuss, with reference to the evidentiary record, when CHOT and CSOT each become aware of Caihong's alleged misappropriation of the Corning trade secrets.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and a cease and desist order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written submissions: The parties to the investigation are requested to file

written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant and OUI are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on October 5, 2026. All reply submissions must be filed no later than the close of business on October 13, 2026. Opening submissions from the parties are limited to 35 pages. Reply submissions from the parties are limited to 35 pages. All submissions from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1433) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A

¹ Chairman Doyle would not review the final ID and would only request remedy, bonding, and PI briefing in the notice.

redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on September 21, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–19545 Filed 9–23–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Wearable Activity and Health Monitoring Devices and Systems Containing Same*, DN 3937; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission,

U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of UnaliWear, Inc. on September 21, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable activity and health monitoring devices and systems containing same. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Ridgefield Park, NJ; Google LLC of Mountain View, CA; Garmin Ltd. of Switzerland; Garmin International, Inc. of Olathe, KS; and Garmin USA, Inc. of Olathe, KS. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business (5:15 p.m.),¹ eight calendar days after publication of this notice in the **Federal Register**. Complainant(s) may file replies to any written submissions no later than three calendar days after the date on which the written submissions were due. Notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure, the deadlines for written submissions and replies shall be counted by calendar days starting with the first calendar day following the **Federal Register** publication date or the due date for written submissions, respectively. The provisions of § 201.14(a) regarding the last day of the period still apply concerning the due date of any filings. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No.

¹ See 19 CFR 201.3(c).

3937”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures²). Please note the Secretary’s Office will accept only electronic filings unless an exemption is granted. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,³ solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.⁴

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–19491 Filed 9–23–26; 8:45 am]

BILLING CODE 7020–02–P

² Handbook for Electronic Filing Procedures: https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.

³ All contract personnel will sign appropriate nondisclosure agreements.

⁴ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1522]

Certain Wearable Breast Pumps, Associated Milk Storage Containers, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 20, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Willow Innovations, Inc. of Mountain View, California and Willow Blossom HoldCo Ltd. of the United Kingdom. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable breast pumps, associated milk storage containers, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,660,380 (“the ‘380 patent”); U.S. Patent No. 12,370,292 (“the ‘292 patent”); U.S. Patent No. D1,053,344 (“the D’344 patent”); U.S. Patent No. 11,813,388 (“the ‘388 patent”); and U.S. Patent No. D1,031,993 (“the D’993 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services

Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 21, 2026, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1 and 6–9 of the ‘380 patent; claims 1–3, 5, and 7–12 of the ‘292 patent; the claim of the D’344 patent; claims 1, 4–15, 17, 19–23, 27, and 30 of the ‘388 patent; and the claim of the D’993 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “wearable breast pumps, associated milk storage containers, and components including separately sold milk collection containers and replacement parts”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:
Willow Innovations, Inc., 1975 W El Camino Real, Suite 101, Mountain View, CA 94040.

Willow Blossom HoldCo Ltd., 107 Cheapside, 9th Floor, London, United Kingdom, EC2V 6DN.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Shenzhen Root Innovation Technology Co., Ltd., #2–201, Floor 2, Hasee Computer Building, No. 2 Beier Road, Bantian Street, Longgang, Shenzhen, Guangdong, China # 518129.
Hong Kong Lute Technology Co., Ltd., 18121 E. Hampden Avenue, Unit C #1007, Aurora, CO 80013.

Root Technology, Ltd., 9030 Wilshire Boulevard, Beverly Hills, California 90211.

Share Info, Inc., 3557 158th Street, Flushing, New York 11358.

Shenzhen TPH Technology Co., Ltd., Room 203, 2nd Floor, Building 29, Lianchuang Technology Park II, No. 21 Bulan Road, Xialilang Community, Longgang District, Shenzhen, China 518100.

Guangdong Horigen Mother & Baby Products Co., Ltd., No. 18 Pingnan Industrial Zone, Mianbei Street, Chaoyang District, Shantou City, Guangdong, China 515100.

Anker Innovations Limited, Unit/Room 56, 8th Floor, Admiralty Centre Tower, 218 Harcourt Road, Hong Kong 000000.

Fantasia Trading, LLC, 5350 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

Power Mobile Life LLC, 10800 NE 8th Street, Suite 900, Bellevue, Washington 98004.

TPH Technology Malaysia Sdn Bhd, No. 2 (Block C)/2C, Jalan Rawang Indah 1, Taman Industri Integrasi Rawang, 48000 Rawang, Selangor, Malaysia 48000.

Foshan Shunde Ruiteng Electrical Appliance, Manufacturing Co., Ltd. (a.k.a Joystar Electrical Appliances Manufacturing Co., Ltd.), No. 7 Xingye Road, Mould City (Tooling/Mould City Industrial Area), Shapu Village Committee, Jun'an Town, Shunde District, Foshan City, Guangdong, China 528329.

Guangdong Youmeng Electrical Technology Co., Ltd., One of Area A, 3rd Floor, Factory Building 2, No. 17, Keyuan 3rd Road, Science & Technology Industrial Park, Shunde High-tech Industrial Development Zone, Xiaohuangpu Community, Ronggui Street, Shunde District, Foshan City, Guangdong Province, China, 528300.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

The Commission is interested in the development of a thorough record on domestic industry in this investigation to facilitate a holistic review of all relevant considerations. Accordingly, the presiding administrative law judge may wish to consider what information will be necessary to make a determination with respect to complainant's domestic industry allegations under subparagraphs (A), (B), and (C) of section 337(a)(3) based on

an industry that exists or is in the process of being established; including the extent to which these allegations rely on expenditures made by third parties; and the extent to which expenditures are made outside the United States related to the domestic industry article(s) by any entity.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 22, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-19586 Filed 9-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-805 and 731-TA-1804 (Preliminary)]

Perfluoroalkoxy Alkane From India; Determinations

On the basis of the record ¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports

of perfluoroalkoxy alkane ("PFA") from India, provided for in subheading 3904.69.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV") and to be subsidized by the government of India.^{2,3}

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce ("Commerce") of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>), for comment.

Background

On August 5, 2026, The Chemours Company FC, LLC, Wilmington, Delaware filed petitions with the Commission and Commerce, alleging that an industry in the United States is

² 91 FR 56116 and 91 FR 56110 (September 1, 2026).

³ Commissioner Samuel T. Negatu not participating.

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

materially injured or threatened with material injury by reason of subsidized and LTFV imports of PFA from India. Accordingly, effective August 5, 2026, the Commission instituted countervailing duty investigation No. 701-TA-805 and antidumping duty investigation No. 731-TA-1804 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 10, 2026 (91 FR 51511). The Commission conducted its conference on August 26, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on September 21, 2026. The views of the Commission are contained in USITC Publication 5795 (September 2026), entitled *Perfluoroalkoxy Alkane from India: Investigation Nos. 701-TA-805 and 731-TA-1804 (Preliminary)*.

By order of the Commission.

Issued: September 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-19492 Filed 9-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1424]

Certain Flash-Spun Nonwoven Materials and Products Containing Same; Notice of Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part a final initial determination ("FID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 of the Tariff Act of 1930, as amended. The Commission requests

written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT:

Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 21, 2024, based on a complaint filed by DuPont de Nemours, Inc., DuPont Safety & Construction, Inc., and DuPont Specialty Products USA, LLC, all of Wilmington, Delaware (collectively, "DuPont"). 89 FR 92159-60 (Nov. 21, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash-spun nonwoven materials and products containing same by reason of (i) misappropriation of trade secrets and wrongful use and exploitation of stolen confidential and proprietary information, the threat or effect of which is to destroy or substantially injure an industry in the United States, and (ii) infringement of U.S. Trademark Registration Nos. 817,194, 818,688, and 818,737 (collectively, the "TYVEK Word Marks"); and 7,370,316 (the "Blue Octagon Mark"). *Id.* at 92159. The complaint further alleges that a domestic industry exists. *Id.*

The notice of investigation ("NOI") names the following respondents: (1) Dawnsens New-Materials (Xiamen) Co. Ltd. (formerly known as Xiamen Dangs New-Materials Co., Ltd.) of Xiamen, Fujian, China; Beijing Dangsheng Technology Co., Ltd. of Beijing, Beijing, China; and Xiamen Dangsheng Technology Co., Ltd. of Xiamen, Fujian, China (collectively, "Xiamen Dangs"); (2) Kingwills New Material Technology Co., Ltd. of Nantong, Jiangsu, China;

Zhejiang Qingyun New Material Co., Ltd. of Jiaxing, Zhejiang, China; Jiangsu Qingyun New Materials Co., Ltd. AKA Jiangsu Kingwills New Materials Co., Ltd. of Nantong, Jiangsu, China; Shanghai Qingyun New Material Technology Co., Ltd. of Shanghai, Shanghai, China; and Kingwills International Ltd. of Kowloon, Hong Kong, China (collectively, "Kingwills"); (3) Harbourpoint Innovations Inc. ("Harbourpoint") of Raleigh, North Carolina; (4) Shenzhen Zhengming Science and Technology Co., Ltd. ("Shenzhen Zhengming") of Huizhou, Guangdong, China; (5) Emedia Group, Inc. ("Emedia") of Greenville, South Carolina; (6) endur-tec, LLC ("endur-tec") of Anderson, South Carolina; (7) Zhenping County Weihe Commerce and Trade Co., Ltd. ("County Weihe") of Zhenping, Nanyang, China; (8) Impak Corporation ("Impak") of Los Angeles, California; (9) Weifang Konzer Safety Protective Equipment Co., Ltd. ("Weifang Konzer") of Anqiu, Shandong, China; (10) Hangzhou Several Sets of Electronic Commerce Co., Ltd. ("JGT Live") of Yuhang, Hangzhou, China; (11) Hangzhou Qiao Shell Digital Technology Co., Ltd. ("Quoko") of Yuhang, Hangzhou, China; and (12) Jiangsu Tubo New Material Co., Ltd. ("Jiangsu Tubo") of Kunshan, Jiangsu, China. *Id.* at 92159-60. The Office of Unfair Import Investigations is also named as a party to this investigation. *Id.* at 92160.

On February 21, 2025, the Commission terminated the investigation as to respondents Harbourpoint, Shenzhen Zhengming, Emedia, and endur-tec based on consent orders. Order No. 10 (Jan. 22, 2025) (as to Harbourpoint), Order No. 11 (Jan. 22, 2025) (as to Shenzhen Zhengming), and Order No. 12 (Jan. 22, 2025) (as to Emedia and endur-tec), *all unreviewed* by Comm'n Notice (Feb. 21, 2025).

On May 13, 2025, the Commission terminated the investigation as to respondent County Weihe based on withdrawal of the complaint. Order No. 24 (Apr. 22, 2025), *unreviewed* by Comm'n Notice (May 14, 2025).

On May 13, 2025, the Commission amended the complaint and NOI to (i) add allegations of trade secret misappropriation and wrongful use and exploitation of proprietary information against respondents Impak and Jiangsu Tubo, (ii) add TOBO Group d/b/a Jiangsu Tubo ("TOBO Group") of Shanghai, China as a new respondent (collectively, along with Impak, Jiangsu Tubo, Weifang Konzer, JGT Live, and Quoko, the "Downstream Respondents"), (iii) update the addresses for respondents Jiangsu Tubo

and JGT Live to reflect where service was effected, and (iv) make certain non-substantive amendments to the complaint. Order No. 25 (Apr. 22, 2025), *unreviewed by Comm'n Notice* (May 14, 2025).

On August 28, 2025, the Commission terminated the investigation as to respondents Xiamen Dangs based on consent orders. Order No. 36 (July 30, 2025), *unreviewed by Comm'n Notice* (Aug. 28, 2025).

On December 3, 2025, the Commission found respondents Weifang Konzer, JGT Live, Quoko, Jiangsu Tubo, and TOBO Group in default in this investigation. Order No. 46 (Sept. 29, 2025), *unreviewed by Comm'n Notice* (Dec. 3, 2025).

On March 24, 2026, the Commission found respondent Impak in default in this investigation. Order No. 71 (Mar. 4, 2026), *aff'd with suppl. findings by Comm'n Notice* (Mar. 24, 2026).

On July 1, 2026, the ALJ issued a combined FID and recommended determination ("RD") on remedy and bonding. The FID finds violations of section 337 as to (i) Kingwills based on the misappropriation of DuPont trade secrets TS-15 and TS-18 and the conversion of certain confidential DuPont documents, and (ii) certain Downstream Respondents—Jiangsu Tubo/TOBO Group, JGT Live, and Quoko—based on infringement of the TYVEK Word Marks. The FID does not find a violation as to Kingwills based on the misappropriation of DuPont trade secrets TS-11, TS-17, TS-19, TS-22, or TS-25. As to the Downstream Respondents, the FID does not find a violation (i) as to Impak and Jiangsu Tubo/TOBO Group based on trade secret misappropriation, (ii) as to Impak, Weifang Konzer based on infringement of the TYVEK Word Marks, and (iii) as to any of the Downstream Respondents based on infringement of the Blue Octagon Mark. The FID also finds that DuPont has satisfied (i) the DI requirement of 19 U.S.C. 1337(a)(1)(A), *i.e.*, DuPont has a DI and Kingwills presents a substantial threat to that industry, and (ii) the technical and economic prongs of the DI requirement as to the TYVEK Word Marks under 19 U.S.C. 1337(a)(3)(A) and (B). The RD recommends that, if the Commission determines that a violation of section 337 has occurred, the Commission should: (i) issue a general exclusion order ("GEO") directed to certain flash-spun nonwoven materials and products containing same imported, sold for importation, and/or sold after importation into the United States; (ii) issue, in the alternative to a GEO, a limited exclusion order against the

infringing flash-spun nonwoven materials and products containing same imported, sold for importation, and/or sold after importation by Kingwills and the Downstream Respondents; (iii) issue a cease and desist order directed to Impak; and (iv) impose a one hundred percent (100%) bond for importations of infringing products during the period of Presidential review.

On July 13, 2026, Kingwills filed a petition seeking review of certain of the FID's trade secret misappropriation and conversion findings. That same day, DuPont filed a petition seeking review of certain of the FID's trade secret misappropriation findings. On August 11, 2026, DuPont and Kingwills each filed a response opposing the other's petition. That same day, OUII filed a response to each petition.

On July 31, 2026, DuPont filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). The Commission did not receive a submission from Kingwills. The Commission also received four public interest submissions in response to the Commission's post-RD **Federal Register** notice from Senator Christopher Coons, from Senator Tim Kaine, Senator Mark Warren, and Representative Jennifer McClelland, from Representative Robert Wittman, and from James Pooley. *See* 91 FR 41661–63 (July 7, 2026).

Having reviewed the record of this investigation, including the FID, the parties' submissions to the ALJ, and the parties' petitions for Commission review of the FID and responses thereto, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review (i) the FID's finding that DuPont failed to show that Kingwills misappropriated trade secret TS-17, (ii) the FID's finding that DuPont failed to show a nexus between Kingwills' misappropriation of trade secret TS-22 and a threatened injury to DuPont's DI, and (iii) the FID's finding that a nexus exists between Kingwills' conversion of certain DuPont confidential documents and the threatened injury to DuPont's DI. The Commission has determined not to review the remaining findings in the FID.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the

Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial written submission, DuPont is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. DuPont is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all

known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from DuPont must be filed no later than close of business on October 5, 2026. All reply submissions must be filed no later than the close of business on October 12, 2026. Opening submissions from the parties are limited to 25 pages. Reply submissions from the parties are limited to 15 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1424) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the

programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on September 21, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 21, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-19544 Filed 9-23-26; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1773]

Bulk Manufacturer of Controlled Substances Application: Eli-Elsohly Laboratories

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Eli-Elsohly Laboratories has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before November 23, 2026. Such persons may also file a written request for a hearing on the application on or before November 23, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a

Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on August 5, 2026, Eli-Elsohly Laboratories, 5 Industrial Park Drive, Oxford, Mississippi 38655-5343, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Dihydromorphine	9145	I
Amphetamine	1100	II
Methamphetamine	1105	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Ecgonine	9180	II
Thebaine	9333	II

The company plans to bulk manufacture the listed controlled substances for product development reference standards. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to isolate these controlled substances from procured 7350 (Marihuana Extract). In reference to drug code 7360, no cultivation activities are authorized for this registration.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026-19541 Filed 9-23-26; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1770]

Importer of Controlled Substances Application: Cambridge Isotope Laboratories, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambridge Isotope Laboratories, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on, or objections to the issuance of the proposed registration on or before October 26, 2026. Such persons may also file a written request for a hearing on the application on or before October 26, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 21, 2026, Cambridge Isotope Laboratories, Inc., 50

Frontage Road, Andover, Massachusetts 01810–5413, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid.	2010	I
Tetrahydrocannabinols	7370	I
Morphine	9300	II

The company plans to import the listed controlled substances for preparation of analytical standards and formulations. In reference to drug code 7370 (Tetrahydrocannabinols), the company plans to import a synthetic Tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–19539 Filed 9–23–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1774]

Bulk Manufacturer of Controlled Substances Application: Cayman Chemical Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cayman Chemical Company has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before November 23, 2026. Such persons may also file a written request for a hearing on the application on or before November 23, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on August 5, 2026, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108–2419, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC) 1238 I N	1238	I
4-Chloromethcathinone	1239	I
Para-Methoxymethamphetamine (PMMA), 1-(4- methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α -methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
3-methylmethcathinone (2-(methylamino)-1-(3- methylphenyl)propan-1-one)	1259	I
N-Ethylamphetamine	1475	I
4-Fluoroamphetamine	1476	I
Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2- amine) 1478 I N	1478	I
N,N-Dimethylamphetamine	1480	I
Fenethylamine	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4- 1595 I N methyl-5-(4-methylphenyl)-2-oxazamine; 4-methyl-5- (4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).	1595	I

Controlled substance	Drug code	Schedule
Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate)	1727	I
Gamma Hydroxybutyric Acid	2010	I
Bromazolam (8-bromo-1-methyl-6-phenyl-4H benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2778	I
Methaqualone	2565	I
Mecloqualone	2572	I
Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6Hthieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2780	I
Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2785	I
Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2786	I
Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2788	I
Diclazepam (7-chloro-5-(2-chloro-5-(2-chlorophenyl)-1- methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one)	2789	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	6250	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7000	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB- FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboximide)	7025	I
ADB-BUTINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide)	7027	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2- (1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) 7043 I N.	7043	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUML BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
MDMB-4en-PINACA (methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate)	7090	I
4F-MDMB-BUTICA (methyl 2-[[1-(4-fluorobutyl)indole-3- carbonyl]amino]-3,3-dimethyl-butanoate	7091	I
ADB-4en-PINACA (N-(1-amino-3,3-dimethyl-1- oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3- carboxamide)	7092	I
CUMYL-PEGACLONE (5-pentyl-2-(2-phenylpropan-2- yl)pyrido[4,3-b]indol-1-one)	7093	I
5F-EDMB-PICA (ethyl 2-[[1-(5-fluorophenyl)indole-3- carbonyl]amino]-3,3-dimethyl-butanoate	7094	I
MMB-FUBICA (methyl 2-(1-(4-fluorobenzyl)-1H-indole3-carboxamido)-3-methyl butanoate	7095	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
6,6,9-Trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydro-6H benzo[c]chromen-1-ol	7220	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-methyl-alpha-ethylaminopentiphenone (4-MEAP) 7245 I N 4-MEAP	7245	I
N-ethylhexedrone 7246 I N	7246	I
Alpha-ethyltryptamine	7249	I
lbogaine	7260	I
2-Fluorodeschloroketamine	7284	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana	7360	I

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-aPV	7443	I
4'-methyl-alpha-pyrrolidinohexiophenone (MPHP	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-(3-Methoxyphenyl)cyclohexyl)piperidine; 3 MeO-PCP	7457	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alpha-pyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
alpha-pyrrolidinohexanophenone (a-PHP)	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
Ethylone	7547	I
alpha-pyrrolidinoheptaphenone (PV8)	7548	I
Eutylone	7549	I
α-PiHP (4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1- one)	7551	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)1,3-dihydro-2H-benzo[d]imidazol-2-one)	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphenol	9301	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Thebacon	9315	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I

Controlled substance	Drug code	Schedule
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)	9560	|
Clonitazene	9612	|
Isotonotazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9614	|
Dipipanone	9622	|
Etonitazene	9624	|
Ketobemidone	9628	|
Trimeperidine	9646	|
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	|
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	|
2-methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one)	9664	|
Tilidine	9750	|
Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine)	9751	|
lunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5- nitro1H-benzimidazol-1-yl)ethan-1- amine)	9756	|
Metonitazene (N,N-diethyl-2-(2-(4- methoxybenzyl)-5- nitro-1Hbenzimidazol-1-yl)ethan-1-amine)	9757	|
N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2- (pyrrolidin-1-yl)ethyl)- 1Hbenzimidazole)	9758	|
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine)	9759	|
N-desethyl isotonitazene (N-ethyl-2-(2-(4- isopropoxylbenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amin)	9760	|
N-piperidinyl etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl-1H-benzimidazole)	9761	|
Metonitazepyne	9762	|
Protonitazepyne	9763	|
Metodesnitazene (N,N-diethyl-2-(2-(4- methoxybenzyl)- 1H-benzimidazol-1- yl)ethan-1-amine)	9764	|
Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)- 1Hbenzimidazol-1-yl)-N,N-diethylethan-1- amine)	9765	|
Methylenedioxynitazene	9766	|
5-Methyl etodesnitazene	9767	|
N-Desethyl etonitazene	9768	|
N-Desethyl protonitazene	9769	|
Ethyleneoxynitazene	9770	|
N-Pyrrolidino Isotonitazene	9771	|
N-Pyrrolidino Isotonitazene	9772	|
Ortho-Methylcyclopropylfentanyl (N-(2-methylphenyl)-N (1-phenethylpiperidin-4-yl)cyclopropanecarboxamide)	9849	|
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	|
Para-Fluorofentanyl	9812	|
3-Methylfentanyl	9813	|
Alpha-methylfentanyl	9814	|
Acetyl-alpha-methylfentanyl	9815	|
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	|
Para-Methylfentanyl (N-(4-methylphenyl)-N-(1- phenethylpiperidin-4-yl)propionamide; also known as 4- methylfentanyl)	9817	|
para-Chlorofentanyl) N-(4-chlorophenyl)-N-(1- phenethylpiperidin-4-yl)propionamide)	9818	|
4'-Methyl acetyl fentanyl (N-(1-(4- methylphenethyl)piperidin-4-yl)-N-phenylacetamide)	9819	|
Ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2- methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide)	9820	|
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	|
Butyryl Fentanyl	9822	|
Para-fluorobutyryl fentanyl	9823	|
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	|
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	|
Para-chloroisobutyryl fentanyl	9826	|
Isobutyryl fentanyl	9827	|
Ortho-Chlorofentanyl (N-(2-chlorophenyl)-N-(1- phenethylpiperidin-4-yl)propionamide)	9828	|
Beta-hydroxyfentanyl	9830	|
Beta-hydroxy-3-methylfentanyl	9831	|
Alpha-methylthiofentanyl	9832	|
3-Methylthiofentanyl	9833	|
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	|
Thiofentanyl	9835	|
Beta-hydroxythiofentanyl	9836	|
Para-methoxybutyryl fentanyl	9837	|
Ocfentanil	9838	|
Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-Nphenylthiophene-2-carboxamide; also known as 2- thiofuranyl fentanyl; thiophene fentanyl).	9839	|
Valeryl fentanyl	9840	|
Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-Nphenylbenzamide; also known as benzoyl fentanyl)	9841	|
Beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3- diphenylpropanamide; also known as β'-phenyl fentanyl; 3- phenylpropanoyl fentanyl).	9842	|
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	|
Crotonyl fentanyl ((E-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)	9844	|
Cyclopropyl Fentanyl	9845	|
ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1- phenethylpiperidin-4-yl)butyramide; also known as 2- fluorobutyryl fentanyl).	9846	|
Cyclopentyl fentanyl	9847	|
ortho-Methyl acetyl fentanyl (N-(2-methylphenyl)-N-(1- phenethylpiperidin-4-yl)acetamide; also known as 2- methyl acetyl fentanyl).	9848	|
Fentanyl related compounds as defined in 21 CFR 1308.11(h)	9850	|
Fentanyl carbamate (ethyl (1-phenethylpiperidin-4- yl)(phenyl)carbamate)	9851	|

Controlled substance	Drug code	Schedule
Ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide)	9852	I
Ortho-Fluoroisobutyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9853	I
Para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	9854	I
2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide; also known as 2'-fluoro 2- fluorofentanyl)	9855	I
beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β -methyl fentanyl)	9856	I
meta-Fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide)	9857	I
meta-Fluoroisobutyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9858	I
para-Methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	9859	I
3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide)	9860	I
2',5'-Dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide)	9861	I
Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)	9862	I
ortho-Fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	9863	I
alpha'-Methyl butyl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)	9864	I
para-Methylcyclopropylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide)	9865	I
beta-Methylacetyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide)	9868	I
Tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide)	9869	I
para-Fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide)	9870	I
meta-Fluorofuranyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	9871	I
Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol)	9873	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide)	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[9r]-9-(pyridin-2-yl)-6-oxaspiro[4.5] decan-9-yl} ethyl {time})amine fumarate)	9245	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Thiafentanil	9729	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II

The company plans to bulk manufacture the listed controlled substances for forensic purposes, to research analytical reference standards

and as Active Pharmaceutical Ingredients for Phase 1 trials. In reference to drug codes 7360 (Marihuana), and 7370

(Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these

drug codes are authorized for this registration.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–19542 Filed 9–23–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1772]

Importer of Controlled Substances Application: Fisher Clinical Services, Inc. (I)

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Fisher Clinical Services, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 26, 2026. Such persons may also file a written request for a hearing on the application on or before October 26, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator,

8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 13, 2026, Fisher Clinical Services, Inc., 7554 Schantz Road, Allentown, Pennsylvania 18106–9032, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
3,4-Methylenedioxy-methamphetamine.	7405	I
5-Methoxy-N-N-Dimethyltryptamine.	7431	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Methylphenidate	1724	II
Levorphanol	9220	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to import the listed controlled substances for clinical trials only. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–19540 Filed 9–23–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1771]

Bulk Manufacturer of Controlled Substances Application: Cambridge Isotope Laboratories, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambridge Isotope Laboratories, Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and

applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before December 23, 2026. Such persons may also file a written request for a hearing on the application on or before November 23, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on August 19, 2026, Cambridge Isotope Laboratories, Inc., 50 Frontage Road, Andover, Massachusetts 01810–5413, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Tetrahydro-cannabinols	7370	I

The company plans to synthetically bulk manufacture the controlled substance Tetrahydrocannabinols to produce analytical standards for distribution to its customers. No other activity for this drug code is authorized for this registration.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–19538 Filed 9–23–26; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; National Science Foundation Request for Proposals

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to extend, with changes, this collection.

In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comments on this action. After obtaining and considering public comments, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by November 23, 2026 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

For Further Information, or Send Comments, Contact: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 401 Dulany Street, Alexandria, Virginia 22314; telephone (703) 292-7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

Comments: Comments 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 shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

SUPPLEMENTARY INFORMATION:

Title of Collection: United States Antarctic Program (USAP) Climate Survey.

OMB Approval Number: 3145-0260.
Expiration Date of Approval: January 31, 2027.

Type of Request: Intent to seek approval to extend with revisions an information collection for three years. The primary purpose of this survey is to identify and study the perceptions and perspectives of USAP participants located in Antarctica. The surveys address attitudes and concerns that will help NSF work with program participants and participating organizations to instill positive changes.

Proposed Project: In accordance with Presidential Memorandum 6646, NSF manages the US Antarctic Program including occupation of three year-round stations located on the Antarctic continent. NSF is committed to a workplace and community that fosters a climate free from sexual assault and harassment. This request for renewal is intended to track changes over time from the baseline 2024 survey. This information collection provides important information that will allow for continuous evaluation and improvement.

Use of the Information: Disseminating a climate survey ensures accurate baseline data that will allow NSF to monitor the USAP Sexual Assault and Harassment Prevention and Response (SAHPR) program progress, course correct efforts, and objectively demonstrate successes.

Burden on the Public: The Foundation estimates that it will take two hours per respondent for 1,180 respondents are expected to complete the request for a total of 2,360 burden hours.

Dated: September 21, 2026.

Suzanne H. Plimpton,
Reports Clearance Officer, National Science Foundation.

[FR Doc. 2026-19531 Filed 9-23-26; 8:45 am]

BILLING CODE 5555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-28641; License No. 42-23539-01AF; EAF-RIV-2025-0169; NRC-2026-4489]

In the Matter of the Department of the Air Force; Confirmatory Order Modifying License

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order to the Department of the Air Force (DAF) to document commitments made as part of a settlement agreement made between the NRC and DAF following an alternative dispute resolution mediation session held on July 22 and 23, 2026. The mediation addressed apparent violations involving DAF's response to a stuck source event at its panoramic irradiator at Kirtland Air Force Base. DAF has committed to various measures intended to improve the effectiveness of its Radioisotope Committee, update operating and maintenance procedures for the irradiator, and promote safety

culture expectations. The Confirmatory Order is effective upon issuance.

DATES: The Confirmatory Order was issued on September 14, 2026.

ADDRESSES: Please refer to Docket ID NRC-2026-4489 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-2026-4489. Address questions about Docket IDs in [Regulations.gov](https://www.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.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The Confirmatory Order to DAF is available in ADAMS under Accession No. ML26225A308.

- *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 8:00 a.m. and 4:00 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeffrey Josey, Region IV, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 817-200-1180, email: Jeffrey.Josey@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: September 21, 2026.

For the Nuclear Regulatory Commission.

Jamie Pelton,

Chief Nuclear Materials Inspector, Office of Nuclear Materials Safety and Security.

Attached—Confirmatory Order

United States of America

Nuclear Regulatory Commission

In the Matter of: Department of the Air Force, Air Force Medical Command
Docket No. 030-28641

License No. 42–23539–01AF
EAF–RIV–2025–0169

Confirmatory Order Modifying License (Effective Upon Issuance)

I

The Department of the Air Force, Air Force Medical Command (DAF or the licensee) is the holder of Master Materials License (MML) No. 42–23539–01AF, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of Title 10 of the *Code of Federal Regulations* (10 CFR). The license authorizes DAF to issue byproduct, source, and special nuclear material permits throughout the U.S. for civilian use of radioactive materials in DAF operations.

This Confirmatory Order (CO) is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on July 22 and 23, 2026.

II

On April 20, 2026, the NRC issued Reactive Inspection Report 030–28641/2024–001 and Investigation Report OI–RIV–2024–0013, Agencywide Documents Access and Management System (ADAMS) Accession No. ML25364A042 (publicly available version available at ADAMS Accession No. ML26110A048) to DAF. The reactive inspection and investigation were conducted by the NRC to evaluate the circumstances related to NRC Event Number 57007, which involved a category 1 cobalt-60 sealed source at the panoramic irradiator at Kirtland Air Force Base (KAFB), which became stuck in an unshielded position. The inspection report and investigation report documented the identification of apparent violations that were considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The apparent violations involved the failure to: (1) have and follow written operating and emergency procedures for the panoramic irradiator; (2) have and follow written procedures for inspections and maintenance checks for the panoramic irradiator; (3) have a fire extinguishing system capable of extinguishing a fire without personnel entry into the irradiator building; and (4) provide complete and accurate information to the NRC related to the causal factors analysis for the stuck irradiator source event. Additional apparent violations related to the NRC's security requirements in 10 CFR part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," were also identified and were considered for escalated enforcement action.

By letter dated April 20, 2026, the NRC notified DAF of the results of the inspection and provided DAF with an opportunity to: (1) attend a predecisional enforcement conference or (2) participate in an ADR mediation session in an effort to resolve these concerns.

In response to the NRC's offer, DAF requested the use of the NRC ADR process to resolve differences it had with the NRC. On July 22 and 23, 2026, the NRC and DAF met in an ADR session mediated by a professional mediator, arranged through Cornell

University's Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement to resolve any differences regarding the dispute. This Confirmatory Order is issued pursuant to the agreement reached during the July 22–23, 2026, ADR process.

III

During the ADR mediation session, DAF and the NRC reached a preliminary settlement agreement.

The NRC recognizes the extensive corrective actions that DAF has already implemented, and is in the process of implementing, associated with the apparent violations. For example, DAF increased the inspection frequency of the Air Force Research Laboratory (AFRL) irradiator permit at KAFB to annual. The DAF also initiated revisions to certain conditions of all irradiator permits that require Radioisotope Committee (RIC) review and approval, including service and maintenance on an irradiator, changes to the security plan, and notification of any irregular conditions. DAF is making extensive procedural and training enhancements and is taking steps to improve equipment reliability by establishing a panel of subject matter experts to review design modifications and maintain change history for the KAFB irradiator and its control panel.

Additional commitments made in the preliminary settlement agreement, as signed by both parties, consist of the following:

A. Within 365 days of the issuance date of the Confirmatory Order, DAF will:

1. revise its procedures associated with RIC responsibilities to require that the RIC Secretariat (RICS) review and advise the RIC on all incidents or mishaps involving radioactive material (RAM) or special situations involving RAM as requested by the RIC, Air Staff, or Major Commands;

2. revise its procedures associated with investigating radioactive materials incidents and mishaps to include timeframes for the RICS to be onsite for response, for developing a sequence of events, evaluating the permit program, and assessing the cause of the event. The procedures shall include a description of how the RICS will interface with the Air Force Inspection Agency (AFIA) inspector during any reactive inspections; and

3. revise its procedures associated with RICS responsibilities to require AFRL to administer the annual safety reviews for irradiator staff required by 10 CFR 36.51(d) and the tests required by 10 CFR 36.51(g). DAF will ensure that the safety reviews and tests incorporate lessons learned from the 2024 stuck source and associated events.

B. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. establish or update the irradiator permit procedures for reporting in accordance with 10 CFR 36.83, "Reports", and maintaining records in accordance with 10 CFR 36.81, "Records and retention periods";

2. identify exceptions to procedures for the panoramic irradiator that would require approval in writing from the RICS in accordance with existing permit conditions, and incorporate the exceptions into appropriate procedures; and

3. tie the device safety evaluation to the AFRL irradiator permit and submit the device safety evaluation to the NRC for review.

C. Within 365 days of the issuance date of the confirmatory order, DAF will:

1. distribute to each Permittee, Permit Radiation Safety Officer (PRSO) and Alternate PRSO (APRSO), and employees and contractors that perform work under MML permits, a notice that describes that during the stuck source event, the PRSO directed staff to perform work without procedures, and did so deliberately even though they knew the work required procedures, and that the work was prohibited by the Radiation Safety Plan and Permit. The notice shall describe that the work caused the source to become stuck out of the shield for 5 additional months, and that a questioning attitude could have resulted in a different outcome.

The notice shall reference Department of the Air Force Manual (DAFMAN) 40–201 Chapter 6 (Willful Violations) and highlight the importance of questioning attitudes for radiation safety. DAF will verify that permittees have reviewed the notice.

2. incorporate elements of the NRC's Safety Culture Policy Statement and associated resources into DAFMAN 40–201 and establish a requirement that permittees provide training on the updated policy and the Safety Culture expectations to each PRSO, APRSO, and staff that perform work under MML permits; and

3. establish/update a procedure that lists items the RICS is expected to communicate with the NRC Project Manager on a periodic basis.

D. Within 365 days of the issuance date of the Confirmatory Order, DAF will establish/update procedure(s) that detail protocols for the RIC to direct investigations of RAM incidents and mishaps. The procedure(s) shall:

1. include the methods the RICS will use to communicate with Air Force leadership and the RIC Chairs so that priority is assigned and resources for incidents and mishaps are obtained;

2. establish timeframes for required or periodic updates to the NRC and methods to document as-found conditions for the incident or mishap;

3. establish when and how restrictions can be placed on permittees;

4. establish how the RIC will advise and provide written approval for the RICS to conclude the investigation;

5. establish the responsibilities of both the RICS and RIC to review the root cause analysis prior to closing an incident/mishap investigation; and

6. establish the responsibilities of both the RICS and RIC to review and approve corrective actions, as appropriate.

E. Within 2 years of the issuance date of the Confirmatory Order, DAF will establish an operations and configuration manual and schematic for the irradiator control console that identifies equipment, cables, electronics, components and standard configuration needed for normal irradiator operations. The operations and configuration manual and schematic will explicitly identify which

maintenance activities may be performed by irradiator staff without notification of the RICS.

F. Within 180 days of the issuance date of the Confirmatory Order, DAF will establish a procedure to:

1. annually inspect the Emergency Cable System to verify that the condition and configuration are as described in the device safety evaluation;
2. establish a testing protocol for the Emergency Cable System based on the service provider's recommendations and previous Emergency Cable System inspection results; and
3. test the Emergency Cable System for functionality any time the cable is disconnected and reconnected.

G. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. establish a method to ensure the required annual inspection and maintenance for the AFRL irradiator is performed by persons specifically authorized to perform these activities by the NRC or by an Agreement State; and
2. for maintenance performed on the device by AFRL staff,
 - a. revise the maintenance procedures with expanded procedural steps instructing staff in what is involved in the task, and how each task should be completed;
 - b. establish procedures that require each person performing maintenance activities to sign off on work they completed, and
 - c. revise procedures to complete the work log used to record general activities or work that occurs infrequently.

H. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. include the following statement in the operations, maintenance, and emergency procedures:

"Procedures are expected to be performed as described with the current version of the procedure in-hand. If a procedure is found not to cover the expected activity or the steps cannot be followed as written, the activity shall be stopped, the irradiator shall be placed in a safe condition, and the procedure shall be changed in accordance with the Permit before proceeding with the activity";

2. establish procedures to monitor and annually verify equipment reliability, such as heat or smoke detectors, or security equipment that is replaced frequently, to determine if that equipment needs upgrading or system changes are needed; and

3. revise operations, maintenance, and emergency procedures to specify which section in 10 CFR part 36 is being met by each task, to help ensure staff's technical understanding of procedural requirements.

I. Within 180 days of the issuance date of the Confirmatory Order, DAF will submit to the NRC a license amendment request to update License Condition 13 of NRC License No. 42-23539-01AF to describe irradiator activities that shall be performed only by persons specifically licensed to perform these activities by the NRC or by an Agreement State.

J. Within 90 days of the issuance date of the Confirmatory Order, all permittees subject to 10 CFR part 37 will revise their Security Plans to include guidance on

temporary security measures to be implemented in the event of security equipment loss.

K. Within 90 days of the issuance date of the Confirmatory Order, permittees subject to 10 CFR part 37 will update their required security training to include:

1. lessons learned from the 2024 event, and
2. topics of security equipment loss due to radiation exposure, staffing needs, and other considerations based upon the updated Security Plan and access control/physical protection systems that are currently in place.

L. Within 180 days of the issuance date of the Confirmatory Order, the permittee will, for each type of applicable Emergency Procedure described in 10 CFR 36.53(b), document the temporary compensatory security measures that may be used to meet security requirements.

M. By January 31 of each calendar year 2027 through 2029, licensee will send the NRC a summary of the actions implemented the previous calendar year as a result of the Confirmatory Order.

N. Until December 31, 2030, licensee will retain a copy of all documentation and records necessary to demonstrate compliance with the conditions of the Confirmatory Order.

O. Documents that are required to be sent to the NRC as a result of the Confirmatory Order conditions will be sent to the Chief Nuclear Materials Inspector, U.S. Nuclear Regulatory Commission, and by email to RAEnforcement@nrc.gov.

P. In consideration of the Conditions delineated above, the NRC agrees not to issue a notice of violation and not to impose a civil penalty for the apparent violations documented in NRC Inspection Report 030-28641/2024-001 to DAF dated April 20, 2026.

Q. In the event of the transfer of the license to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license.

R. The NRC and licensee agree that the above conditions will be incorporated into a Confirmatory Order.

On September 10, 2026, DAF consented to issuing this Confirmatory Order with the commitments, as described in Section V below. DAF further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that DAF has waived its right to a hearing.

IV

I find that the corrective actions that DAF has already implemented, as described in Section III above, combined with the commitments as set forth in Section V below are acceptable and necessary, and I conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that DAF's commitments be confirmed by this Confirmatory Order. Based on the above and DAF's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182, and 187 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30, *it is hereby ordered, effective upon issuance, that license No. 42-23539-01AF is modified as follows:*

A. Within 365 days of the issuance date of the Confirmatory Order, DAF will:

1. revise its procedures associated with RIC responsibilities to require that the RIC Secretariat (RICS) review and advise the RIC on all incidents or mishaps involving radioactive material (RAM) or special situations involving RAM as requested by the RIC, Air Staff, or Major Commands;
2. revise its procedures associated with investigating radioactive materials incidents and mishaps to include timeframes for the RICS to be onsite for response, for developing a sequence of events, evaluating the permit program, and assessing the cause of the event. The procedures shall include a description of how the RICS will interface with the Air Force Inspection Agency (AFIA) inspector during any reactive inspections; and

3. revise its procedures associated with RICS responsibilities to require AFRL to administer the annual safety reviews for irradiator staff required by 10 CFR 36.51(d) and the tests required by 10 CFR 36.51(g). DAF will ensure that the safety reviews and tests incorporate lessons learned from the 2024 stuck source and associated events.

B. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. establish or update the irradiator permit procedures for reporting in accordance with 10 CFR 36.83, "Reports", and maintaining records in accordance with 10 CFR 36.81, "Records and retention periods";
2. identify the actions and situations that are considered exceptions from the panoramic irradiator procedures that require approval in writing from the RICS, and incorporate this written approval requirement into the applicable procedures;

3. submit the device safety evaluation to the NRC for review;

4. revise the AFRL irradiator permit to: (1) update condition 11.A to specify that the authorized use of the panoramic irradiator will be in accordance with the licensee's device safety evaluation, and (2) update the appropriate condition to specify that the possession, use, and maintenance of the panoramic irradiator will be in accordance with the referenced statements, representation, and procedures contained in the licensee's device safety evaluation.

C. Within 365 days of the issuance date of the confirmatory order, DAF will:

1. distribute to each Permittee, Permit Radiation Safety Officer (PRSO) and Alternate PRSO (APRSO), and employees and contractors that perform work under MML permits, a notice that describes that during the stuck source event, the PRSO directed staff to perform work without procedures, and did so deliberately even though they knew the work required procedures, and that the work was prohibited by the Radiation Safety Plan and Permit. The notice shall describe that the work caused the

source to become stuck out of the shield for 5 additional months, and that a questioning attitude could have resulted in a different outcome.

The notice shall reference Department of the Air Force Manual (DAFMAN) 40–201 Chapter 6 (Willful Violations) and highlight the importance of questioning attitudes for radiation safety. DAF will verify that permittees have reviewed the notice.

2. incorporate elements of the NRC's Safety Culture Policy Statement and associated resources into DAFMAN 40–201 and establish a requirement that permittees provide training on the updated policy and the Safety Culture expectations to each PRSO, APRSO, and staff that perform work under MML permits; and

3. establish/update a procedure that lists items the RICS is expected to communicate with the NRC Project Manager on a periodic basis.

D. Within 365 days of the issuance date of the Confirmatory Order, DAF will establish/update procedure(s) that detail protocols for the RIC to direct investigations of RAM incidents and mishaps. The procedure(s) shall:

1. include the methods the RICS will use to communicate with Air Force leadership and the RIC Chairs so that priority is assigned and resources for incidents and mishaps are obtained;

2. establish timeframes for required or periodic updates to the NRC and methods to document as-found conditions for the incident or mishap;

3. establish when and how restrictions can be placed on permittees;

4. establish how the RIC will advise and provide written approval for the RICS to conclude the investigation;

5. establish the responsibilities of both the RICS and RIC to review the root cause analysis prior to closing an incident/mishap investigation; and

6. establish the responsibilities of both the RICS and RIC to review and approve corrective actions, as appropriate.

E. Within 2 years of the issuance date of the Confirmatory Order, DAF will establish an operations and configuration manual and schematic for the irradiator control console that identifies equipment, cables, electronics, components and standard configuration needed for normal irradiator operations. The operations and configuration manual and schematic will explicitly identify which maintenance activities may be performed by irradiator staff without notification of the RICS.

F. Within 180 days of the issuance date of the Confirmatory Order, DAF will establish a procedure to:

1. annually inspect the Emergency Cable System to verify that the condition and configuration are as described in the device safety evaluation;

2. establish a testing protocol for the Emergency Cable System based on the service provider's recommendations and previous Emergency Cable System inspection results; and

3. test the Emergency Cable System for functionality any time the cable is disconnected and reconnected.

G. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. establish a method to ensure the required annual inspection and maintenance for the AFRL irradiator is performed by persons specifically authorized to perform these activities by the NRC or by an Agreement State; and

2. for maintenance performed on the device by AFRL staff,

a. revise the maintenance procedures with expanded procedural steps instructing staff in what is involved in the task, and how each task should be completed;

b. establish procedures that require each person performing maintenance activities to sign off on work they completed; and

c. revise procedures to complete the work log used to record general activities or work that occurs infrequently.

H. Within 180 days of the issuance date of the Confirmatory Order, DAF will:

1. include the following statement in the operations, maintenance, and emergency procedures:

"Procedures are expected to be performed as described with the current version of the procedure in-hand. If a procedure is found not to cover the expected activity or the steps cannot be followed as written, the activity shall be stopped, the irradiator shall be placed in a safe condition, and the procedure shall be changed in accordance with the Permit before proceeding with the activity";

2. establish procedures to monitor and annually verify equipment reliability, such as heat or smoke detectors, or security equipment that is replaced frequently, to determine if that equipment needs upgrading or system changes are needed; and

3. revise operations, maintenance, and emergency procedures to specify which section in 10 CFR part 36 is being met by each task, to help ensure staff's technical understanding of procedural requirements.

I. Within 180 days of the issuance date of the Confirmatory Order, DAF will submit to the NRC a license amendment request to update License Condition 13 of NRC License No. 42–23539–01AF to describe irradiator activities that shall be performed only by persons specifically licensed to perform these activities by the NRC or by an Agreement State.

J. Within 90 days of the issuance date of the Confirmatory Order, all permittees subject to 10 CFR part 37 will revise their Security Plans to include guidance on temporary security measures to be implemented in the event of security equipment loss.

K. Within 90 days of the issuance date of the Confirmatory Order, permittees subject to 10 CFR part 37 will update their required security training to include:

1. lessons learned from the 2024 event; and

2. topics of security equipment loss due to radiation exposure, staffing needs, and other considerations based upon the updated Security Plan and access control/physical protection systems that are currently in place.

L. Within 180 days of the issuance date of the Confirmatory Order, the permittee will, for each type of applicable Emergency Procedure described in 10 CFR 36.53(b),

document the temporary compensatory security measures that may be used to meet security requirements.

M. By January 31 of each calendar year 2027 through 2029, licensee will send the NRC a summary of the actions implemented the previous calendar year as a result of the Confirmatory Order.

N. Until December 31, 2030, licensee will retain a copy of all documentation and records necessary to demonstrate compliance with the conditions of the Confirmatory Order. Documents that are required to be sent to the NRC as a result of the Confirmatory Order conditions will be sent to the Chief Nuclear Materials Inspector, U.S. Nuclear Regulatory Commission, and by email to R4Enforcement@nrc.gov.

In the event of transfer of the license to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license. The Chief Nuclear Materials Inspector may, in writing, relax or rescind any of the above conditions upon demonstration by DAF or its successors of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Confirmatory Order, other than DAF, may request a hearing within thirty (30) calendar days of the date of issuance of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Chief Nuclear Materials Inspector, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website 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 at <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 at <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 at <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 the 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 at <https://ehd.nrc.gov/>, unless

excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

If a person (other than DAF) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.
/RA/

Jamie Pelton,
Chief Nuclear Materials Inspector, Office of Nuclear Materials Safety and Safeguards.

Dated this 14th day of September 2026.

[FR Doc. 2026-19549 Filed 9-23-26; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-394 and K2026-383; MC2026-395 and K2026-384]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the

Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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

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).

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)

None. *See* Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s)*: MC2026–394 and K2026–383; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1101, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 21, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s)*: MC2026–395 and K2026–384; *Filing Title*: USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1102, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 21, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,
Legal Assistant.

[FR Doc. 2026–19585 Filed 9–23–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106444; File No. SR–CBOE–2026–024]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Accommodate Stop-Limit Complex Orders and To Establish Stop Complex Order Auctions as a New Type of Auction Mechanism

September 21, 2026.

On March 9, 2026, Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² a proposed rule change to establish stop-limit complex orders as a type of complex order and to establish the Stop-Limit Complex Order Auction as a type of auction mechanism to facilitate auctions for stop-limit complex orders. The proposed rule change was published for comment in the **Federal Register** on March 26, 2026.³ The Commission received no comments regarding the proposed rule change.

On May 5, 2026, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁵ On June 24, 2026, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change,

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ *See* Securities Exchange Act Release No. 105064 (Mar. 23, 2026), 91 FR 14736 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ *See* Securities Exchange Act Release No. 105371 (May 5, 2026), 91 FR 25393 (May 8, 2026).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ *See* Securities Exchange Act Release No. 105771 (June 24, 2026), 91 FR 39143 (June 29, 2026).

⁸ 15 U.S.C. 78s(b)(2).

however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on March 26, 2026.⁹ The 180th day after publication of the proposed rule change is September 22, 2026. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates November 21, 2026, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CBOE–2026–024).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–19513 Filed 9–23–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0464]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 101 of Regulation M

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 previously approved collection of information provided for in Rule 101 of Regulation M (17 CFR 242.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 101 prohibits distribution participants from purchasing activities

⁹ *See supra* note 3.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30–3(a)(57).

at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, documenting an estimate of the probability of default for distributions of certain nonconvertible securities, the maintenance of policies regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for de minimis transactions.

There are estimated to be approximately 2,110 respondents per year that are required to comply with Rule 101's collections of information. Each respondent is estimated to incur approximately 25.796 burden hours to comply with this rule's information collections. Therefore, the estimated total industrywide compliance burden per year is approximately 54,429 burden hours. The total estimated industrywide internal labor compliance cost for respondents is approximately \$7,239,057, resulting in an estimated internal cost of compliance per respondent of approximately \$3,430.83 (*i.e.*, \$7,239,057/2,110 respondents).

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=202607-3235-006 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 26, 2026.

Dated: September 22, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-19557 Filed 9-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106442; File No. SR-NYSETEX-2026-36]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.10 Clearly Erroneous Executions

September 21, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on September 14, 2026, the NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.10 ("Clearly Erroneous Executions") in light of the Commission's approval of Overnight Protected Bands for 23/5 Trading. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") proposes to amend

proposes to amend Rule 7.10 ("Clearly Erroneous Executions") in light of the Commission's approval of Overnight Protected Bands under the LULD Plan for 23/5 Trading.

Background

In conjunction with the industry's plans for the introduction of trading 23 hours a day, 5 days a week ("23/5 Trading"), the Operating Committee of the Plan to Address Extraordinary Market Volatility ("LULD Plan") filed proposed Amendment 27 to the LULD Plan, which proposed to establish price band protections during overnight trading hours ("Overnight Price Bands").⁴ The Operating Committee proposed that the Overnight Price Bands would initially be temporary static bands 20% above and below two reference points, and that after implementation, the Operating Committee would evaluate the performance of such Overnight Price Bands and propose appropriate changes in a new plan amendment.⁵ On August 5, 2026, the Commission approved the proposal.⁶

In light of the Commission's approval of these changes to the LULD Plan, the Exchange now proposes several amendments to Rule 7.10 regarding Clearly Erroneous Executions. In general, the rule describes the process a market participant may use to request cancellation of a transaction that was "clearly erroneous." The current rule's central premise is that if LULD Price Bands under the LULD Plan were available and correct at the time the transaction was executed, the transaction is not eligible for clearly erroneous review. Specifically, Rule 7.10(c)(1) currently provides that "[i]f the execution time of the transaction(s) under review is during the Core Trading Session, the transaction will not be reviewable as clearly erroneous" except in certain limited circumstances, including when (A) the transaction is in an NMS stock that is not subject to the LULD Plan (*e.g.*, rights and warrants), (B) the transaction was executed at a time with LULD Price Bands were unavailable or trading should have been prevented due to a regulatory halt or other halt, or (C) several other limited

⁴ See Securities Exchange Act Release No. 105596 (June 1, 2026), 91 FR 33774 (June 4, 2026) (File No. 4-631) (Notice of Filing of 27th Amendment to the National Market System Plan).

⁵ See *id.*

⁶ See Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (File No. 4-631) (Order Granting Approval of the 27th Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

circumstances.⁷ In approving the existing version of the rule, the Commission noted that restricting clearly erroneous review in this way during times when LULD Price Bands were in effect was “consistent with the Act and will further the goal of providing greater certainty to market participants that trades executed within the Price Bands will stand and not be broken. . . . Thus, the proposal is designed to limit the potential discordance between the LULD mechanism and CEE review process.”⁸

Currently, LULD Price Bands are available only during the Core Trading Session, meaning that the restrictions on clearly erroneous review described above apply only during the Core Trading Session. With the introduction of Overnight Price Bands, the Exchange now proposes to extend the existing restrictions on clearly erroneous review to the period when Overnight Price Bands are in place. This proposed change would be consistent with the Commission’s rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.

Proposed Changes to Rule 7.10(c)(1)

To implement this change, the Exchange proposes to add several definitions to Rule 7.10(c)(1). First, the Exchange would add that the term “LULD Protected Hours” includes the Core Trading Session and “Overnight Protected Hours” defined in Section VIII of the LULD Plan. Second, the Exchange would define “LULD Price Bands” or “Price Bands” to mean the Price Bands defined in Section V of the LULD Plan (*i.e.*, the Price Bands that apply during the Core Trading Session) and “Overnight Price Bands” as defined in Section VIII of the LULD Plan (*i.e.*, the Price Bands that apply to the Overnight Protected Hours from 9:00 p.m. ET through 4:00 a.m. ET).

The Exchange proposes to amend the current first sentence of Rule 7.10(c)(1) to replace the phrase “Core Trading Session” with “LULD Protected Hours,” to provide that “[i]f the execution time of the transaction(s) under review is during LULD Protected Hours, the

transaction will not be reviewable as clearly erroneous” This change would extend the LULD-based restrictions on clearly erroneous review currently in place during the Core Trading Session to the Overnight Protected Hours.

The Exchange also proposes to amend Rule 7.10(c)(1)(B)’s reference to “Percentage Parameter” to incorporate the Percentage Parameter that applies to Overnight Protected Hours. The amended provision would provide for the applicability of clearly erroneous review if the price of the transaction to buy (sell) that is the subject of the clearly erroneous complaint is greater than (less than) the Reference Price by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (with respect to the Price Bands that apply during the Core Trading Session) or the “Overnight Percentage Parameter defined in Section VIII of the LULD Plan” (with respect to Overnight Protected Hours).

In addition to these changes, the Exchange also proposes to make a non-substantive change to Rule 7.10(c)(1)(A), substituting the term “LULD Plan” for the current text “the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ‘Limit Up-Limit Down Plan’ or ‘LULD Plan,’)” as the “LULD Plan” would be defined in the proposed revision to Rule 7.10(c)(1).

Proposed Changes to Rule 7.10(c)(2), (d)(3), and (f)

As noted above, current Rule 7.10(c)(1)(A) permits clearly erroneous review even during the Core Trading Session when the transaction in question is in an NMS Stock that is not subject to the LULD Plan, *i.e.*, rights and warrants. Such transactions are reviewed for clearly erroneous status using the procedures set out in Rule 7.10(c)(2), including the Numerical Guidelines set out in the table accompanying Rule 7.10(c)(2)(A). The Exchange now proposes to introduce a similar provision regarding transactions in NMS Stocks not subject to the LULD Plan that are executed during the Overnight Protected Hours; such transactions would be subject to the same Numerical Guidelines as transactions occurring in the Early and Late Trading Sessions.

The heading of Rule 7.10(c)(2) addresses “[r]eview of transactions occurring during the Early or Late Trading Session or eligible for review pursuant to paragraph (c)(1)(A).” The Exchange proposes to replace the phrase “eligible for review pursuant to

paragraph (c)(1)(A)” (which, in the current rule, means transactions executed during the Core Trading Session in NMS Stocks not subject to the LULD Plan) with “during LULD Protected Hours in NMS Stocks not subject to the LULD Plan.” This proposed language would cover transactions in NMS Stocks not subject to the LULD Plan in the Core Trading Session and expand the same treatment to transactions executed in NMS Stocks not subject to the LULD Plan during Overnight Protected Hours. As such, the proposed change is not novel.

The Exchange proposes to make the same change everywhere else such language appears in the rule—namely, in the text of paragraphs (c)(2)(A), (c)(2)(B), (c)(2)(C), (c)(2)(D), (d)(3), and (f).⁹ In each case, the Exchange proposes to replace the phrase “transactions occurring during the Early or Late Trading Session or eligible for review pursuant to paragraph (c)(1)(A)” with “transactions occurring during the Early or Late Trading Session or during LULD Protected Hours in NMS Stocks not subject to the LULD Plan.”

The Exchange also proposes to make corresponding changes to the headings of the table accompanying Rule 7.10(c)(2)(A). The Exchange proposes to change the heading of the second column from “Core Trading Session Numerical Guidelines for transactions eligible for review pursuant to paragraph (c)(1)(A)” to “Numerical Guidelines for Transactions Executed During the Core Trading Session in NMS Stocks Not Subject to the LULD Plan.” This change would simply replace the shorthand “eligible for review pursuant to paragraph (c)(1)(A)” with the fuller description that such transactions are “executed during the Core Trading Session in NMS Stocks not subject to the LULD Plan,” and is not a substantive change.

Similarly, the Exchange proposes to change the heading of the third column from “Early and Late Trading Session Numerical Guidelines” to “Numerical Guidelines for Transactions Executed During the Early and Late Trading Session or During Overnight Protected Hours in NMS Stocks Not Subject to the LULD Plan.” The proposed change

⁹ Rule 7.10(c)(2)(A)–(D) specifies general rules for applying clearly erroneous review to transactions where such review is not precluded by paragraph (c)(1). Rule 7.10(d)(3) specifies conditions where the Exchange may use a revised Reference Price for the purpose of clearly erroneous review in certain transactions where such review is not precluded by paragraph (c)(1). Rule 7.10(f) specifies that for transactions where clearly erroneous review is not precluded by paragraph (c)(1), an officer may initiate clearly erroneous review on his or her own motion.

⁷ See Rule 7.10(c)(1)(A), (B), and (C).

⁸ See Securities Exchange Act Release No. 95658 (September 1, 2022), 87 FR 55060 at 55063 (September 8, 2022) (SR-ChoeBZX–2022–037) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, to Amend BZX Rule 11.17, Clearly Erroneous Executions).

addresses the fact that transactions executed during Overnight Protected Hours in NMS Stocks not subject to the LULD Plan are eligible for clearly erroneous review—just as are transactions in NMS Stocks not subject to the LULD Plan executed during the Core Trading Session—but at the Numerical Guidelines that apply outside of the Core Trading Session.

Together, these proposed changes would extend the eligibility of clearly erroneous review for transactions in NMS Stocks not subject to the LULD Plan that is currently in place during the Core Trading Session to the Overnight Protected Hours, and would apply the Commission's recent approval of Overnight Price Bands to the clearly erroneous executions rule.

Implementation

The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. The Exchange proposes that this rule change would become operative at the commencement of 23/5 Trading, which is scheduled to commence industry-wide on December 6, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.¹⁰ Specifically, the proposal is consistent with Section 6(b)(5) of the Act¹¹ because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes that the proposed change is consistent with just and equitable principles of trade because it extends the basic premise of the current rule that clearly erroneous review should be generally unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. Currently, LULD Price Bands are available only during the Core Trading Session, meaning that the restrictions on clearly erroneous review described above apply only during the Core Trading Session. With the introduction of Overnight Price Bands, the Exchange

believes that extending such restrictions on clearly erroneous review to the period when Overnight Price Bands are in place would remove impediments to and perfect the mechanism of a free and open market and a national market system by enhancing the transparency and consistency of the rule.

The resulting rule would thus extend the LULD-related limits on clearly erroneous review that are applicable in the Core Trading Session to the overnight period. The proposed change would also be consistent with the Commission's rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.¹²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act¹³ in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather than impacting competition, the proposed change would simply extend the basic premise of the current rule that clearly erroneous review should be generally unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵ Because the

proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSETEX-2026-36 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.

the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹² See 87 FR 55060 at 55063, *supra* note 8.

¹³ 15 U.S.C. 78f(b)(8).

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

All submissions should refer to file number SR-NYSETEX-2026-36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSETEX-2026-36 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-19511 Filed 9-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0806]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 17a-4(b)(17)

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 approval of extension of the previously approved collection of information provided in Rule 17a-4(b)(17) (17 CFR 240.17a-4(b)(17)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a-4(b)(17) requires broker-dealers to preserve the written probability of default determination relied upon pursuant to the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), as applicable. Rule 17a-4(b)(17) requires broker-dealers relying on either of those exceptions to preserve for a period of

not less than three years, the first two years in an easily accessible place, the written probability of default determination made pursuant to Rule 101(c)(2)(i). Rule 17a-4(b)(17)'s record preservation requirements involving the written probability of default determinations are mandatory if a broker-dealer relies on the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i). The burden imposed by Rule 17a-4(b)(17) is limited to the maintenance and preservation of the written records.

The information required by Rule 17a-4(b)(17) is designed to facilitate Commission examinations of broker-dealers who rely on the exception in Rule 101 or Rule 102, as applicable, for nonconvertible debt securities and nonconvertible preferred securities (together "Nonconvertible Securities") of certain credit-worthy issuers. Without Rule 17a-4(b)(17), the Commission would not have the same access to necessary records in conducting examinations of broker-dealers relying on either of the exceptions.

Rule 17a-4(b)(17) results in two information collections: initial and ongoing recordkeeping burdens related to preserving the written probability of default calculation relied upon pursuant to the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), as applicable.

Initial Burden

To the extent there are new (in relation to the previous 2023 estimate) respondents relying on the applicable exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), the Commission estimates that the record preservation requirements under Rule 17a-4(b)(17) will impose an initial burden of 25 hours per respondent for updating the applicable policies and systems required to account for preserving the records made pursuant to Rule 101. Assuming that all 275 respondents are new entrants to the Nonconvertible Securities markets and need to update their policies and systems required to account for preserving the records made pursuant to Rule 101(c)(2)(i) (*i.e.*, because they have not already done so), the Commission estimates that the total annual industry-wide initial burden for this requirement is 2,292 hours.

Ongoing Burden

The Commission estimates that respondents will incur an internal ongoing annual burden of 10 hours per firm for maintaining such records, as well as to make additional updates to the applicable record preservation policies and systems to account for preserving the records pursuant to Rule 17a-4(b)(17). The Commission estimates

that the total annual ongoing burden is 2,750 hours.

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=202607-3235-009 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 26, 2026.

Dated: September 22, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-19558 Filed 9-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106450; File No. SR-TXSE-2026-032]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Processing of Orders During a Regulatory Halt and Certain Aspects of the Exchange's IPO Auctions, Halt Auctions, and Volatility Closing Auctions

September 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 15, 2026, Texas Stock Exchange LLC (the "Exchange" or "TXSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend Rules 11.020H and 11.022 to modify the processing of orders during a Regulatory Halt and certain aspects of the Exchange's IPO Auctions, Halt

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁹ 17 CFR 200.30-3(a)(12).

Auctions, and Volatility Closing Auctions, including the orders eligible to participate, the information disseminated during an auction, extensions of the Quote-Only Period, and auction-price selection. The text of the proposed rule change is available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>) at the Exchange's website (<https://www.txse.com/regulations/rules-filings>), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 11.020H and 11.022 to update the manner in which the Exchange processes certain orders during a Regulatory Halt and conducts Halt Auctions and Volatility Closing Auctions.

Order Processing During a Regulatory Halt

First, the Exchange proposes to amend Rule 11.020H(b)(7)(A), which governs the processing of new and existing orders during a Regulatory Halt that will reopen with a Halt Auction. The Exchange is proposing to make several changes to Rule 11.020H(b)(7)(A)(i) through (vi), as further laid out below.

Rule 11.020H(b)(7)(A)(i) and (ii) currently provide that the Exchange will (i) cancel any unexecuted portion of Non-Displayed Limit Orders and orders with a Peg instruction (*i.e.*, Midpoint Peg, Market Peg, Primary Peg, and Offset Peg, and excluding Market Maker Peg Orders) and (ii) maintain any unexecuted quantity of Market Orders. The Exchange is proposing to remove current paragraph (i) such that: (a) orders with a Peg instruction will not be cancelled and instead remain

unexecutable on the TXSE Book³ until the NBBO is available after the Halt Auction at which point the orders will be pegged as instructed; and (b) a Non-Displayed Limit Orders will not be cancelled and instead will remain on the TXSE Book and be eligible to participate in the auction. A User may cancel an order, including a Non-Displayed Limit Order and an order with a Peg instruction, at any point during the halt if they do not want their order to be treated as described above. The Exchange is proposing to remove current paragraph (ii) because Market Orders are only eligible to be entered as immediate-or-cancel orders on the Exchange, so the concept of an "unexecuted quantity of Market Orders" does not exist on the TXSE Book.

The Exchange is proposing to make similar changes to Rule 11.020H(b)(7)(A)(v). Currently, existing Rule 11.020H(b)(7)(A)(v) provides that the Exchange would reject incoming orders designated IOC, Non-Displayed Limit Orders, and Pegged Orders. Consistent with the change proposed above that would provide that the Exchange would not cancel Non-Displayed Orders and Pegged Orders, the Exchange is proposing to amend Rule 11.020H(b)(7)(A)(v) such that it would not reject Non-Displayed Limit Orders and Pegged Orders when entered during a Regulatory Halt. The Exchange would continue to reject orders designated as IOC.

The Exchange is also proposing to change proposed Rule 11.020H(b)(7)(A)(iv) (currently Rule 11.020H(b)(7)(A)(vi)). The Rule currently provides that the Exchange will accept all other incoming order instructions until the Auction for the Trading Halt Auction, at which point Rule 11.022(d) will govern the entry of incoming orders and order instructions. The Exchange is proposing to amend the Rule in order to make clear that the Exchange would accept other incoming order instructions only to the extent permitted under Rule 11.022(d), which governs order entry for IPO and Halt Auctions, as opposed to the current rule text that implies that the Exchange will continue to accept all other order instructions up to the time that the Halt Auction occurs, even where such instructions contradict Rule 11.022(d).

The Exchange is not proposing to change the requirement to re-price resting orders in the Exchange Book to their limit price and would continue to

permit Users to cancel orders during the Regulatory Halt.

Orders Eligible for a Halt Auction

Second, the Exchange proposes to amend the definition of Eligible Auction Order in Rule 11.022(a)(8).⁴ The definition currently provides in part that any "limit or market order not designated to exclusively participate in the Opening Auction or Closing Auction entered during the Quote-Only Period of a Halt Auction" is an Eligible Auction Order. The Exchange is proposing to delete the words "or market" from the definition so that only limit orders, rather than both limit and market orders, may be entered during the Quote-Only Period for a Halt Auction. The proposal would provide a limited exception for MOO orders queued (*i.e.*, received prior to 9:28 a.m. ET) before Regular Trading Hours when a Pre-Market Session halt continues through the start of Regular Trading Hours. Those queued MOO orders would be eligible to participate in the Halt Auction.⁵

Halt and Volatility Closing Auction Information

Third, the Exchange proposes to revise the information disseminated for a Halt Auction under Rule 11.022(d)(2)(A). Beginning with the Quote-Only Period and every five seconds thereafter, the Exchange would disseminate the applicable Halt Auction Collars, Lower Collar Auction Interest, and Upper Collar Auction Interest. Lower Collar Auction Interest would reflect Eligible Auction Order shares to buy and sell that are priced at or more aggressively than the lower Halt Auction Collar. Upper Collar Auction Interest would reflect Eligible Auction Order shares to buy and sell that are priced at or more aggressively than the upper Halt Auction Collar. The Exchange would no longer disseminate the Reference Price, Indicative Price, Auction Only Price, Halt Auction Reference Price, or the lesser of

⁴ As provided in Rule 11.022(a)(8), the term "Eligible Auction Order" shall mean any MOO, LOO, LOO.L, MOC, LOC or LOC.L order that is entered in compliance with its respective cutoff for an Opening Auction or Closing Auction, any RHO order prior to the Opening Auction, any limit or market order not designated to exclusively participate in the Closing Auction entered during the Quote-Only Period of an IPO Auction subject to the below restrictions, and any limit or market order not designated to exclusively participate in the Opening Auction or Closing Auction entered during the Quote-Only Period of a Halt Auction.

⁵ The Exchange notes that this functionality for MOO orders participating in a Halt Auction is substantively identical to the MOO functionality of Investors Exchange LLC ("IEX"). See IEX Rule 11.350(a)(25).

³ As defined in Rule 1.005(ii) the term "TXSE Book" shall mean the System's electronic file of orders.

Reference Buy Shares and Reference Sell Shares for a Halt Auction. For a Volatility Closing Auction, the Exchange proposes to amend Rule 11.022(e)(2)(A) to disseminate the Halt Auction Collars, Lower Collar Auction Interest, and Upper Collar Auction Interest in place of the Reference Price, Indicative Price, Auction Only Price, and the lesser of Reference Buy Shares and Reference Sell Shares. The Exchange notes that both of these changes are very similar to the functionality associated with the Opening and Closing Auctions in which the Exchange disseminates the same data points except, in this instance, disseminating the Lower Collar Auction Interest and Upper Collar Auction Interest instead of the Lower Band Auction Interest and Upper Band Auction Interest.

Extensions of the Quote-Only Period

Fourth, based on the proposed changes above, market orders would not be eligible for a Halt Auction, and thus the Exchange proposes to amend Rule 11.022(d)(2)(C) in order to remove unmatched market orders as a condition that would extend the Quote-Only Period. The Exchange is also proposing to amend Rule 11.022(d)(2)(C) to eliminate the term Indicative Price and replace it with “the price at which the Halt Auction would occur.” Consistent with other changes proposed herein, the Exchange is proposing this change to make its Rules more clear because it will not publish the Indicative Price. This proposed change does not change the Halt Auction functionality. The Quote-Only Period would continue to be extended when the Halt Auction would occur, before application of the Halt Auction Collars, outside the applicable collars.

Halt and Volatility Closing Auction Price Selection

Fifth, the Exchange proposes to amend Rule 11.022(d)(2)(E) to add a step to the price-selection process for IPO and Halt Auctions. After maximizing executable volume and minimizing total imbalance, the Exchange would select the entered price at which shares would remain unexecuted. If more than one price remains, the Exchange would then select the price closest to the issuing price for an IPO Auction or the Final Last Sale Eligible Trade for a Halt Auction. The Exchange also proposes to amend Rule 11.022(e)(2)(B) to add the entered price at which shares would remain unexecuted as a price-selection step after minimizing total imbalance and before selecting the price closest to

the Final Last Sale Eligible Trade. The Exchange notes that this is substantively identical to the process for its Opening and Closing Auctions under Rules 11.022(b)(2)(B) and 11.022(c)(2)(B), respectively.

Volatility Closing Auctions

Sixth, the Exchange proposes several changes to the Volatility Closing Auction under Rule 11.022(e). The Exchange would remove references that limit the process to halts initiated under Rule 11.021, so that the Volatility Closing Auction provisions apply whenever a security is halted during the specified period before the close or a Halt Auction Quote-Only Period would otherwise extend beyond the applicable cutoff.

Clean-Up Changes

Finally, the Exchange is proposing to make certain clean-up changes to make the proposed rules more clear and understandable, including renumbering the sub-rules under Rule 11.020H(b)(7)(A) and deleting the word “other” from proposed Rule 11.020H(b)(7)(A)(i) (currently Rule 11.020H(b)(7)(A)(iii)) which currently reads “re-price all other resting orders in the Exchange Book to their limit price” because the Exchange is proposing to delete the currently preceding two paragraphs, so the word “other” is no longer necessary.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the Exchange believes the proposed rule change is consistent with the objectives of Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Order Processing During a Regulatory Halt

The Exchange believes that the proposed changes to the processing of

orders during a Regulatory Halt would provide for the consistent and predictable treatment of orders during a Regulatory Halt. The proposal would permit resting Non-Displayed Limit Orders to participate in the Halt Auction and would allow orders with a Peg instruction to remain on the TXSE Book in an unexecutable state until the NBBO becomes available after the Halt Auction. It would also permit Non-Displayed Limit Orders and Pegged Orders to be entered during a halt. Users would continue to be able to cancel their orders during the halt. The proposal would also make clear that the Exchange will accept incoming order instructions only to the extent permitted under Rule 11.022(d). The Exchange believes that the proposed change would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest by providing for clear and consistent order handling during a Regulatory Halt. The proposed change makes clear to Users that the default behavior on the Exchange is to keep both Pegged Orders and Non-Displayed Limit Orders on the TXSE Book in the event of a Regulatory Halt. It further provides them with more flexibility for order handling—by leaving the orders on the TXSE Book, they have the option to leave their orders on the TXSE Book or to cancel the orders during the halt. As noted above, Pegged Orders will remain queued until the NBBO becomes available after the Halt Auction, which the Exchange believes is more consistent with the behavior that Users would expect of Pegged Orders than to cancel them, particularly Rule 11.007(c)(7) which provides that Pegged Orders continue to rest on the TXSE Book in an unexecutable state where there is no NBBO. Similarly, the Exchange believes that consistent treatment between Displayed Limit Orders and Non-Displayed Limit Orders (remaining on the TXSE Book and eligible to participate in the auction) is more in line with what Users would expect. Again, the Exchange notes that this behavior results in more User flexibility and such orders could be cancelled during the halt if a User prefers not to remain on the TXSE Book.

Orders Eligible for a Halt Auction

The Exchange believes that permitting only limit orders to be entered during the Quote-Only Period for a Halt Auction, which would require each order to include a specified maximum purchase price or minimum sale price, is consistent with the Act because it

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

allows price discovery during a Halt Auction through the entry of aggressive limit orders while keeping halt auction order entry generally consistent with the treatment of Market Orders, which may only be entered as immediate-or-cancel rather than resting on the TXSE Book. The limited exception for MOO orders queued before Regular Trading Hours would allow previously entered opening interest to participate when a Pre-Market Session halt continues through the start of Regular Trading Hours, again, generally consistent with existing Exchange functionality. The Exchange believes that requiring orders entered during the Quote-Only Period to specify a limit price while preserving the treatment of previously queued MOO orders would promote fair and orderly Halt Auctions and thereby protect investors and the public interest by allowing price discovery during a Halt Auction through the entry of aggressive limit orders and the participation of MOO orders under limited circumstances while keeping functionality generally consistent with other Exchange functionality.

Halt and Volatility Closing Auction Information

The Exchange believes that the proposed changes to the information disseminated for Halt Auctions and Volatility Closing Auctions would provide Users with information regarding the applicable auction collars and the amount of eligible buy and sell interest priced at or more aggressively than each collar. This information would allow Users to assess the amount of eligible auction interest relative to the range within which the auction may occur. The proposed information would also be similar to the information disseminated for the Exchange's Opening and Closing Auctions,⁸ modified to reflect the use of Halt Auction Collars. The Exchange believes that providing Users with information regarding the applicable collars and the eligible interest at those collars would promote transparency, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest by providing a deterministic, market-based solution to creating orderly auctions that ensures that participants have a view into the

liquidity interest in the auction while mitigating volatility.

Extensions of the Quote-Only Period

The Exchange believes that removing unmatched market orders as a condition for extending the Quote-Only Period is appropriate because, based on the changes proposed herein, market orders generally would no longer be eligible for an intraday Halt Auction. Replacing the term "Indicative Price" with "the price at which the Halt Auction would occur" would make the Rule more clear because the Exchange will not publish an Indicative Price. This change would not modify the applicable extension condition. The Quote-Only Period would continue to be extended when the Halt Auction would occur, before application of the Halt Auction Collars, outside the applicable collars. The Exchange believes that removing an inapplicable extension condition and more accurately describing the price used to determine whether an extension is required is a conforming change that would make the Exchange's Rules clearer and more transparent, thereby removing impediments to and perfecting the mechanism of a free and open market.

Halt and Volatility Closing Auction Price Selection

The Exchange believes that adding the entered price at which shares would remain unexecuted to the price-selection process for IPO, Halt, and Volatility Closing Auctions would provide for a clear and consistent method of selecting an auction price after executable volume has been maximized and total imbalance has been minimized. This price-selection step is substantively identical to the process used for the Exchange's Opening and Closing Auctions.⁹ The Exchange believes that applying a clear and consistent price-selection process across the Exchange's auctions would promote just and equitable principles of trade, facilitate fair and orderly auctions, and protect investors and the public interest.

Volatility Closing Auctions

The Exchange believes that applying the Volatility Closing Auction provisions whenever a security is halted during the specified period before the close, or when the Quote-Only Period for a Halt Auction would otherwise extend beyond the applicable cutoff, would promote the fair and orderly closing of Exchange-listed securities

under volatile market conditions. The proposal would provide for a consistent closing process without regard to the rule under which the applicable halt was initiated. The Exchange believes that providing for a consistent closing process when an Exchange-listed security cannot reopen before the applicable cutoff would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest because it would provide for consistency and predictability around the market close where a halt is occurring, allowing market participants to know with certainty how the Exchange's closing process will occur.

Clean-Up Changes

Finally, the Exchange believes that the proposed clean-up changes would make the Exchange's Rules more clear and understandable without changing their substantive operation. The Exchange believes that maintaining clear and internally consistent Rules would remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest.

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The proposed rule change is not intended to address competitive issues but rather to update the Exchange's processing of orders during a Regulatory Halt and the operation of its Halt and Volatility Closing Auctions. The proposed changes would apply equally to all Users, and the distinctions among eligible order instructions would be based on the characteristics of those instructions and their compatibility with the applicable auction process.

The proposal would not impose an undue burden on intermarket competition because it concerns the manner in which the Exchange conducts auctions in Exchange-listed securities. The proposal would not impose any restriction on the ability of other exchanges to compete for listings or order flow or to adopt their own auction functionality.

⁸ See, Securities Exchange Act Release No. 105988 (July 24, 2026), 91 FR 47860 (July 29, 2026) (SR-TXSE-2026-006) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Certain Parts of Its Opening and Closing Auctions) (the "TXSE Auction Filing").

⁹ See TXSE Auction Filing and TXSE Rules 11.022(b)(2)(B) and 11.022(c)(2)(B), respectively.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)¹⁰ of the Act and Rule 19b-4(f)(6)¹¹ thereunder 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.

Furthermore, Rule 19b-4(f)(6)(iii)¹² 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 provided such notice.

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹³ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹⁴ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed rule change will provide for clear and predictable order handling during a Regulatory Halt. The Exchange further states that certain of the proposed changes are substantively identical or similar to functionality already applicable to the Exchange's Opening and Closing Auctions,¹⁵ and

the proposed changes raise no new or novel issues. Therefore, the Commission believes that waiver of the operative delay would be consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁶

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) of the Act¹⁷ to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-TXSE-2026-032 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-2026-032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-TXSE-2026-032 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-19515 Filed 9-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106448; File No. SR-ISE-2026-42]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Criteria for Underlying Securities

September 21, 2026.

On July 28, 2026, Nasdaq ISE, LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt listing criteria for options on commodity-based trusts that hold one or more digital commodities. The proposed rule change was published for comment in the **Federal Register** on August 13, 2026.³ The Commission received no comments regarding the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is September 27, 2026. The Commission is extending this 45-day time period.

¹⁸ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 106067 (Aug. 10, 2026), 91 FR 52387.

⁴ 15 U.S.C. 78s(b)(2).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(iii).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

¹⁵ See Securities Exchange Act Release No. 81316 (August 4, 2017), 82 FR 37474 (August 10, 2017) (SR-IEX-2017-10) Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2, Relating to Auctions in IEX-Listed Securities, Dissemination of Auction-Related Market Data, and Trading Halts and Pauses) (the "IEX Filing") and IEX Rule 11.350(a)(25). See also TXSE Auction Filing.

¹⁶ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates November 11, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-ISE-2026-42).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-19514 Filed 9-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106443; File No. SR-COIN-2026-001]

Self-Regulatory Organizations; Coinbase Derivatives, LLC; Notice of Filing of a Proposed Rule Change Relating to Customer Margin Requirements for Security Futures Products

September 21, 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 September 18, 2026, Coinbase Derivatives, LLC (“CDE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by CDE. CDE filed the proposed rule change pursuant to Section 19(b)(2) of the Act.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. CDE’s Statement of the Terms and Substance of the Proposed Rule Change

CDE’s proposed rule change is filed as Exhibit 5 and consists of certain provisions in Chapter 12 of the CDE Rulebook relating to customer margin requirements for security futures contracts. Each provision is described in more detail below.

II. CDE’s Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, CDE 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. CDE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. CDE’s Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Background

CDE is registered with the Commodity Futures Trading Commission (“CFTC”) as a designated contract market (“DCM”) under the Commodity Exchange Act (“CEA”). On September 1, 2026, CDE, in its capacity as a DCM, submitted a Form 1-N notice filing to the Securities and Exchange Commission (“SEC” or “Commission”) to register as a national securities exchange for security futures products pursuant to the notice registration provisions of Section 6(g) of the Securities Exchange Act of 1934, as amended (“Act” or “Exchange Act”). On September 8, 2026, the Commission acknowledged receipt of such written notice and effectiveness of CDE’s notice registration as a national securities exchange contemporaneously with CDE’s submission of the 1-N notice on September 1, 2026.⁴

Under its notice registration, CDE intends to list cash-settled futures on individual equity securities and exchange-traded fund shares, including perpetual single-stock futures, consistent with listing standards that it will adopt under a separate rule filing pursuant to Section 19(b)(7) of the Act and Rule 19b-7 under the Act. CDE is submitting this proposed rule change to establish customer-level margin requirements for security futures that align with current Commission (and CFTC) requirements, as described in the following section.

Description of the Proposed Rule Change

Proposed Chapter 12 of the CDE Rulebook will govern the listing,

trading, clearing, adjustment, and settlement of security futures products. Certain rules in proposed Chapter 12 address customer margin requirements for security futures products and are the subject of this filing. The remainder of proposed Chapter 12 is the subject of a separate rule filing under Section 19(b)(7) and Rule 19b-7. CDE Rule 1215 (Customer Margin) is the primary proposed rule establishing customer margin requirements for security futures. CDE Rule 1215 will determine the applicable margin rates, the types of assets that can be accepted by a Participant Firm or Clearing Firm as margin, the effect of an undermargined customer account on Participant Firm and Clearing Firm net capital requirements, which entities are exempted from Exchange margin requirements, and the liquidation requirements for undermargined customer accounts.

General Rule. Rule 1215(a) provides that Participant Firms and Clearing Firms that are “securities futures intermediaries” shall calculate, collect, and maintain the margin required by Rule 1215 and applicable SEC and CFTC regulations. Participant Firms and Clearing Firms that are members of the Clearing House will separately have an obligation to post margin with the Clearing House under the rules of the Clearing House. Rule 1215(g), consistent with Rule 1221(c), clarifies that nothing in Rule 1215 limits the authority of the Clearing House under its own rules with respect to margin collection, settlement processing, default management, or other clearing functions, except as required by law.

Margin Rates. Rule 1215(b) provides that the Exchange shall establish initial and maintenance margin requirements applicable to security futures held in a futures account, subject to the minimum margin requirements in SEC Rule 242.403⁵ and CFTC Regulation 41.45.⁶ Rule 1215(b) is substantially identical to CME Rule 930.B.2.c., which provides that “[t]he Exchange shall establish initial and maintenance performance bond [i.e., margin] requirements applicable to Security Futures and held in a futures account, provided that the performance bond requirement for any long or short position held by a clearing member on behalf of a Customer shall not be less than 15% of the current market value of the relevant Contract; or, such other requirement as may be established by the CFTC and SEC for purposes of CFTC Regulation 41.45(b)(1) and SEC Rule 242.403(b)(1) except as

⁵ *Id.*

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 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, Exchange Act Release No. 106295 (Sept. 8, 2026), 91 FR 57944 (Sept. 11, 2026).

⁵ 17 CFR 242.403.

⁶ 17 CFR 41.45.

provided below.”⁷ Other exchanges have adopted similar provisions.⁸

Under SEC and CFTC regulations, Participant Firms and Clearing Firms that are “security futures intermediaries” are required to compute and collect required margin based on the “current market value” of a security future on a daily basis.⁹ Under SEC Rule 242.401(a)(4)(i)(A)¹⁰ and CFTC Regulation 41.43(a)(4)(i)(A),¹¹ “current market value” means on any day, with respect to a single-stock security future, “the product of the daily settlement price of such security future as shown by any regularly published reporting or quotation service, and the applicable number of shares per contract.” SEC Rule 242.401(a)(6)¹² and CFTC Regulation 41.43(a)(6)¹³ define “daily settlement price” as “the settlement price of [a] security future determined at the close of trading each day, under the rules of the applicable exchange, clearing agency, or derivatives clearing organization.” Thus, SEC and CFTC regulations contemplate that exchange rules will determine the applicable settlement price. Under Rule 1215(b),

the “daily settlement price” would be the “Daily Settlement Price,” as determined by Rule 1209 and the relevant Product Appendix. To comply with SEC Rule 242.401(a)(4)(i)(A) and CFTC Regulation 41.43(a)(4)(i)(A), the Exchange intends to regularly publish the Daily Settlement Price.

Rule 1215(b)(2) provides for lower minimum margin requirements where Customers hold “offsetting positions.” Under SEC Rule 242.403(b)(2)¹⁴ and CFTC Regulation 41.45(b)(2),¹⁵ a self-regulatory authority may set the required initial or maintenance margin level for offsetting positions involving security futures and related positions at a level lower than the level that would apply if the positions were margined separately, provided that Exchange rules governing offsetting positions meet the criteria set forth in Section 7(c)(2)(B) of the Act.¹⁶ Under Section 7(c)(2)(B):

(I) The margin requirements for a security futures product must be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to [Section 6(a) of the Act];¹⁷ and

(II) Initial and maintenance margin levels for a security future product may not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to [Section 6(a) of the Act],¹⁸ other than an option on a security future.

Rule 1215(b)(2) includes a table that sets out in detail the margin offsets available with respect to particular combinations of security futures and related positions. The offsets in the table align with those the SEC and CFTC have acknowledged are permissible, as set forth in their joint 2020 release on Customer Margin Rules Relating to Security Futures (the “Customer Margin Release”)¹⁹ and prior approval orders.²⁰ Rule 1215(b)(2) establishes the minimum amount of margin that Participant Firms and Clearing Firms that carry security futures positions must collect from their Customers.

Participant Firms and Clearing Firms may choose to collect additional margin from their Customers.

“Exempted Person” Exclusion. Rule 1215(b)(1) identifies “Exempted Persons” and “Market Makers” as non-Customers for purposes of Rule 1215. Those non-Customers are therefore exempt from the application of Rule 1215. Exempted Persons are specifically identified by reference to applicable SEC and CFTC Regulations.

Market Maker Exclusion. SEC Rule 242.400(c)(2)(v)²¹ and CFTC Regulation 41.42(c)(2)(v)²² permit exchanges to adopt rules with specified requirements for security futures dealers, on the basis of which the financial relations between security futures intermediaries, on the one hand, and qualifying security futures dealers, on the other, are excluded from the margin requirements for security futures. Rules so adopted by an exchange must meet the criteria set forth in Section 7(c)(2)(B) of the Act.²³ CDE proposes a market maker exclusion in its proposed Rule 1215(b)(1) consistent with the requirements of those provisions. To qualify as a “Market Maker” for purposes of the exclusion, a Person must register with the Exchange as a Security Futures Dealer. A Market Maker must be a Participant Firm and registered as a floor trader or a floor broker with the CFTC under Section 4f(a)(1) of the CEA or as a dealer with the SEC under Section 15(b) of the Act.²⁴ A Market Maker also must hold itself out as willing to buy and sell security futures for its own account on a regular or continuous basis. The Exchange will determine whether a Market Maker has satisfied this standard, consistent with applicable SEC and CFTC guidance, on a case-by-case basis.

Rule 1215(b)(1)(a) requires a Participant Firm that seeks to register as a Security Futures Dealer to provide the Exchange with information about its business necessary for the Exchange to determine whether to permit the Participant Firm to register as a Security Futures Dealer. Market Makers are also required to maintain books and records including trading statements and other financial records that would evidence compliance with the standards set forth in Rule 1215(b)(1)(a), CFTC Regulation 41.42(c)(2)(v) and SEC Rule 242.400(c)(2)(v). This recordkeeping requirement includes, without limitation, such trading statements and other financial records as may be

⁷ CME Rule 930.B.2.c.

⁸ See Self-Regulatory Organizations; Board of Trade of the City of Chicago, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Customer Margin Requirements for Security Futures, Exchange Act Release No. 53626 (Apr. 10, 2006), 71 FR 19774, 19775 (Apr. 17, 2006), SR-CBOT-2006-01 (“The Exchange shall establish initial and maintenance margin requirements applicable to Security Futures that are held in a futures account, provided that the margin requirement for any long or short position held by a member firm on behalf of a Customer shall not be less than 20% of the current market value of the relevant Security Futures Contract, or such other requirement as may be established by the CFTC and SEC for purposes of CFTC Regulation 41.45(b)(1) and SEC Regulation 242.403(b)(1), unless a lower margin level is available for such position pursuant to paragraph (e) below.”); Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by OneChicago, LLC Relating to Customer Margin Requirements for Security Futures, Exchange Act Release No. 46555 (Sept. 26, 2002), 67 FR 61707, 61708 (Oct. 1, 2002), SR-OC-2002-01 (“The Exchange will set and publish the initial and maintenance margin rates to be used in determining Exchange margin requirements; provided that in no case shall the required margin for any long or short position held by a Clearing Member or, if applicable, Exchange Member on behalf of a Customer be less than 20% of the current market value of the relevant Contract (or such other rate from time to time determined by the Commission and the Securities and Exchange Commission for purposes of Commission Regulation § 41.45(b)(1) and Rule 403(b)(1) under the Exchange Act) unless a lower margin level is available for such position pursuant to paragraph (m) below.”).

⁹ Customer Margin Rules Relating to Security Futures, Exchange Act Release No. 46292 (Aug. 1, 2002), 67 FR 53146 (Aug. 14, 2002).

¹⁰ 17 CFR 242.401(a)(4)(i)(A).

¹¹ 17 CFR 41.43(a)(4)(i)(A).

¹² 17 CFR 242.401(a)(6).

¹³ 17 CFR 41.43(a)(6).

¹⁴ 17 CFR 242.403(b)(2).

¹⁵ 17 CFR 41.45(b)(2).

¹⁶ 15 U.S.C. 78g(c)(2)(B).

¹⁷ 15 U.S.C. 78f(a).

¹⁸ 15 U.S.C. 78f(a).

¹⁹ Customer Margin Rules Relating to Security Futures, Exchange Act Release No. 90244 (Oct. 22, 2020), 85 FR 75112 (Nov. 24, 2020).

²⁰ Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Order Approving a Proposed Rule Change Relating to Amendments to Chicago Mercantile Exchange Inc.’s Rules Governing Performance Bond Requirements: Account Holder Level, Exchange Act Release No. 105899 (July 13, 2026), 91 FR 43699 (July 16, 2026), SR-CME-2026-001.

²¹ 17 CFR 242.400(c)(2)(v).

²² 17 CFR 41.42(c)(2)(v).

²³ 15 U.S.C. 78g(c)(2)(B).

²⁴ 15 U.S.C. 78o(b).

necessary specifically to verify compliance. Under Rule 1215(b)(1)(b), failure on the part of a Market Maker to comply with applicable Rules of the Exchange, CFTC Regulations 41.41 through 41.49 and SEC Rules 242.400 through 242.406 may result in revocation of Security Futures Dealer status or other sanctions provided under CDE rules.

Type, Form and Use of Margin. Rule 1215(c) identifies the types of assets that a security futures intermediary may accept from a Customer as margin. Consistent with SEC Rule 242.404(b)²⁵ and CFTC Regulation 41.46(b),²⁶ acceptable assets are limited to: deposits of cash, margin securities (subject to specified restrictions), exempted securities, any other assets permitted under Regulation T of the Board of Governors of the Federal Reserve System to satisfy a margin deficiency in a securities margin account, any other assets permitted under CFTC Regulation 41.46 and SEC Rule 242.404, and any combination of the foregoing. Rule 1215(c) further provides that the equity in a Customer account and thus the applicable margin deposit requirements shall be calculated in accordance with CFTC Regulations 41.46(c), 41.46(d), 41.46(e) and 41.46(f) and SEC Rules 242.404(c), 242.404(d), 242.404(e) and 242.404(f), as applicable.²⁷ The Exchange added the phrase “any other assets permitted under CFTC Regulation 41.46 and SEC Rule 242.404” to accommodate other assets that may be permitted under applicable CFTC and SEC regulations in the future. If the SEC, the CFTC or the Board of Governors of the Federal Reserve System amend SEC Rule 242.404, CFTC Regulation 41.46 or Regulation T,²⁸ respectively, or otherwise provide exemptive or interpretive relief, the Exchange intends to permit Participant Firms and Clearing Firms to collect payment stablecoins as margin.

Rule 1215(c)(1) addresses the treatment of “Funding Payments,” as described in Rules 1202 and 1212, in calculating account equity under Rule 1215. Funding Payments are periodic payments between the parties to a perpetual security futures contract based on the difference between the futures price and the spot price. The calculation of Funding Payments will be described in greater detail in the product specifications for listed security futures contracts. Funding Payments are necessary to align the futures price of a

perpetual security futures contract with the spot price of the underlying. Under Rule 1215(c)(1), Funding Payments receivable (or payable) by an account at the close of trading on any day in connection with an open security futures position shall be treated as variation settlement receivable (or payable) and thus shall be treated as a credit (or debit) to the account on that day for purposes of calculating account equity under applicable SEC and CFTC regulations.²⁹ SEC Rule 242.401(a)(32)³⁰ and CFTC Regulation 41.43(a)(32)³¹ define “variation settlement” as “any credit or debit to a customer account, made on a daily or intraday basis, for the purpose of marking to market a security future or any other contract that is: (i) [i]ssued by a clearing agency that is registered under section 17A of the Exchange Act or cleared and guaranteed by a derivatives clearing organization that is registered under Section 5b of the [CEA]; and (ii) [t]raded on or subject to the rules of a self-regulatory authority.” Funding Payments qualify as variation settlement because they will be credited or debited to a Customer account daily in order to mark a position in a cleared, exchange-traded security future to the current futures price and spot price.

Rules 1215(c)(2), 1215(c)(3) and 1215(c)(4) limit the assets that can be accepted by Participant Firms and Clearing Firms as margin. Rule 1215(c)(2) provides that shares of a money market mutual fund must meet the requirements of CFTC Regulation 1.25, SEC Rule 242.404(b)(2) and CFTC Regulation 41.46(b)(2). Rule 1215(c)(3) provides that Participant Firms and Clearing Firms shall not accept as margin from any Customer securities that have been issued by that Customer or an affiliate of that Customer unless the Participant Firm or Clearing Firm files a petition with and receives permission from the Exchange for such purpose. Rule 1215(c)(4) provides that all assets deposited by a Customer to meet margin requirements must be and remain unencumbered by third-party claims against that Customer.

Withdrawal of Margin. Rule 1215(d) requires Participants to comply with SEC and CFTC regulations regarding the withdrawal of margin from a futures account. As noted above, in calculating equity in a Customer account under SEC Rule 242.405(a)³² and CFTC Regulation 41.47(a),³³ Funding Payments would be treated as variation settlement.

Undermargined Accounts. Rule 1215(e) requires a Participant Firm or Clearing Firm that is a security futures intermediary to take the deduction required with respect to an underfunded account in computing its net capital under applicable SEC and CFTC regulations if a Customer of the security futures intermediary has failed to comply with a required margin call within a reasonable period of time. This requirement is consistent with SEC Rule 242.406(a)³⁴ and CFTC Regulation 41.48(a).³⁵ Further, Rule 1215(e) requires the liquidation of an account where there is a liquidating deficit, in accordance with SEC Rule 242.406(b)³⁶ and CFTC Regulation 41.48(b).³⁷

Additional Margin Requirements. Rule 1215(f) provides that the Exchange may establish additional concentration, emergency, or product-specific margin requirements in accordance with applicable law and published procedures.

Funding Payments. Rule 1212(c) clarifies that Funding Payments may be processed through the Clearing House as cash adjustments separate from variation margin. In other words, the Clearing House may separately calculate and assess Funding Payments and variation margin.

Adjustments for Corporate Actions. As noted above, margin requirements will be calculated by reference to the Daily Settlement Price of a security futures contract. Rules 1213(e) and (f) permit adjustments for corporate actions and state that, following a stock split, reverse split, fractional split, stock dividend or similar stock distribution, the Exchange may restate the prior Daily Settlement Price to avoid a variation margin gain or loss caused solely by such stock distribution. Rule 1213(n) provides that margin applicable to a position will continue to apply to the position following a corporate action-related adjustment, except to the extent the Exchange or Clearing House determines otherwise pursuant to applicable law and published procedures.

Clearing. Finally, Rule 1221 clarifies that nothing in Chapter 12 of the Exchange’s rulebook limits the authority of the Clearing House under its own rules with respect to margin collection, settlement processing, default management, or other clearing functions, except as otherwise required by law. CDE is not registered with the Commission as a clearing agency and is

²⁵ 17 CFR 242.404(b).

²⁶ 17 CFR 41.46(b).

²⁷ 17 CFR 41.46(c)–(f); 17 CFR 242.404(c)–(f).

²⁸ 17 CFR part 220.

²⁹ 17 CFR 41.46(c)(vi); 17 CFR 242.404(c)(vi).

³⁰ 17 CFR 242.401(a)(32).

³¹ 17 CFR 41.43(a)(32).

³² 17 CFR 242.405(a).

³³ 17 CFR 41.47(a).

³⁴ 17 CFR 242.406(a).

³⁵ 17 CFR 41.48(a).

³⁶ 17 CFR 242.406(b).

³⁷ 17 CFR 41.48(b).

not registered with the CFTC as a derivatives clearing organization. CDE intends to designate a third-party clearing organization registered with the Commission or the CFTC as the "Clearing House" referenced in its rules.

2. Statutory Basis

CDE's proposed rule change is consistent with Section 6(h)(3)(L) of the Act³⁸ in conjunction with Section 7(c)(2)(B) of the Act,³⁹ in that the proposed margin requirements for a security futures product will not be lower than the lowest level of margin (excluding premium) required for a comparable option contract traded on any registered national securities exchange. The SEC has implemented this provision in Rule 242.403(b)(1) under the Act,⁴⁰ which as revised in 2020 under the Customer Margin Release sets the minimum margin requirements for security futures at 15% of current market value (reduced from 20%). CDE's proposed Rule 1215 follows that 15% standard and also follows the offset strategies recognized under the Customer Margin Release. Thus, CDE's proposed rule change is consistent with Exchange Act Sections 6(h)(3)(L) and 7(c)(2)(B) and the SEC's current requirements implementing those statutory provisions. The Exchange notes that the SEC's margin requirements apply equally to all security futures contracts, including perpetual security futures. Rules 1212(c), 1213(f), 1213(n) and 1221(c) clarify the application of the margin rules in specific contexts but do not alter the minimum margin requirements.

CDE's proposed rule change is also consistent with Section 6(b)(5) of the Act⁴¹ in that it promotes competition and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest. CDE believes that the proposed rule change is designed to accomplish these goals by permitting members to trade security futures contracts (as permitted under the Commission's rules and regulations) and by establishing the margin requirements to be not lower than the requirements under SEC and CFTC regulations.

B. CDE's Statement on Burden on Competition

CDE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, because it will apply generally to market participants that trade security futures that CDE lists for trading and will not discriminate between market participants.

C. CDE's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-COIN-2026-001 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-COIN-2026-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/>

[rules/sro.shtml](#)). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-COIN-2026-001 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-19512 Filed 9-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106441; File No. SR-NYSE-2026-27]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.10 Clearly Erroneous Executions

September 21, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on September 14, 2026, NYSE National, Inc. ("NYSE National" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.10 ("Clearly Erroneous Executions") in light of the Commission's approval of Overnight Protected Bands for 23/5 Trading. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

⁴² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

³⁸ 15 U.S.C. 78f(h)(3)(L).

³⁹ 15 U.S.C. 78g(c)(2)(B).

⁴⁰ 17 CFR 242.403(b)(1).

⁴¹ 15 U.S.C. 78f(b)(5).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE National, Inc. ("NYSE National" or the "Exchange") proposes to amend proposes to amend Rule 7.10 ("Clearly Erroneous Executions") in light of the Commission's approval of Overnight Protected Bands under the LULD Plan for 23/5 Trading.

Background

In conjunction with the industry's plans for the introduction of trading 23 hours a day, 5 days a week ("23/5 Trading"), the Operating Committee of the Plan to Address Extraordinary Market Volatility ("LULD Plan") filed proposed Amendment 27 to the LULD Plan, which proposed to establish price band protections during overnight trading hours ("Overnight Price Bands").⁴ The Operating Committee proposed that the Overnight Price Bands would initially be temporary static bands 20% above and below two reference points, and that after implementation, the Operating Committee would evaluate the performance of such Overnight Price Bands and propose appropriate changes in a new plan amendment.⁵ On August 5, 2026, the Commission approved the proposal.⁶

In light of the Commission's approval of these changes to the LULD Plan, the Exchange now proposes several amendments to Rule 7.10 regarding

Clearly Erroneous Executions. In general, the rule describes the process a market participant may use to request cancellation of a transaction that was "clearly erroneous." The current rule's central premise is that if LULD Price Bands under the LULD Plan were available and correct at the time the transaction was executed, the transaction is not eligible for clearly erroneous review. Specifically, Rule 7.10(c)(1) currently provides that "[i]f the execution time of the transaction(s) under review is during the Core Trading Session, the transaction will not be reviewable as clearly erroneous" except in certain limited circumstances, including when (A) the transaction is in an NMS stock that is not subject to the LULD Plan (e.g., rights and warrants), (B) the transaction was executed at a time with LULD Price Bands were unavailable or trading should have been prevented due to a regulatory halt or other halt, or (C) several other limited circumstances.⁷ In approving the existing version of the rule, the Commission noted that restricting clearly erroneous review in this way during times when LULD Price Bands were in effect was "consistent with the Act and will further the goal of providing greater certainty to market participants that trades executed within the Price Bands will stand and not be broken. . . . Thus, the proposal is designed to limit the potential discordance between the LULD mechanism and CEE review process."⁸

Currently, LULD Price Bands are available only during the Core Trading Session, meaning that the restrictions on clearly erroneous review described above apply only during the Core Trading Session. With the introduction of Overnight Price Bands, the Exchange now proposes to extend the existing restrictions on clearly erroneous review to the period when Overnight Price Bands are in place. This proposed change would be consistent with the Commission's rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.

Proposed Changes to Rule 7.10(c)(1)

To implement this change, the Exchange proposes to add several definitions to Rule 7.10(c)(1). First, the Exchange would add that the term "LULD Protected Hours" includes the Core Trading Session and "Overnight Protected Hours" defined in Section VIII of the LULD Plan. Second, the Exchange would define "LULD Price Bands" or "Price Bands" to mean the Price Bands defined in Section V of the LULD Plan (i.e., the Price Bands that apply during the Core Trading Session) and "Overnight Price Bands" as defined in Section VIII of the LULD Plan (i.e., the Price Bands that apply to the Overnight Protected Hours from 9:00 p.m. ET through 4:00 a.m. ET).

The Exchange proposes to amend the current first sentence of Rule 7.10(c)(1) to replace the phrase "Core Trading Session" with "LULD Protected Hours," to provide that "[i]f the execution time of the transaction(s) under review is during LULD Protected Hours, the transaction will not be reviewable as clearly erroneous" This change would extend the LULD-based restrictions on clearly erroneous review currently in place during the Core Trading Session to the Overnight Protected Hours.

The Exchange also proposes to amend Rule 7.10(c)(1)(B)'s reference to "Percentage Parameter" to incorporate the Percentage Parameter that applies to Overnight Protected Hours. The amended provision would provide for the applicability of clearly erroneous review if the price of the transaction to buy (sell) that is the subject of the clearly erroneous complaint is greater than (less than) the Reference Price by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (with respect to the Price Bands that apply during the Core Trading Session) or the "Overnight Percentage Parameter defined in Section VIII of the LULD Plan" (with respect to Overnight Protected Hours).

In addition to these changes, the Exchange also proposes to make a non-substantive change to Rule 7.10(c)(1)(A), substituting the term "LULD Plan" for the current text "the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the 'Limit Up-Limit Down Plan' or 'LULD Plan,')" as the "LULD Plan" would be defined in the proposed revision to Rule 7.10(c)(1).

⁴ See Securities Exchange Act Release No. 105596 (June 1, 2026), 91 FR 33774 (June 4, 2026) (File No. 4-631) (Notice of Filing of 27th Amendment to the National Market System Plan).

⁵ See *id.*

⁶ See Securities Exchange Act Release No. 106042 (August 5, 2026), 91 FR 51515 (August 10, 2026) (File No. 4-631) (Order Granting Approval of the 27th Amendment to the National Market System Plan to Address Extraordinary Market Volatility to Establish Temporary Price Band Protections in Overnight Trading).

⁷ See Rule 7.10(c)(1)(A), (B), and (C).

⁸ See Securities Exchange Act Release No. 95658 (September 1, 2022), 87 FR 55060 at 55063 (September 8, 2022) (SR-ChoeBZX-2022-037) (Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, to Amend BZX Rule 11.17, Clearly Erroneous Executions).

Proposed Changes to Rule 7.10(c)(2), (d)(3), and (f)

As noted above, current Rule 7.10(c)(1)(A) permits clearly erroneous review even during the Core Trading Session when the transaction in question is in an NMS Stock that is not subject to the LULD Plan, *i.e.*, rights and warrants. Such transactions are reviewed for clearly erroneous status using the procedures set out in Rule 7.10(c)(2), including the Numerical Guidelines set out in the table accompanying Rule 7.10(c)(2)(A). The Exchange now proposes to introduce a similar provision regarding transactions in NMS Stocks not subject to the LULD Plan that are executed during the Overnight Protected Hours; such transactions would be subject to the same Numerical Guidelines as transactions occurring in the Early and Late Trading Sessions.

The heading of Rule 7.10(c)(2) addresses “[r]eview of transactions occurring during the Early or Late Trading Session or eligible for review pursuant to paragraph (c)(1)(A).” The Exchange proposes to replace the phrase “eligible for review pursuant to paragraph (c)(1)(A)” (which, in the current rule, means transactions executed during the Core Trading Session in NMS Stocks not subject to the LULD Plan) with “during LULD Protected Hours in NMS Stocks not subject to the LULD Plan.” This proposed language would cover transactions in NMS Stocks not subject to the LULD Plan in the Core Trading Session and expand the same treatment to transactions executed in NMS Stocks not subject to the LULD Plan during Overnight Protected Hours. As such, the proposed change is not novel.

The Exchange proposes to make the same change everywhere else such language appears in the rule—namely, in the text of paragraphs (c)(2)(A), (c)(2)(B), (c)(2)(C), (c)(2)(D), (d)(3), and (f).⁹ In each case, the Exchange proposes to replace the phrase “transactions occurring during the Early or Late Trading Session or eligible for review pursuant to paragraph (c)(1)(A)” with “transactions occurring during the Early or Late Trading Session or during LULD

Protected Hours in NMS Stocks not subject to the LULD Plan.”

The Exchange also proposes to make corresponding changes to the headings of the table accompanying Rule 7.10(c)(2)(A). The Exchange proposes to change the heading of the second column from “Core Trading Session Numerical Guidelines for transactions eligible for review pursuant to paragraph (c)(1)(A)” to “Numerical Guidelines for Transactions Executed During the Core Trading Session in NMS Stocks Not Subject to the LULD Plan.” This change would simply replace the shorthand “eligible for review pursuant to paragraph (c)(1)(A)” with the fuller description that such transactions are “executed during the Core Trading Session in NMS Stocks not subject to the LULD Plan,” and is not a substantive change.

Similarly, the Exchange proposes to change the heading of the third column from “Early and Late Trading Session Numerical Guidelines” to “Numerical Guidelines for Transactions Executed During the Early and Late Trading Session or During Overnight Protected Hours in NMS Stocks Not Subject to the LULD Plan.” The proposed change addresses the fact that transactions executed during Overnight Protected Hours in NMS Stocks not subject to the LULD Plan are eligible for clearly erroneous review—just as are transactions in NMS Stocks not subject to the LULD Plan executed during the Core Trading Session—but at the Numerical Guidelines that apply outside of the Core Trading Session.

Together, these proposed changes would extend the eligibility of clearly erroneous review for transactions in NMS Stocks not subject to the LULD Plan that is currently in place during the Core Trading Session to the Overnight Protected Hours, and would apply the Commission’s recent approval of Overnight Price Bands to the clearly erroneous executions rule.

Implementation

The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. The Exchange proposes that this rule change would become operative at the commencement of 23/5 Trading, which is scheduled to commence industry-wide on December 6, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are

applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.¹⁰ Specifically, the proposal is consistent with Section 6(b)(5) of the Act¹¹ because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes that the proposed change is consistent with just and equitable principles of trade because it extends the basic premise of the current rule that clearly erroneous review should be generally unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. Currently, LULD Price Bands are available only during the Core Trading Session, meaning that the restrictions on clearly erroneous review described above apply only during the Core Trading Session. With the introduction of Overnight Price Bands, the Exchange believes that extending such restrictions on clearly erroneous review to the period when Overnight Price Bands are in place would remove impediments to and perfect the mechanism of a free and open market and a national market system by enhancing the transparency and consistency of the rule.

The resulting rule would thus extend the LULD-related limits on clearly erroneous review that are applicable in the Core Trading Session to the overnight period. The proposed change would also be consistent with the Commission’s rationale in approving the current version of the rule because it would limit any potential discordance between the LULD mechanism and CEE review in the overnight trading session, providing greater certainty to market participants that trades executed with the Overnight Price Bands will stand and not be broken.¹²

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act¹³ in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather than impacting competition, the proposed change would simply extend the basic premise of the current rule that clearly erroneous review should be generally

⁹ Rule 7.10(c)(2)(A)–(D) specifies general rules for applying clearly erroneous review to transactions where such review is not precluded by paragraph (c)(1). Rule 7.10(d)(3) specifies conditions where the Exchange may use a revised Reference Price for the purpose of clearly erroneous review in certain transactions where such review is not precluded by paragraph (c)(1). Rule 7.10(f) specifies that for transactions where clearly erroneous review is not precluded by paragraph (c)(1), an officer may initiate clearly erroneous review on his or her own motion.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

¹² See 87 FR 55060 at 55063, *supra* note 8.

¹³ 15 U.S.C. 78f(b)(8).

unavailable any time a transaction is executed within LULD Price Bands at a time the Price Bands were available and correct. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

Commission shall institute proceedings under Section 19(b)(2)(B)¹⁸ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSENAT-2026-27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSENAT-2026-27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSENAT-2026-27 and should be submitted on or before October 15, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-19510 Filed 9-23-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21902 and #21903; Kentucky Disaster Number KY-20039]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Commonwealth of Kentucky

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 commonwealth of Kentucky (FEMA-4937-DR), dated September 1, 2026.

Incident: Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

DATES: Issued on September 1, 2026.

Incident Period: June 26, 2026 through June 30, 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: Bullitt, Butler, Clinton, Cumberland, Garrard, Grayson, Green, Hardin, Henderson, Jackson, Jessamine, Madison, Meade, Mercer, Metcalfe, Ohio, Owsley, Rockcastle, Spencer, Wayne.

The Interest Rates are:

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ 15 U.S.C. 78s(b)(2)(B).

¹⁹ 17 CFR 200.30-3(a)(12).

	Percent
<i>For Physical Damage:</i>	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21902B and for economic injury is 219030.
(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-19601 Filed 9-23-26; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[License No. 05050310]

Aldine Capital Fund II, LP; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under Section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company License No. 05050310 issued to Aldine Capital Fund II, LP., said license is hereby declared null and void.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2026-19565 Filed 9-23-26; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21901; MARYLAND Disaster Number MD-20016 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Maryland

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the state of Maryland dated September 21, 2026.

Incident: Empire Tower Incident.
DATES: Issued on September 21, 2026.
Incident Period: July 09, 2026 and continuing.

Economic Injury (EIDL) Loan Application Deadline Date: June 21, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.
FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary County: Anne Arundel.

Contiguous County:

Maryland: Baltimore City, Baltimore County, Calvert, Howard, Kent, Prince George's, Queen Anne's, Talbot.

Independent City:

Maryland: Baltimore City.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 219010.

The states which received an EIDL declaration are Maryland.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-19567 Filed 9-23-26; 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; correction.

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) published a document in the **Federal Register** of September 11, 2026, concerning request for comments on a Privacy Act notice for 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 document inadvertently omitted the associated Privacy Act System of Records associated with the matching program in the Appendix.

FOR FURTHER INFORMATION CONTACT:

Arlene Embrey, 202-205-6976.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 11, 2026, in FR Doc. 91-57950 on page 57951 in the third column, correct the caption in the last paragraph under "Appendix" to read:

The routine use from OMB Memorandum M-25-32 has been added to the systems of records identified in the list below published on September 3, 2026, SBA 20—Disaster Loans Case Files (91 FR 56700) and SBA 21—Loan System (91 FR 56703).

Douglas Robertson,

Deputy Chief Information Officer (Alternate Authorizing Official), Office of the Chief Information Officer, U.S. Small Business Administration.

[FR Doc. 2026-19599 Filed 9-23-26; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA-2026-1057]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with

Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections and one new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA
(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director,

Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: OR.Reports.Clearance@ssa.gov.

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain> by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–1057] in your submitted response.

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than October 26, 2026. Individuals can obtain copies of this OMB clearance package

by writing to the OR.Reports.Clearance@ssa.gov.

1. *Application for Parent's Insurance Benefits—20 CFR 404.370, 404.371, 404.373, 404.374 & 404.601–404.603—0960–0012.* Section 202(h) of the Social Security Act (Act) establishes the conditions of eligibility a claimant must meet to receive monthly benefits as a parent of a deceased worker who was contributing at least one-half of the parent's support within 2 years of when the deceased worker became disabled, or at least one-half support at the time of the worker's death. SSA uses information from Form SSA–7–F6, Application for Parent's Insurance Benefits, to determine if the claimant meets the eligibility criteria. The respondents are applicants filing for Parent's Insurance Benefits.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–7–F6 (Paper—Mailed)	66	1	30	33	* \$33.54	N/A	\$1,107
SSA–7 (Fillable PDF, Upload Documents) ...	60	1	30	30	* 33.54	N/A	*** 1,006
Interview (MCS—Telephone or In-Person) ...	296	1	30	148	* 33.54	** 11	*** 6,775
Totals	422	.....	.....	211	.....	.....	*** 8,888

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this 11-minute figure on the average combined August 2026 wait times for field offices (21 minutes, as captured by management information data and posted on our public-facing website, (*Social Security performance* | SSA)) and for teleservice centers (1 minute, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician; this figure also comes from management information data). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data. We did not include an in-office wait time for the paper form, as respondents only mail it in; therefore, they do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

2. *Employment Relationship Questionnaire—20 CFR 404.1007–0960–0040.* When SSA needs to confirm a worker's employment status to ensure the accuracy of a worker's earning records, the agency uses Form SSA–7160, Employment Relationship

Questionnaire, to determine the existence of an employer-employee relationship. We use the information this form collects to determine whether a beneficiary is self-employed, or if the beneficiary is an employee. The respondents are individuals seeking to

establish their status as employees, as well as households, businesses, and state or local governments seeking to establish their status as alleged employers.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–7160	19	1	25	8	\$33.54 *	21 **	\$503 ***

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average August 2026 wait time for field offices (21 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (*Social Security performance* | SSA). As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait time for all respondents who complete the paper form, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

3. *Farm Self-Employment Questionnaire—20 CFR 404.1082(c) & 404.1095–0960–0061.* SSA collects the information on Form SSA–7156 on a voluntary, as-needed basis to determine

the existence of an agriculture trade or business which may affect the insured status or monthly benefit of a retirement applicant. When an applicant indicates self-employment as a farmer, SSA uses

the SSA–7156 to determine the existence of an agricultural trade or business, and to calculate subsequent covered earnings for Social Security entitlement purposes the applicant is

claiming. As part of the application process, we conduct a personal interview with the applicant, either face-to-face or via telephone, and document the interview using Form SSA-7156. Alternately, applicants have the option of using our Upload

Documents portal (OMB No. 0960-0830), which allows them to complete and submit the form online in lieu of an interview. The respondents are applicants for Social Security benefits whose entitlement and amount of benefits depend on establishing if the

worker received covered earnings from self-employment as a farmer, and if so how much they earned.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA-7156 (Fillable PDF—Upload Documents)	54	1	15	14	* \$18.09	N/A	*** \$253
SSA-7156—(In-Person Interview)	6	1	15	2	* 18.09	** 11	*** 54
Totals	60			16			*** 307

* We based this figure on an average Farmworkers and Laborers, Crop Nursery, and Greenhouse salary (\$18.09) as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this 11-minute figure on the average combined August 2026 wait times for field offices (21 minutes, as captured by management information data and posted on our public-facing website, (*Social Security performance | SSA*)) and for teleservice centers (1 minute, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician; this figure also comes from management information data). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

4. Certification by Religious Group—
20 CFR 404.1075—0960-0093. Under the Internal Revenue Code, Section 1402(g), certain self-employed religious group members may receive a waiver of all Social Security benefits and payments and thus will be exempt from paying Social Security taxes, if SSA

determines they qualify for the waiver. A religious group's authorized spokesperson completes and submits to SSA Form SSA-1458, Certification by Religious Group, so SSA can verify if religious organizational members meet or continue to meet the criteria for exemption. The respondents are

spokespersons for religious groups or sects seeking a waiver for Social Security payments and benefits under IRS Code Section 1402(g).

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA-1458	318	1	15	80	\$33.54 *	\$2,683 **

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

5. Notice Regarding Substitution of Party Upon Death of Claimant Reconsideration of Disability Cessation—20 CFR 404.907-404.921 and 416.1407-416.1421—0960-0351. When a claimant dies before we make a determination on that person's request for reconsideration of a disability cessation, SSA seeks a qualified

substitute party who may choose to pursue the appeal. If SSA locates a qualified substitute party, the agency uses Form SSA-770-U4 to collect information about whether to pursue or withdraw the reconsideration request. We use this information as the basis for the decision to continue or discontinue the appeals process. Respondents are

individuals with a relationship to the deceased or the deceased's estate who may be made a substitute party and proceed with or withdraw the reconsideration request.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA-770-U4	237	1	5	20	\$33.54 *	21 **	\$3,455 ***

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average August 2026 wait time for field offices (21 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (*Social Security performance | SSA*). As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait time for all respondents who complete the paper form, we note that respondents are not required to complete the form in person, and those who mail or drop off a completed form do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

6. Missing and Discrepant Wage Reports Letters, Questionnaires, and Online Reconciliation Application—20 CFR 31.6051-2—0960-0432. Each year employers report the wage amounts they paid their employees to the Internal Revenue Service (IRS) for tax purposes, and separately to SSA for retirement and disability coverage purposes. Employers are required to report the same figures to SSA and the IRS.

However, each year some of the employer wage reports SSA receives diverge from the amounts the same employers reported to the IRS. SSA uses Forms SSA-L93-SM, SSA-L94-SM, SSA-95-SM, and SSA-97-SM to work with employers to resolve the discrepancy and, ultimately, to ensure employees receive full credit for their wages. This information collection tool also includes the online IRS/SSA

Reconciliation portal, which is a streamlined version of the SSA-95-SM and the SSA-97-SM. The IRS/SSA Reconciliation portal guides employers to the appropriate solutions and will link the users to on-line tools to correct issues. The respondents are employers who reported different wage amounts to SSA than they reported to the IRS.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA-95-SM and SSA-97-SM (and accompanying cover letters SSA-L93, L94) (paper version)	356,800	1	30	178,400	*\$33.54	***\$5,983,536
IRS/SSA Reconciliation (online version)	89,200	1	30	44,600	* 33.54	** 1,495,884
Totals	446,000			223,000		** 7,479,420

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

7. Request for Social Security Earning Information—20 CFR 404.100 and 404.810—0960-0525. The Act permits wage earners, or their authorized representatives, to request Social Security earnings information from SSA using Form SSA-7050-F4. SSA uses the information the respondent provides on Form SSA-7050-F4 to verify the wage earner has: (1) earnings; (2) the right to access the correct Social Security Record; and (3) the right to request the earnings statement. If we verify all three

items, SSA produces an Itemized Statement of Earnings (Form SSA-1826), which can be certified or non-certified, and includes the names and addresses of employers and the earnings associated with each employer, or a Certified Yearly Totals of Earnings, which only includes the total earnings for each year but does not include the names and addresses of employers, and sends it to the requestor. If we cannot verify the items, we will inform the respondent we cannot provide them

with the requested Statement of Earnings due to this mismatch. The agency charges respondents for sending them an Itemized Statement of Earnings, or for a Certified Yearly Totals of Earnings. Respondents are wage earners and their authorized representatives who are requesting Itemized Statement of Earnings records or Certified Yearly Totals of Earnings.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA-7050-F4	66,800	1	11	12,247	\$33.54 *	\$410,764 **

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection.

The actual charge for an Itemized Statement of Earnings or a Certified

Yearly Total of Earnings to be shown on the SSA-7050-F4 is as follows:

Type of respondent	Number of requests	Cost per request	Annual cost across all requests per year
Non-Certified Respondent	35,000	\$49	\$1,715,000
Certified Respondent	20,000	79	1,580,000
Certified Yearly Totals of Earnings	11,800	30	354,000
Total	66,880		\$3,649,000

8. Function Report Adult-Third Party—20 CFR 404.1512 & 416.912—

0960-0635. Individuals applying for or receiving Social Security Disability

Insurance (SSDI) or Supplemental Security Income (SSI) must provide SSA

with medical evidence and other proof SSA requires to prove their disability. SSA, and Disability Determination Services (DDS) on our behalf, collect information from third parties who

know the adult applying for SSDI or SSI and who can provide information about how the adult's purported disability affects the adult's ability to function. The respondents are third parties

familiar with the functional limitations (or lack thereof) of claimants for or recipients of SSI and SSDI benefits.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA-3380-BK	635,620	1	61	646,214	* \$33.54	** \$21,674,018

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

9. Function Report—Adult 20 CFR 404.1512 and 416.912—0960-0681. SSA requires individuals applying for or receiving SSDI or SSI benefits to provide us with medical evidence and other information we may need to prove their disability. SSA staff, and State DDS employees on SSA's behalf, use

Form SSA-3373, an in-person interview, or a telephone interview to collect information directly from an adult SSI or SSDI claimant or recipient about how their purported disability affects their activities, capabilities, and general ability to function. We use this information to help determine

eligibility, or continued eligibility, for SSI and SSDI claims. The respondents are adult Title II and Title XVI claimants, or current recipients undergoing redeterminations of benefits.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA-3373	1,812,929	1	61	1,843,144	* \$14.27	** 11	*** \$31,044,585

* We based this figure on average disability payments (\$14.27) based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** We based this 11-minute figure on the average combined August 2026 wait times for field offices (21 minutes, as captured by management information data and posted on our public-facing website, (*Social Security performance | SSA*)) and for teleservice centers (1 minute, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician; this figure also comes from management information data). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

10. Electronic Records Express (ERE) and Electronic Records Appointed Representative Services (ERE-ARS)—20 CFR 404.1512 and 416.912—0960-0753.

Electronic Records Express (ERE) is a web-based SSA system that allows medical providers, educational providers, and other third parties, such as teachers and school administrators, to electronically submit disability claimant evidence to SSA after completing the required registration and login process. SSA and State DDS employees use ERE to request and receive medical and educational records needed to determine eligibility for disability

benefits. When the available evidence provided to us is insufficient, SSA also uses ERE to order and receive consultative examination reports. This information collection also includes ERE Appointed Representative Services (ERE-ARS), which allows appointed representatives to securely access online copies of documents and digital audio hearing recordings contained in their clients' disability claim files. Through ERE-ARS, appointed representatives can obtain the same information that SSA provides to disability claimants, and can submit information collections and evidence on behalf of the disability

claimants they serve. To ensure only authorized people access ERE or ERE-ARS, SSA requires third parties to complete a unique registration process if they wish to use this system. The respondents are medical providers who evaluate or treat disability claimants or recipients, other third parties with connections to disability applicants or recipients (e.g., Teachers and school administrators for child disability applicants), and appointed representative who voluntarily choose to use ERE or ERE-ARS.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
ERE (ERE sign-ins and activities)	6,121,008	1	10	1,020,168	* \$51	** \$52,028,568
ERE (account registrations)	3,668	1	35	2,140	* 51	** 109,140
ERE-ARS (technician-assisted actions)	500	1	15	125	* 89.35	** 11,169

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
ERE-ARS (Number of downloads)	135,477,567	1	1	2,257,960	* 89.35	** 201,748,726
Totals	141,602,743	.....	.....	3,280,391	.....	** 253,897,603

* We based this figure on the average combined Healthcare Practitioners and Technical Occupations Worker's (\$52.26), Secondary School Administrator's (\$48.99) hourly salary (\$51 total), and an average Lawyer's (\$89.35) hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

11. Management of Authorization for Government Users, Institutions, and Customers (MAGIC)—20 CFR 401.45, 20 CFR 402—0960-NEW.

Introduction

To support the agency's priority of offering the best possible online access to the public, SSA is creating a new public credentialing and authorization process, hereafter called Management of Authorization for Government Users, Institutions, and Customers (MAGIC), that provides secure access to SSA's electronic services for the Business Services Online (BSO) and Government Services Online (GSO) users. These users will be able to access MAGIC after securely verifying their identities through existing government-approved authentication methods.

Background

Currently SSA Integrated Registration Services (IRES), OMB No. 0960-0626, provides authentication and authorization services to support business and government services through our BSO and GSO websites. Built in the late 1990s and early 2000s, IRES does not meet current federal authentication and digital identity requirements. Because of that, we decommissioned IRES registration in July 2025 to ensure new users do not attempt to use the system.

Our new application, MAGIC, will replace IRES as the new registration and authorization process for Business Services Online (BSO) and Government Services Online (GSO). Current IRES respondents will register to use the new MAGIC process along with new users who wish to do business with SSA through the BSO and GSO portals. The new process will allow individuals

within business and government entities to fully manage access for their users.

Management of Authorization for Government Users, Institutions, and Customers (MAGIC)

MAGIC is a self-service authorization framework. Each entity will designate a Responsible Entity Officer (REO) who is authorized to execute agreements on behalf of the entity that are legally binding and enforceable. The REO should have authority to access any information available to the entity through any Social Security service; authorize the disclosure of that information when appropriate; and delegate other individuals to have access to it.

Each designated REO will create a MAGIC account and self-attest, acknowledging responsibility for all business conducted in MAGIC, BSO, and GSO on behalf of their organization. As a convenience, our framework includes additional administrative roles that the REO can delegate, authorizing another individual to manage the organization's MAGIC account. The REO and additional administrative roles have a higher level of safeguarding and security. The REO and/or additional administrative roles will delegate service roles authorizing other users to conduct specific BSO/GSO business during a specified timeframe on the organization's behalf, which includes third-party organizations. Both the REO and Administrator can revoke service roles as well. Every user (*i.e.*, REO, Administrator, or Service User) will use their own credential to access MAGIC and BSO/GSO.

Currently, potential MAGIC users can authorize their credentials via *Login.gov* or *ID.me* through our eAccess platform

(OMB No. 0960-0789). MAGIC will then allow businesses to specify who is appropriate to act on the business' behalf. MAGIC will offer the following features for the REO:

- Include a single credential through one of SSAs CSPs to any customer who wants to do business online with the agency and meets the eligibility criteria (approved under OMB Control No. OMB #0960-0789);
- Allow users to give authorization to the appropriate employees to conduct business with us;
- Offer access to some of our services online while providing us with an acceptable level of confidence in the identity of the person requesting access to these services;
- Use a risk-based approach to balance security, ease of use, compliance, cost, and feasibility consideration; and
- Provide a user-friendly means for the public to conduct extended business with us online instead of visiting local servicing offices or requesting information over the phone.

In addition, MAGIC will offer organizational REOs the option of technician assistance for unlocking and blocking user accounts within their organization, or for terminating the REO account. In this way, MAGIC will give more flexibility to organizations and businesses who do business with SSA through the BSO and GSO portals. Overall, MAGIC will offer organizations accessibility to SSA's online services while ensuring those services are both secure and user-friendly. Respondents are individuals registering and authorizing users for access to BSO and GSO.

Type of Request: Request for a new information collection.

Method of completion	Number of respondents *	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average dedicated BSO call line wait time (minutes) **	Total annual opportunity cost (dollars) ***
Internet Registrations	+ 2,000,000	1	2	66,667	* \$33.54	N/A	*** \$2,236,011

Method of completion	Number of respondents *	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average dedicated BSO call line wait time (minutes) **	Total annual opportunity cost (dollars) ***
CSA Screens (Technician Assisted Unlocking/Blocking Account; Terminate REO)	+ 100,000	1	2	3,333	* 33.54	** 2	*** 223,578
Internet Sign-Ins	+ 2,000,000	1	1	33,333	* 33.54	N/A	*** 1,117,989
Totals	+ 4,100,000	.....	.....	103,333	.....	.....	*** 3,577,578

* The reported number of respondents is an estimate since this is a new information collection. Once we have MI data for this new information collection, we will submit a Change Request to update the burden with more accurate data.

** We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

*** We based this figure on the FY 2026 wait times for the dedicated BSO Call Line, stemming from SSA's current management information data. We will continue to consult our management information data on call wait times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

12. Universal Benefits Application (UBA)—20 CFR 20 CFR 404.704; 404.1512, 416.200, 416.912, and 422.510—0960—NEW.

Background

Individuals who want to apply for Social Security benefits electronically must currently use SSA's internet-based iClaim application (OMB No. 0960–0618) to do so. While the iClaim online application platform is widely used and has received positive feedback over the years, it has several limitations. iClaim is built on a 20-year-old platform which no longer meets National Institute of Standards and Technology (NIST) minimum systems requirements, limiting SSA's ability to continue to technologically support and update this platform. In addition, in some circumstances iClaim is not actually a fully electronic application method: some respondents using iClaim may also need to manually submit supplementary documentation (by mail or via the Upload Documents portal, OMB No. 0960–0830) when an SSA technician who has reviewed their application requests additional information. This process can be lengthy for respondents, as it requires them to both submit an application through iClaim and to wait for a technician to identify the documents or forms they need to complete, some of which may be available online through Upload Documents, and a few of which are only available as paper forms.

To improve the benefits filing process, offer a more efficient online experience, and align the online benefits application with current NIST standards, SSA is implementing the Universal Benefits Application (UBA) platform, a common platform that will allow individuals with different application needs to use one website to complete their benefit applications online.

Universal Benefits Application (UBA)

UBA is a single website offering a more effective and “smart” online process that navigates individuals directly to the benefit applications and supplemental forms they need to submit electronically to SSA, after which an SSA technician supports (if needed) the individuals through the development process to achieve a better customer experience. UBA also unifies several capabilities to create a seamless experience utilizing *SSA.gov*, *my Social Security*, UBA, and electronic signatures. In addition, UBA will offer enhanced functionality not offered by iClaim, through allowing respondents to both complete all necessary benefits applications through one platform and also provide the capability for respondents to upload associated evidence and other documentation through the same portal prior to submission of the benefits application(s). We will be releasing UBA on a multiple-phase basis, with additional benefit application types being added on an iterative basis. This initial clearance is for the UBA concept website and for its initial applications, the Lump-Sum Death Payment (OMB No. 0960–0013), and the Retirement Insurance Benefits (OMB No. 0960–0618).

While UBA works similarly to iClaim in some respects, it represents a more technologically advanced, efficient process in multiple ways:

(A) *Smart Pathing.* In contrast to iClaim's dynamic pathing process, UBA uses an enhanced form of dynamic pathing called “smart pathing.” While dynamic pathing only presents relevant questions to the user (e.g., individuals indicating that they have never been married, are not presented with questions about marriage), smart pathing goes even further by automatically incorporating information we already have (either from earlier questions or from our records).

(B) Leveraging Existing Information.

UBA is unique in that it will fully leverage existing information within SSA's internal records. This contrasts with iClaim in two ways. First, it saves respondents time from completing any information UBA can already access from their records. Second, it will ensure respondents are not asked any questions for which we already have information on their records.

(C) *Scope of Included Applications.* While iClaim only covers a limited number of SSA's benefit-related applications,¹ UBA will ultimately allow respondents to access all of SSA's benefits applications, as well as other associated information collections which they may need to submit as part of the benefits application process (e.g., SSA–3369–BK, Work History Report). For those associated information collections which currently have either no, or limited, electronic submission options, SSA will convert them to internet-based, smart pathing applications to make them available through the UBA platform.

(D) *Ability to Upload Additional Evidence or Information.* iClaim only allows for the electronic completion and submission of an application, but respondents must submit required supplementary evidence or information they are later asked for either via mail, in person at a field office, or by using a separate online platform, Upload Docs. In contrast, when its full functionality is ultimately realized, UBA will allow respondents to upload additional evidence through the

¹ Specifically iClaim encompasses the following information collections: OMB No. 0960–0618: SSA–1, Application for Retirement Benefits; SSA–2, Application for Wife's or Husband's Insurance Benefits; SSA–16, Application for Disability Insurance Benefits; OMB No. 0960–0444: SSA–8001, Application for Supplemental Security Income; OMB No. 0960–0623: SSA–827, Authorization to Disclose Information to the Social Security Administration; OMB No. 0960–0144: SSA–3441, Disability Report Appeal; and OMB No. 0960–0579: SSA–3368, Disability Report—Adult.

platform, ensuring respondents can use the same platform for all necessary transactions related to benefits applications. In this way, UBA will provide a better, more efficient, and faster experience than our current processes (including iClaim).

How To Access and Use UBA

(A) Respondents can access UBA through the “Apply for Benefits” link from our main website, *SSA.gov*, or through their *my Social Security* accounts.

(B) Per the requirements of *E.O. 14058*, respondents must use a secured portal to submit benefits information to SSA online. Therefore, respondents first authenticate themselves using the agency’s eAccess authentication tool (OMB No. 0960–0789), which then navigates them to *Login.gov* or *ID.me*. The latter portals identity-proof the individuals so they can securely submit their benefits requests to SSA through UBA.

(C) Once the respondents complete the authentication and identity-proofing process, the system directs them back to the main UBA information page that explains how the UBA online process works, including the information we will ask, who can apply, how long it will take to complete the application, and the Terms of Service. Since respondents filing via UBA will already be authenticated at this point, the core identity information they provided during the authentication process will automatically propagate into the UBA path, so individuals do not need to re-enter that information.

(D) After respondents read the necessary information, UBA presents respondents with a short screener tool which helps navigate them to the correct benefits application(s) to

complete. The screener tool helps determine the type of benefits for which individuals are eligible, and whether they meet the criteria to file online. If the individuals do not meet the criteria to apply online, the SSA screener routes them to the Appointment Scheduling Calendar (OMB No. 0960–0828) or directs them to the National 800 Number to schedule an in-person appointment. The screener routes those respondents who can use the online platform to the appropriate benefits application(s) for completion. The benefits applications behind the UBA platform all use the same smart pathing process as the screener, making the process of completing the benefits application(s) easier for the respondents.

(E) After individuals answer the questions for both their specific benefit application and supplemental forms (if needed), they can then review a summary of their responses, electronically sign, and submit their application. Individuals also have an opportunity to view and print the benefit application summary and a receipt for their records. Once the respondent approves the application summary, UBA allows them to upload evidence or other documentation prior to electronically signing and submitting their UBA application. Although UBA does not currently allow respondents to submit supporting or supplementary documentation after they sign and submit their applications, SSA allows respondents to use other means, including Upload Documents (OMB No. 0960–0830), to submit documentation after a UBA submission. Ultimately, UBA will allow offer this functionality.

Note: SSA uses various forms of communication to inform the public of the programs we administer, and our

outreach efforts include social media, digital services, print and television advertisements, and aid from community partners who provide information to the public. We are using all these communication pathways to inform the public and encourage them to try the new UBA platform. For those respondents who do not wish to file online using UBA (or iClaim), SSA maintains our other options for filing the benefits applications (e.g., in person/telephone interviews, paper forms, Upload Documents submissions, etc.). SSA representatives in field offices and teleservice centers are available to assist individuals throughout the benefit application process using these other methods.

At this time, individuals can access the SSA–8, Lump Sum Death Payment (LSDP) (OMB No. 0960–0013), and the Retirement Insurance Benefits (RIB) Application, SSA–1 (OMB No. 0960–0618). We will continue to roll out additional new benefit applications behind the UBA portal beyond these two initial applications on a rolling basis. Respondents will complete all of the applications we add to the UBA portal using the smart pathing methodology. Eventually, the UBA portal will replace iClaim and add additional types of benefit applications to this new cloud-based platform. The respondents are authenticated individuals filing for their own benefits who choose to use the internet, and specifically UBA, to conduct business with SSA. The initial releases only allow authenticated non-disabled individuals filing for their own benefits (i.e., first-party) to access UBA. Third parties are not able to access the UBA at this time.

Type of Request: Request for a new information collection already in use.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) ***	Total annual opportunity cost (dollars) ****
UBA Informational Screens and Screener Questions +	2,223,305	1	7	259,386	* \$33.54	** \$8,699,806

+ After authenticating, respondents will need to read information regarding the UBA application, including the Terms of Service, then they will complete a screener to help navigate to the appropriate benefit application.

* We based this figure on an average U.S. citizen’s hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

Mark Steffensen,
General Counsel, Chief of Law, Policy and
Legislative Affairs, Social Security
Administration.

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BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION**[Docket No: SSA–2026–1090]****Agency Information Collection Activities: Proposed Request**

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and one extension of existing OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer

and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB): Office of Management and Budget, Attn: Desk Officer for SSA.

(SSA): Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253, Altmeyer, 6401 Security Blvd., Baltimore, MD 21235.

Fax: 833–410–1631.

Email address: OR.Reports.Clearance@ssa.gov.

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain> by clicking on

Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–1090] in your submitted response.

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than November 23, 2026. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Statement of Self-Employment Income—20 CFR 404.101, 404.110, 404.1096(a)(d)—0960–0046.* To

ultimately qualify for insured status, and collect Social Security benefits, self-employed individuals must demonstrate they earned the minimum required amount of self-employment income (SEI) in a current year. In cases where an individual is applying for benefits in a specific year, and the resulting quarters of coverage would establish an individual's insured status, SSA initiates the use of Form SSA–766, Statement of Self-Employment Income, to collect the information needed to determine if an individual earned at least the minimum amount of SEI for one or more quarters of coverage in the current year. Based on the information we obtain, we may credit additional quarters of coverage to give the individual insured status where they otherwise may have lacked the necessary earned minimum required amount, thus expediting benefit payments for the year in which they submit the information. Respondents are self-employed individuals potentially eligible for Social Security benefits who are applying for insured status that year.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–766 (Paper)	83	1	20	28	* \$33.54	** 21	*** \$1,912
SSA–766 (Electronic) ...	750	1	20	250	* 33.54	N/A	*** 8,385
Total	833	.....	.....	278	.....	.....	*** 10,297

* We based this figure on an average U.S. worker's hourly wages (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average August 2026 wait time for field offices (21 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (Social Security performance | SSA). As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait times for all respondents who complete the paper form, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

2. *Farm Arrangement Questionnaire—20 CFR 404.1082(c)—0960–0064.* When self-employed farm workers who rent out parts or all of their farm submit earnings data to SSA, they cannot report earnings from the rented farm unless they demonstrate “material participation” in the farm's operation. A

“material participation” arrangement means the farm owners must perform a combination of physical duties, management decisions, and capital investment in the farm they are renting out. SSA uses Form SSA–7157, the Farm Arrangement Questionnaire, to document material participation. The

respondents are workers who are renting farmland to others, who are nonetheless involved in the operation of the farm, and who want to claim countable income from work they perform relating to the rented farm.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–7157 (Upload Documents)	639	1	60	639	* \$47.99	N/A	*** \$30,666

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA-7157 (Paper)	71	1	60	71	* 47.99	** 21	*** 4,607
Total	710	.....	.....	710	.....	.....	*** 35,273

* We based this figure on an average Farmer's, Rancher's, and other Agricultural Manager's hourly wages (\$47.99), as reported by Bureau of Labor Statistics (Occupational Employment and Wage Statistics).

** We based this figure on the average August 2026 wait time for field offices (21 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (Social Security performance | SSA). As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait times for all respondents who complete the paper form, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

3. *State Mental Institution Policy Review Booklet—20 CFR 404.2035, 404.2065, 416.635, & 416.665—0960-0110.* SSA uses Form SSA-9584-BK: (1) to determine if the policies and practices of a state mental institution acting as a representative payee for SSA beneficiaries and payees conform to

SSA's regulations in their use of benefits and payments; (2) to confirm institutions are performing other duties and responsibilities required of representative payees; and (3) as the basis for conducting onsite reviews of the institutions and preparing subsequent reports of findings. The

respondents are state mental institutions serving as representative payees for Social Security beneficiaries and SSI recipients.

Type of Request: Revision of an OMB approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA-9584-BK	63	1	60	63	* \$19.29	** \$1,215

* We based this figure on an average Personal Care and Service Worker's hourly wages (\$19.29), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

4. *Child Relationship Statement—20 CFR 404.355 & 404.731—0960-0116.* SSA uses Form SSA-2519, the Child Relationship Statement, to help determine a child's entitlement to Social Security benefits stemming from their relationship with a parent who is an insured worker. Specifically, SSA will use the form to determine if any one of the following qualifying conditions are

in place: (1) the child lived with or received contributions from the insured parent at certain times; (2) a court decreed the insured worker to be the child's parent; (3) a court ordered the insured parent to contribute to the child's support; or (4) the insured parent acknowledged in writing that the child is the insured parent's son or daughter. The respondents are people with

knowledge of the relationship between insured worker parents and their alleged biological children who can help SSA determine a child's eligibility for Social Security payments based on the parent's insured status.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) **
SSA-2519	4,787	1	15	1,197	* \$33.54	** 11	*** \$69,596

* We based this figure on an average U.S. citizen's hourly wages (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this 11-minute figure on the average combined August 2026 wait times for field offices (21 minutes, as captured by management information data and posted on our public-facing website, (Social Security performance | SSA) and for teleservice centers (1 minute, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician; this figure also comes from management information data). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

5. *Claimant's Recent Medical Treatment—20 CFR 404.1512 and 416.912—0960-0292.* When Disability Determinations Services (DDS) deny a claim at the reconsideration level for Old Age, Survivors and Disability Insurance (OASDI) or Supplemental Security Income (SSI) payments, the claimant has both a right to request a hearing before a judge, and can submit additional documentation that he or she did not include with the initial application to further support the claim. One such document we ask claimants to complete and return is Form HA-4631. In its current iteration, this Form asks for information not yet on file with us relating to the claimant's medical treatments, including information about their healthcare provider and medical facilities where they received treatment. In this PRA approval cycle, we are proposing to revise Form HA-4631 to incorporate existing Form HA-4632 (OMB No. 0960-0289), Claimant's Medications, which asks the claimant to list and describe all medications they did not previously disclose in their

application. Accordingly, the revised HA-4631 will ask claimants or their representatives to submit simultaneously a list of recent medical treatments, current medications, recent physicians and healthcare providers, dates and information regarding recent visits to those providers, and any hospitalizations since the last time the claimant provided SSA (or the DDS) with medical information. In addition, the form will encourage claimants or their representatives to provide any supplemental documentation relating to these topics. We are proposing this new, combined, streamlined approach at the request of advocates for representatives of Social Security claimants. Once we complete this PRA approval cycle and debut the new HA-4631, we will formally discontinue Form HA-4632.

Since claimants may wish to provide new information relating to their claims to establish a basis for an appeals hearing, SSA needs this information to update and complete the claimant's record and to verify the accuracy of the information. Through this process, the

judge can ascertain whether the claimant's situation has changed, and can fully investigate the claimant's medical treatment and the effects of the listed medications on the claimant's medical impairments and residual functional capacity. The judge and hearing office staff can also use the responses on the HA-4631 to make arrangements for consultative examination(s) and the attendance of an expert witness(es), if appropriate. The claimant may submit the HA-4631 to SSA via mail or through our Upload Documents portal (OMB No. 0960-0830), or the claimant's representative may submit the form to SSA via mail or Electronic Records Express (OMB No. 0960-0767).

The respondents are claimants, or representatives on behalf of the claimants, who want to provide medical treatment and medicine information to support their request for a hearing to contest a denial of their OASDI or SSI claims.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA-4631—PDF/paper version/Upload Documents	518,875	1	40	345,917	*\$23.91	**\$8,270,875
Electronic Records Express Submissions	241,545	1	40	161,030	*\$89.35	**14,388,031
Totals	760,420	.....	.....	506,947	.....	**22,658,906

* We based these figures on the combined average of both disability payments (\$14.27) based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits) and on the average U.S. worker's hourly wages (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics), and on an average Lawyer's hourly salary (\$89.35), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

6. *Disability Report—Adult—20 CFR 404.1512 and 416.912—0960-0579.* SSA and State Disability Determination Services (DDS) use Form SSA-3368, Disability Report—Adult, and its electronic versions, to determine if adult disability applicants' impairments are severe and, if so, how the impairments affect the applicants' ability to work. This determination dictates whether the DDSs and SSA will find the applicant to be disabled and entitled to Social

Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) payments. SSA and DDSs request that respondents complete Form SSA-3368 at the same time they complete their application for disability payments (via either the SSA-16 or iClaim, OMB No. 0960-0618, for SSDI, or the SSA-8000 or iSSI, OMB No. 0960-0444, for SSI). Respondents can complete the SSA-3368 as a mail-in paper form, a fillable PDF version through SSA's Upload

Documents portal (OMB No. 0960-0830), through a personal interview documented via SSA's Electronic Disability Collect System (EDCS), or through the internet i3368 pathing in SSA's iClaim platform (OMB No. 0960-0618). The respondents are applicants, or third parties on behalf of the applicants, applying for Title II SSDI benefits or Title XVI SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA-3368 (Paper)	10,893	1	80	14,524	*\$14.27	N/A	***\$207,257

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA-3368 EDCS Screens (Intranet)	882,470	1	80	1,176,627	* 14.27	** 11	*** 19,099,154
i3368 (Internet)	837,661	1	80	1,116,881	* 14.27	N/A	*** 15,937,892
SSA-3368 Upload Documents Portal	14,324	1	80	19,099	* 14.27	N/A	*** 272,543
Totals	1,745,348			2,327,131			*** 35,545,344

* We based this figure on average disability payments (\$14.27) reflecting SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** We based this 11-minute figure on the average combined August 2026 wait times for field offices (21 minutes, as captured by management information data and posted on our public-facing website (*Social Security performance* | SSA), and for teleservice centers (1 minute, which represents the average time it takes for a call to be picked up automatically by our systems and then routed to an SSA technician; this figure also comes from management information data). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

7. *The Ticket to Work and Self-Sufficiency Program—20 CFR 411—0960–0644.* SSA's Ticket to Work (TTW) Program transitions qualifying Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) recipients toward independence by allowing them to receive Social Security payments while maintaining employment under the auspices of the program. SSA uses service providers, called Employment Networks (ENs), to supervise participant progress through the stages of TTW Program participation, including job searches and interviews; progress reviews; and

changes in ticket status. ENs can be private for-profit and nonprofit organizations, as well as state vocational rehabilitation agencies (VRs). SSA and the ENs utilize the TTW program manager to operate the TTW Program and exchange information about participants. For example, the ENs use the program manager to provide updates on tasks such as selecting a payment system or requesting payments for helping the beneficiary achieve certain work goals. Since the ENs are not PRA-exempt, the multiple information collections within the TTW program manager require OMB approval. Most of

the categories of information are necessary for SSA to (1) comply with the Ticket to Work legislation, and (2) provide proper oversight of the program. SSA collects this information through several modalities, including forms, electronic exchanges, and written documentation. The respondents are the ENs or state VRs, SSDI beneficiaries, and blind or disabled SSI recipients working under the auspices of the TTW Program.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Ticket Portal							
Ticket Assignment—EN & VR Staff (a) 20 CFR 411.140(d)(2))	1,000	91	91,000	2	3,033	* \$22.93	** \$69,547
Ticket Unassignment—EN & VR Staff (b) 20 CFR 411.145; 411.325)	1,000	2	2,000	15	500	* 22.93	** 11,465
Case Closures Notification—VR Staff (b) 20 CFR 411.535(a)(1)(iii))	150	910	136,500	11	25,025	* 24.91	** 623,373
Electronic File Submission—VR Staff (a) 20 CFR 411.166; 411.170(b))	150	27	4,050	5	338	* 24.91	** 8,420
Tracking Progress—VR Staff (c) 20 CFR 411.200(b))	150	1	150	30	75	* 24.91	** 1,868
Requesting Payments—EN & VR Staff (f) 20 CFR 411.575)	1,000	2	2,000	40	1,333	* 22.93	** 30,566
Contract Changes—EN Staff (d) 20 CFR 411.505) ...	850	1	850	5	71	* 22.93	** 1,628
Form Alternate Workstation Request							
EN Staff	500	1	500	25	208	* 22.93	** 4,769
Annual Performance Outcome Report							
EN Management (g) 20 CFR 411.325(f))	345	1	345	120	690	* 42.73	** 29,484
Form EN Ticket Unassignment							
EN Staff	25	12	300	15	75	*** 22.93	** 1,720

Method of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Form Proof of Relationship							
EN Staff (g) 20 CFR 411.325(f))	3,400	2	6,800	20	2,267	* 22.93	** 51,982
Site Visit Questionnaire—Administrative EN							
EN Management	2	1	2	180	6	* 42.73	** 256
Site Visit Questionnaire—Traditional EN							
EN Management	30	1	30	180	90	** 42.73	** 3,846
Form SSA-1370							
Ticketholders (a) 20 CFR 411.140(d)(3); 411.325(a); 411.150(b)(3); 20 CFR 411.465)	40,000	1	40,000	60	40,000	* 14.27	** 570,800
Form SSA-1373							
EN Staff (f) 20 CFR 411.575)	1,704	1	1,704	40	1,136	*** 22.93	** 26,048
Form SSA-1374							
EN Management (i) 20 CFR 411.320)	345	6	2,070	15	518	* 42.73	*** 22,134
Form SSA-1375							
Ticketholders (c) 20 CFR 411.200(b) *	+ 1	1	1	1	0	* 1	** 1
Form SSA-1385							
Ticketholders (b) 20 CFR 411.145; 411.325)	1,000	1	1,000	10	167	* 14.27	** 2,383
Form SSA-1389							
EN Staff (g) 20 CFR 411.325(f))	1,704	1	1,704	40	1,136	* 22.93	** 26,048
Form SSA-1391							
EN Staff (f) 20 CFR 411.575)	1,704	1	1,704	40	1,136	* 22.93	** 26,048
Form SSA-1401							
EN Staff (f) 20 CFR 411.560 and 411.581)	5	1	5	20	2	* 22.93	** 46
Form TPA Termination Request							
EN Management	30	1	30	5	3	* 42.73	** 128
WISE Registration Page							
Ticketholders (j) 20 CFR 411.200(b))	10,000	1	10,000	3	500	* 14.27	** 7,135
Grand Totals							
Totals	65,095	.....	302,745	.....	78,309	.....	** 1,519,695

* We are providing a place holder for Form SSA-1375, because SSA is not currently conducting TPRs.

* We based this figure on the average wages of an average Social and Human Service Assistant (\$22.93), Rehabilitation Counselor (\$24.91), and Social and Community Service Manager (\$42.73), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics) and the average disability payments (\$14.27) based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

8. Certification of Prisoner Identity Information—20 CFR 422.107—0960–0688. Inmates of Federal, State, or local prisons may need a Social Security card as verification of their Social Security number for school or work programs they attend during incarceration, or as proof of employment eligibility upon release from incarceration. Before SSA can issue a replacement Social Security card, applicants must show SSA proof

of their identity. However, people who are in prison for an extended period frequently do not have current identity documents. Therefore, under written agreement with the correctional institution, SSA allows prison officials to verify the identity of certain incarcerated U.S. citizens who need replacement Social Security cards. Prison officials provide SSA information from their official files, sent

on correctional facility letterhead. SSA uses this information to establish the applicant's identity in the replacement Social Security card process. The respondents are prison officials who certify the identity of prisoners applying for replacement Social Security cards.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Verification of Prisoner Identity Statements ...	1,000	200	200,000	3	10,000	\$30.59 *	\$305,900 **

* We based this figure on an average Correctional Officer's and Jailers' hourly wages (\$30.59), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

9. *Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—0960-0788.* As part of our continuing effort to reduce paperwork and respondent burden, SSA invites the general public to comment on the “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery ” for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). We developed and use this collection as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery.

Under the auspices of Executive Order 12862, Setting Customer Service Standards, SSA conducts multiple satisfaction surveys each year. This information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with SSA's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback provides insights into customer or stakeholder perceptions, experiences, and expectations; provides an early warning of issues with service; or focuses attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collection activities allow for ongoing, collaborative, and actionable communications between SSA and our customers and stakeholders.

The solicitation of feedback targets areas such as: timeliness; appropriateness; accuracy of information; courtesy; efficiency of

service delivery; and resolution of issues with service delivery. We assess responses to plan and inform efforts to improve or maintain the quality of service offered to the public. If we did not collect this information, we would not have access to vital feedback from customers and stakeholders on SSA's services.

We only submit a collection for approval under this generic clearance if it meets the following conditions: (1) the collections are voluntary; (2) the collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government; (3) the collections are non-controversial and do not raise issues of concern to other Federal agencies; (4) any collection targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future; (5) we collect personally identifiable information (PII) only to the extent necessary and we do not retain it; (6) we will use information gathered only internally for general service improvement and program management purposes and we will not release it outside of the agency; (7) we will not use information we gather for the purpose of substantially informing influential policy decisions; and (8) information we gather will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be

generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The respondents are recipients of SSA services, professionals, and individuals who work on behalf of SSA beneficiaries (including most members of the public such as individuals and households, businesses and organizations, and State, Local, or Tribal governments).

Type of Request: Extension of an OMB-approved information collection.

Type of information collection	Number of respondents (per year)	Number of responses per respondent	Minutes per response	Total burden hours (per year)
Year 1: Qualitative Surveys; Focus Groups; Listening Sessions; User Research and Testing; Usability Testing; Forums; Feedback Questionnaires; etc	1,818,404	1	13	393,988

Type of information collection	Number of respondents (per year)	Number of responses per respondent	Minutes per response	Total burden hours (per year)
Year 2: Qualitative Surveys; Focus Groups; Listening Sessions; User Research and Testing; Usability Testing; Forums; Feedback Questionnaires; etc	1,818,404	1	13	393,988
Year 3: Qualitative Surveys; Focus Groups; Listening Sessions; User Research and Testing; Usability Testing; Forums; Feedback Questionnaires; etc	1,818,404	1	13	393,988
Totals for all three years of the Triennial Renewal	5,455,212	.....	.....	1,181,964

10. Data Exchange Request Form—20 CFR 401.100—0960-0802. SSA maintains approximately 2,000 data exchange agreements with, and regularly receives new data exchanges requests from, Federal, State, local, and tribal agencies; foreign governments; and research entities and private organizations to share data electronically. SSA engages in various forms of data exchanges from Social Security number verifications to computer matches for benefit eligibility,

depending on the requestor's business needs. Section 1106(b) of the Social Security Act requires SSA to consider the requestor's legal authority to receive the data, our disclosure policies, systems' feasibility, systems' security, and costs before entering into a data exchange agreement. We use Form SSA-157, Data Exchange Request Form and its electronic version (DXRF), for this purpose. Requesting agencies, governments, or private organizations complete and email in the SSA-157, or

use the electronic DXRF platform, when voluntarily initiating a request for data exchange from SSA. Respondents are State, local, or tribal agencies; foreign governments; research entities; or private organizations that are voluntarily initiating a request to receive data electronically from SSA via data exchange.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
State, local, and tribal governments	188	1	480	1,504	* \$49.18	** \$73,967
Private sector organizations	74	1	480	640	* 49.18	** 31,475
Totals	262	.....	.....	2,144	.....	** 105,442

* We based this figure on the combined average State, local, and tribal agencies' and foreign governments' Management Analyst's hourly salary (\$54.71), the average private organizations Business and Financial Operations worker's hourly salary (\$45.78), and the average Epidemiologist's hourly salary (\$47.06) as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

11. Statement Regarding the Inferred Death of an Individual by Reason of Continued and Unexplained Absence—20 CFR 404.720 & 404.721—0960-0844. Section 202(d)–(i) of the Social Security Act (Act) provides for the payment of various monthly survivor benefits, and a lump sum death payment, to certain survivors upon the death of an individual who dies while currently

insured. In cases where insured wage earners have been absent from their homes for at least seven years, and there is no evidence these individuals are alive, SSA may presume they are deceased and will pay their survivors the appropriate benefits. SSA uses the information Form SSA-723 provides to determine if we may presume a missing wage earner is deceased, and, if so, to

establish a date of presumed death. The respondents are relatives, friends, neighbors, or acquaintances of the presumed deceased wage earner, or the person who is filing for survivor's benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA-723	806	1	30	403	* \$33.54	** 21	*** \$22,975

* We based this figure on an average U.S. citizen's hourly wages (\$35.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average August 2026 wait time for field offices (21 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (Social Security performance | SSA). As the figures fluctuate, the wait times may be different on the website than they appear here. While we have included wait time for all respondents, we note that respondents are not required to complete the form in person and those who mail or drop off a completed form do not experience any wait times.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

Mark Steffensen,

General Counsel, Chief of Law, Policy and
Legislative Affairs, Social Security
Administration.

[FR Doc. 2026–19572 Filed 9–23–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 13131]

**Meeting of the Cultural Property
Advisory Committee; Proposals To
Extend Bilateral Cultural Property
Agreements With Cyprus, Guatemala,
and Peru Action: Notice**

SUMMARY: The Assistant Secretary of State for Educational and Cultural Affairs calls a meeting of the Cultural Property Advisory Committee in accordance with the Convention on Cultural Property Implementation Act (“the Act”). The Committee will review proposed extensions of bilateral cultural property agreements with Cyprus, Guatemala, and Peru. A portion of this meeting will be closed to the public.

DATES: The Committee will meet from October 27–29, 2026, from 8:30 a.m. to 5:00 p.m. (EDT).

ADDRESSES: The Committee will meet virtually. The public will participate via videoconference.

FOR FURTHER INFORMATION CONTACT: For all information, use the following: the Cultural Heritage Center, Bureau of Educational and Cultural Affairs; (culprop@state.gov). For the meeting, contact Brahmy Poologasingham at the email address above and include “October Committee Meeting” in the subject line; for the proposed extension of the Cyprus Agreement, contact Andrew Zonderman at the email address above and include “Cyprus” in the subject line; for the proposed extension of the Guatemala Agreement, contact Evan Binkley at the email address above and include “Guatemala” in the subject line; for the proposed extension of the Peru Agreement, contact Idabelle Paterson at the email address above and include “Peru” in the subject line.

SUPPLEMENTARY INFORMATION:

Participation: The public may participate in, or observe, the virtual open session on October 27, 2026, from 2:00 p.m. to 3:00 p.m. (EDT). More information below.

Proposed Agreement Extensions: Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), an extension of the following three bilateral

cultural property agreements is hereby proposed:

- *the Agreement Between the Government of the United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of the Republic of Cyprus.*

- *the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Guatemala.*

- *the Agreement Between the Government of The United States of America and the Government of The Republic of Peru Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Peru.*

Copies of these agreements, their respective Designated Lists of categories of material currently restricted from import into the United States, and related information can be found at the Cultural Heritage Center website: <https://www.state.gov/current-agreements-and-import-restrictions/>.

The Open Session: The public can observe the virtual open session on October 27, 2026, from 2:00 p.m. to 3:00 p.m. (EDT). Registered participants may provide oral comments during this session. The Department provides specific instructions on how to observe or provide oral comments at the open session at <https://www.state.gov/cultural-property-advisory-committee-meeting-october-27-29-2026/>.

The remaining portions of the Committee meeting will be closed to the public in accordance with 19 U.S.C. 2605(h) and 5 U.S.C. 552b(c)(9)(B).

Oral Comments: Register to speak at the open session by sending an email with your name and organizational affiliation, as well as any requests for reasonable accommodation, by October 16, 2026. Those who submit written comments in advance of the meeting are not required to make an oral comment during the open session. The Committee will review written comments if received by 11:59 p.m. (EDT) on October 16, 2026. Written comments may be submitted in two ways, depending on whether they contain confidential information:

General Comments: For general comments, use <https://www.regulations.gov>, enter the docket [DOS–2026–1058], and follow the prompts.

Comments should relate specifically to the determinations specified in the Act at 19 U.S.C. 2602(a)(1). Written comments submitted via [regulations.gov](https://www.regulations.gov) are not private and are posted at <https://www.regulations.gov>. Because written comments cannot be edited to remove any personally identifying or contact information, we caution against including any such information in an electronic submission without appropriate permission to disclose that information (including trade secrets and commercial or financial information that is privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)). We request that any party soliciting or aggregating written comments from other persons inform those persons that the Department will not edit their comments to remove any identifying or contact information and that they therefore should not include any such information in their comments that they do not want publicly disclosed.

Confidential Comments: For comments that contain privileged or confidential information (within the meaning of 19 U.S.C. 2605(i)(1)), please email submissions to culprop@state.gov. Include “Cyprus,” “Guatemala,” and/or “Peru” in the subject line.

Brahmy Poologasingham,

Designated Federal Officer, Cultural Property
Advisory Committee Bureau of Educational
and Cultural Affairs, U.S. Department of
State.

[FR Doc. 2026–19533 Filed 9–23–26; 8:45 am]

BILLING CODE 4710–05–P

**SUSQUEHANNA RIVER BASIN
COMMISSION**

**Actions Taken at the September 16,
2026 Meeting**

AGENCY: Susquehanna River Basin
Commission

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 16, 2026 in Bloomsburg, Pennsylvania, the Commission approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information below.

DATES: September 16, 2026.

ADDRESSES: Susquehanna River Basin
Commission, 4423 N Front Street,
Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel and
Secretary, telephone: (717) 238–0423,
ext. 1312, fax: (717) 238–2436; email:
joyler@srbc.gov. Regular mail inquiries
may be sent to the above address. See

also the Commission website at www.srbcc.gov.

SUPPLEMENTARY INFORMATION: The Commission took the following actions at its September 16, 2026 business meeting: (1) adopted the preliminary FY2028 budget; (2) adopted the member jurisdiction allocation requests for FY0208; (3) approved a Memorandum of Understanding (MOU); (4) approved a grant agreement; (5) adopted a Sustainable Water Resources Fund Policy (Resolution 2026–07); and (6) acted on 15 regulatory program water projects, tabling one as listed below.

Project Applications Approved

1. *Project Sponsor and Facility:* 3 Springs Water Company, Inc., Laurel Run Borough, Luzerne County, Pa. Application for consumptive use of up to 0.051 mgd (peak day).

2. *Project Sponsor:* Aqua Pennsylvania, Inc. *Project Facility:* Susquehanna Division, Athens Borough, Bradford County, Pa. Application for groundwater withdrawal of up to 2.880 mgd (30-day average) from Well 20.

3. *Project Sponsor and Facility:* Cargill Meat Solutions Corporation, Wyalusing Borough, Bradford County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.180 mgd from Well 6, 0.080 mgd from Well 7, and 0.150 mgd from Well 8.

4. *Project Sponsor:* Columbia Water Company. *Project Facility:* East Donegal Division, East Donegal Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 1.

5. *Project Sponsor and Facility:* EQT ARO LLC (Loyalsock Creek), Hills Grove Township, Sullivan County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).

6. *Project Sponsor and Facility:* Expand Operating LLC (Susquehanna River), Ulster Township, Bradford County, Pa. Application for surface water withdrawal of up to 4.000 mgd (peak day).

7. *Project Sponsor:* Greek Peak Holdings, LLC. *Project Facility:* Greek Peak Mountain Resort, Town of Virgil, Cortland County, N.Y. Applications for surface water withdrawal of up to 7.200 mgd (peak day) from Gridley Creek and consumptive use of up to 1.584 mgd (peak day).

8. *Project Sponsor:* Heritage Hills Associates. *Project Facility:* Heritage Hills Golf Resort & Conference Center, Springettsbury and York Townships, York County, Pa. Applications for surface water withdrawal of up to 0.249 mgd (30-day average) from an unnamed

tributary to Mill Creek and consumptive use of up to 0.249 mgd (30-day average).

9. *Project Sponsor and Facility:* Mars Wrigley Confectionery US, LLC, Elizabethtown Borough, Lancaster County, Pa. Application for consumptive use of up to 0.150 mgd (30-day average).

10. *Project Sponsor and Facility:* Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.246 mgd (30-day average) from Well 5.

11. *Project Sponsor and Facility:* Mount Joy Borough Authority, East Donegal Township, Lancaster County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 1.300 mgd from Well 1 and 1.270 mgd from Well 2.

12. *Project Sponsor:* New Enterprise Stone & Lime Co., Inc. *Project Facility:* Alfred Sand and Gravel Quarry, Town of Alfred, Allegany County, NY. Applications for groundwater withdrawal of up to 0.288 mgd (30-day average) from Well 1 and consumptive use of up to 0.279 mgd (peak day).

13. *Project Sponsor:* Veolia Water Pennsylvania, Inc. *Project Facility:* Newberry Operation, Newberry Township, York County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.076 mgd from Reeser Well 1, 0.076 mgd from Reeser Well 2, 0.066 mgd from Susquehanna Village Well 1, and 0.066 mgd from Susquehanna Village Well 2.

14. *Project Sponsor and Facility:* Williamsport Municipal Water Authority, Williamsport City, Lycoming County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 1.300 mgd from Well 10 and 0.374 mgd from Well 11.

Project Tabled

1. *Project Sponsor and Facility:* Middlesex Township Municipal Authority, Middlesex Township, Cumberland County, Pa. Application for groundwater withdrawal of up to 0.914 mgd (30-day average) from Well 2.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: September 21, 2026.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–19494 Filed 9–23–26; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–3495; Summary Notice No. 2026–25]

Petition for Exemption; Summary of Petition Received; David Gilson

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 14, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–3495 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for

accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–3495.

Petitioner: David Gilson.

Sections of 14 CFR Affected:

§§ 61.109(j), 61.113(a), 61.113(b), 61.129, 61.315(c), 91.147, 91.327, 119.1(e)(5), and 119.1(e)(7).

Description of Relief Sought: Mr. David Gilson seeks an exemption from Title 14 Code of Regulations §§ 61.109(j), 61.113(a), 61.113(b), 61.129, 61.315(c), 91.147, 91.327, 119.1(e)(5), and 119.1(e)(7) to conduct local sightseeing operations using a weight shift control special light sport aircraft (SLSA).

[FR Doc. 2026–19562 Filed 9–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–11090; Summary Notice No. 2026–27]

Petition for Exemption; Summary of Petition Received; Air Methods, LLC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 14, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–11090 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean O'Tormey, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–11090

Petitioner: Air Methods, LLC

Section(s) of 14 CFR Affected:

§§ 135.117(a) and 135.117(b)

Description of Relief Sought:

Petitioner seeks an exemption from §§ 135.117(a) and 135.117(b) so that the pilot in command does not have to brief medical personnel before each takeoff of a helicopter air ambulance operations if

the requirements of §§ 135.117(a) and 135.117(b) have been incorporated into the petitioner's approved training program required by § 135.621(b) and those medical personnel have received this training within the preceding 24 calendar months.

[FR Doc. 2026–19564 Filed 9–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–6469; Summary Notice No. 2026–26]

Petition for Exemption; Summary of Petition Received; Victory Air, LLC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 14, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–6469 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments,

without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mickenzie Roby, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202-267-9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2026-6469.

Petitioner: Victory Air, LLC.

Section(s) of 14 CFR Affected:

§ 125.367.

Description of Relief Sought: Victory Air, LLC, requests relief from § 125.367 of Title 14, Code of Federal Regulations (14 CFR), to conduct Instrument Flight Rules (IFR) operations without designating an alternate airport when destination weather forecasts are favorable. This relief would allow flights to proceed without an alternate airport provided that destination weather forecasts indicate a ceiling of at least 2,000 feet above airport elevation and visibility of at least 3 statute miles from 1 hour before to 1 hour after the estimated time of arrival.

[FR Doc. 2026-19569 Filed 9-23-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2026-0628]

Modification of the Application Process for Special Experimental Project 16 (SEP-16), Special Experimental Project 15 (SEP-15), and Test and Evaluation Project 045 (TE-045)

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

ACTION: Notice; request for comments.

SUMMARY: FHWA is seeking comments on a new process for submission and evaluation of applications under SEP-16, SEP-15, and TE-045 (collectively the “three experimental projects”). The purpose of the modification is to achieve a streamlined, uniform process to reduce burden and improve the efficiency of the application and evaluation process for all three experimental projects.

DATES: Comments must be received on or before October 26, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for submitting comments;
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590;
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329;
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All submissions received, including any personal information provided, will be posted without change or alteration to www.regulations.gov. For more information, you may review the U.S. Department of Transportation’s complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477).

FOR FURTHER INFORMATION CONTACT: Ms. Samantha Pratt, Office of Infrastructure, (737) 389-1048, Samantha.Pratt@dot.gov, Federal Highway Administration, 100 Centennial Mall North Room 220, Lincoln, NE 68508; or Mr. Michael Harkins, Office of the Chief Counsel, (202) 366-1523, Michael.Harkins@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document and all comments received 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 U.S. Government Publishing Office’s website at: www.GovInfo.gov.

Background

FHWA undertakes experimental projects pursuant to the authority granted to the Secretary in Title 23 United States Code (U.S.C.) 502(b), providing the experimental authority to test, develop or assist in testing and developing any material, invention, patented article, or process. For information on the background and legal authority for each of the three projects, please refer to the **Federal Register** notices announcing each experimental project, as follows.

SEP-16 was originally announced in a **Federal Register** notice published on September 20, 2018, to test and evaluate the delegation of program-level responsibilities of the Federal-aid highway program to States (83 FR 47674). SEP-16 was expanded to include project-level responsibilities in a **Federal Register** notice published June 24, 2020 (85 FR 38011). SEP-16 may be used to test deviations from Title 23 statutory, regulatory, or policy provisions, provided the experimental features are consistent with the overall purpose and intent of the underlying statute, regulation, or policy being tested. Actions explicitly prohibited by statute cannot be the subject of a SEP-16 experiment. The experiment must be consistent with other Federal laws that apply to Title 23 funded activities.

SEP-15 was announced in a **Federal Register** notice published on October 6, 2004, to encourage testing and experimentation throughout the entire development process for transportation projects aimed at increased project management flexibility, more innovation, improved efficiency, timely project implementation and new revenue streams including private investment. (69 FR 59983). SEP-15 addresses four major components of project delivery; contracting, compliance with FHWA’s National Environmental Policy Act (NEPA) process and other environmental requirements, right-of-way acquisition, and project finance. Given the scope of some of the proposals that have surfaced, elements of the transportation planning process may be involved as well. SEP-15 projects cannot be used to

modify environmental and other requirements external to Title 23.

FHWA announced the establishment of the TE-045 Project in a **Federal Register** notice published on April 8, 1994 (59 FR 16889). The purpose of TE-045 is to develop innovative financing concepts which have the potential to increase investment or reduce public agency costs. TE-045 projects must comply with non-Title 23 statutory and regulatory requirements such as NEPA, relocation assistance, etc.

Currently the application processes for the three experimental projects are not consistent. For example, the application and evaluation process for a SEP-16 proposal is a four-step process including submission of a Letter of Interest, Concept Paper, and Detailed Proposal. If the experiment proposed is accepted, then a Memorandum of Understanding is executed. The application and evaluation process for a SEP-15 proposal is a three-step process that involves submission of an application, issuance of an Acceptance Letter by FHWA, and execution of an Early Development Agreement. When there are uncertainties whether an experimental feature is appropriate for SEP-15, the State DOT may submit a Concept Paper to FHWA which may provide a basis to offer a preliminary assessment of the proposed experiment. The application process for TE-045 is a one-step process which only requires submission of a proposal. FHWA is proposing to restructure and standardize the application and evaluation process of proposed experiments under the three experimental projects. This notice seeks comments on the proposed process as outlined herein.

Proposed Application Process for SEP-16, SEP-15, and TE-045

The proposed application and evaluation process for the three experimental projects consists of two steps.

Step 1: Letter of Interest (LOI). A State DOT¹ submits a LOI to its respective FHWA Division Office. The LOI should provide a brief synopsis of the proposed experiment, typically no more than two pages, and should:

- a. Identify the experimental project proposed under TE-045, SEP-15, or SEP-16.
- b. Describe the proposed experiment including but not limited to identification of the section of Title 23,

U.S.C., 23 CFR, FHWA policy or guidance that would be tested and evaluated.

c. Demonstrate the State has, or will apply, the necessary controls and resources² to oversee the test and experiment, including identification of any project partners and their respective roles and responsibilities.

d. Provide a proposed duration for conducting the test and experimentation, including, as applicable, a timeline for any transition activities both before and after the experimental period.

e. Summarize the anticipated benefits including:

- Reasons why the State is seeking to undertake the experiment.
- Anticipated improvements to program or project delivery.
- Related cost or time savings.

Step 2: Work Plan. After reviewing the LOI and coordinating with FHWA Headquarters, the FHWA Division Office, in writing, either invites the State DOT to proceed with the development of a Work Plan or notifies the State DOT its proposal has not been accepted. If the proposal is accepted, the FHWA Division Office and the State DOT develop a Work Plan, in coordination with FHWA Headquarters, to carry out the accepted experiment under the respective TE-045, SEP-15 or SEP-16. The Work Plan will be a living document and may be modified as necessary during the duration of the experiment.

Although a Work Plan will be tailored to the respective TE-045, SEP-15 or SEP-16 at a minimum, all will include the following:

- a. Description of each accepted experiment and conditions under which the experiment will be conducted.
- b. Performance measures and evaluation criteria to evaluate the success of the experiment.
- c. Duration of the experiment and, as applicable, a transition plan to return to pre-experimental process and procedures.
- d. Reporting milestones to document the status and eventual outcome of the experiment. For each accepted experiment, reports shall include:
 - Description of the experiment.
 - Lessons learned.
 - Evaluation of the success of the experiment.

²For proposed experiments under SEP-16, the LOI should demonstrate that the State DOT has the necessary laws, regulations, controls, and resources in place to assume the Federal role for the responsibilities requested. If applicable, the State DOT may use experience with assumption of authorities under 23 U.S.C. 106(c) and other authorities to demonstrate readiness to assume the requested responsibilities.

○ Any recommend statutory, regulatory, and/or policy changes with an explanation of how the changes will improve the delivery of the Federal-aid highway program.

Conclusion

FHWA is committed to supporting opportunities to experiment with alternative and innovative approaches to implementing Federal-aid highway programs and projects. To this end, this notice seeks comments on a proposed uniform application and evaluation process for SEP-16, SEP-15, and TE-045 that is streamlined and more consistent across the three experimental projects.

Authority: 23 U.S.C. 315 and 502.

Sean McMaster,

Administrator, Federal Highway Administration.

[FR Doc. 2026-19571 Filed 9-23-26; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0122; FMCSA-2014-0106; FMCSA-2015-0326; FMCSA-2015-0328; FMCSA-2015-0329; FMCSA-2016-0002; FMCSA-2017-0059; FMCSA-2017-0060; FMCSA-2020-0026; FMCSA-2022-0033; FMCSA-2022-0034]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before October 26, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA-2013-0122, FMCSA-2014-0106, FMCSA-2015-0326, FMCSA-2015-0328, FMCSA-2015-0329, FMCSA-2016-0002, FMCSA-2017-0059, FMCSA-2017-0060, FMCSA-2020-0026,

¹ Under TE-045, SEP-15 and SEP-16 only State DOTs (23 U.S.C. 101) are eligible to submit proposed experiments. A State DOT may partner with localities and other transportation entities but in all cases a LOI and application must be submitted by a State DOT.

FMCSA–2022–0033, or FMCSA–2022–0034, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal*: Go to www.regulations.gov, insert the docket number FMCSA–2013–0122, FMCSA–2014–0106, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0059, FMCSA–2017–0060, FMCSA–2020–0026, FMCSA–2022–0033, or FMCSA–2022–0034, as appropriate) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail*: Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.

- *Hand Delivery or Courier*: Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax*: (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; fmcsamedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2013–0122, FMCSA–2014–0106, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0059, FMCSA–2017–0060, FMCSA–2020–0026, FMCSA–2022–0033, or FMCSA–2022–0034), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can

contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov, insert the docket number (FMCSA–2013–0122, FMCSA–2014–0106, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0059, FMCSA–2017–0060, FMCSA–2020–0026, FMCSA–2022–0033, or FMCSA–2022–0034) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to www.regulations.gov. Insert the docket number (FMCSA–2013–0122, FMCSA–

2014–0106, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0059, FMCSA–2017–0060, FMCSA–2020–0026, FMCSA–2022–0033, or FMCSA–2022–0034) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49

CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

The 12 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 12 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 12 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver Licensing Agency (SDLA). The

information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of September and are discussed below.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Weston Arthurs (CA)
Jerritt Boehle (IL)
Barry Carpenter (SD)
Michael Cover (MI)
Lyle Eash (OH)
Richard Hoots, III (AR)
Michael McCarthy (MN)
D'Nielle Smith (OH)
Michael Sweet Sr. (GA)
Darren Talley (NC)
Wayne Turner (IL)

The drivers were included in docket numbers FMCSA–2013–0122, FMCSA–2014–0106, FMCSA–2015–0326, FMCSA–2015–0328, FMCSA–2015–0329, FMCSA–2016–0002, FMCSA–2017–0059, FMCSA–2017–0060, FMCSA–2022–0033, or FMCSA–2022–0034. Their exemptions were applicable as of September 6, 2026, and will expire on September 6, 2028.

In accordance with 49 U.S.C. 31136(e) and 31315(b), Jonathan Kelly (TX) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2020–0026. The exemption was applicable as of September 14, 2026, and will expire on September 14, 2028.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver

(1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 12 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–19594 Filed 9–23–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Tax Return Preparer Complaint Process and Fraud or Misconduct Affidavit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before November 23, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include "OMB Control No. 1545-2168" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202-317-6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Tax Return Preparer Complaint Process and Fraud or Misconduct Affidavit.

OMB Control Number: 1545-2168.

Form Numbers: 14157 and 14157-A.

Abstract: These forms (14157 and 14157-A), are designed specifically for tax return preparer complaints and include the items necessary for the IRS to evaluate and route to the appropriate

function. The form will be used by taxpayers to report allegations of misconduct by tax return preparers.

Current Actions: There is no change to the previously approved information collection;

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector.

Estimated Number of Responses: 7,500.

Estimated Time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 1,593.

Dated: September 19, 2026.

LaNita Van Dyke,
Tax Analyst.

[FR Doc. 2026-19602 Filed 9-23-26; 8:45 am]

BILLING CODE 4831-GV-P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee Public Meeting—October 6, 2026

ACTION: Notice of meeting.

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for October 6, 2026.

Date: October 6, 2026.

Time: 10:00 a.m. to 4:00 p.m. (ET).

Location: Remote via Videoconference.

Subject: Approval of the Fiscal Year 2026 CCAC Annual Report; review and discussion of the candidate designs for the 2028 American Innovation \$1 Coin Program: Nebraska, Colorado, North Dakota, and South Dakota; and review and discussion of the candidate designs for the 2027 Comic Art Coin and Medal Program.

Interested members of the public may watch the meeting via live stream on the United States Mint's YouTube Channel at <https://www.youtube.com/user/usmint>. To watch the meeting live, members of the public may click on the "October 6, 2026" icons under the Live Tab on the specific day.

The public should call the CCAC HOTLINE at (202) 354-7502 for the latest updates on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury

with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in watching online, this is a reminder that the remote access is for observation purposes only. Members of the public may submit matters for the CCAC's consideration by email to info@ccac.gov.

For Accommodation Request: If you require an accommodation to watch the CCAC meeting, please contact the Office of Equal Employment Opportunity by September 29, 2026. You may submit an email request to Reasonable.Accommodations@usmint.treas.gov or call 202-354-7260 or 1-888-646-8369 (TTY).

FOR FURTHER INFORMATION CONTACT: Megan Sullivan, United States Mint Liaison to the CCAC; 801 9th Street NW; Washington, DC 20220; email megan.sullivan@usmint.treas.gov or call 202-354-7517.

(Authority: 31 U.S.C. 5135(b)(8)(C).)

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2026-19560 Filed 9-23-26; 8:45 am]

BILLING CODE 4810-37-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0922]

Agency Information Collection Activity Under OMB Review: IBM SkillsBuild Training Program Intake Application

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed

information collection should be sent by October 26, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–NEW.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: IBM SkillsBuild Training Program Intake Application, VA Form 22–10282.

OMB Control Number: 2900–0922, <https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Revision of a currently approved collection.

Abstract: The IBM SkillsBuild Program is an IBM-sponsored training program providing no-cost online

Information Technology (IT) training in a variety of areas. The online SkillsBuild learning platform provides adult learners with the opportunity to gain or improve IT skills and credentials in Cybersecurity and Data Analytics that meet the needs of employers in the High-Technology industry. The SkillsBuild collaboration with IBM provides an enhanced no-cost, self-paced, virtual resource for Veterans, Service members, spouses, children, and caregivers seeking the job training and credentials to pursue a career in the field of Cybersecurity and Data Analytics. The IBM SkillsBuild Training Program Application (Intake Form), VA Form 22–10282 will allow eligible candidates to register and apply on a first-come, first-served basis to participate in the program. The application is now accessed and submitted exclusively online via the VA.gov website.

An agency may not conduct or sponsor, and a person is not required to

respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 37231, June, 22, 2026.

Affected Public: Individuals and Households.

Estimated Annual Burden: 2,005 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 12,029.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information and Technology, Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–19553 Filed 9–23–26; 8:45 am]

BILLING CODE 8320–01–P



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Part II

Nuclear Regulatory Commission

10 CFR Parts 20, 21, 50, et al.

Regulatory Enhancements for Reactor Licensing, Decommissioning, and
Operational Oversight; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 21, 50, 52, 53, 55, 70, 72, and 75

[PRM-50-110, PRM-50-116, NRC-2025-1138, NRC-2020-0036, NRC-2018-0201, and NRC-2015-0028]

RIN 3150-AL45

Regulatory Enhancements for Reactor Licensing, Decommissioning, and Operational Oversight

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and draft regulatory guides; request for comment.

SUMMARY: Consistent with Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” the NRC is conducting a review and wholesale revision of its regulations. This proposed rule primarily aims to provide regulatory enhancements for reactor licensing, decommissioning, and operational oversight and is one effort in the NRC’s activities to address the direction in section 5 of Executive Order 14300.

DATES: Comments must be submitted electronically using <https://www.regulations.gov> by 11:59 p.m. eastern time on November 9, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-1138, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on <https://www.regulations.gov> to view public comments.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2025-1138>. 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:

Aaron Kwok, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1371, email: Aaron.Kwok@nrc.gov.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

On May 23, 2025, President Trump signed Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” E.O. 14300 requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents. In accordance with E.O. 14300, the NRC identified potential changes across title 10 of the *Code of Federal Regulations* (10 CFR) parts 20, 21, 50, 52, 53, 55, 70, 72, and 75. The NRC anticipates that these changes would yield significant efficiencies and reduce regulatory burden while continuing to provide reasonable assurance of adequate protection of the health and safety of the public and common defense and security, and would also ensure an appropriate level of environmental review.

B. Major Provisions

Major provisions of this proposed rule, supported by accompanying draft guidance (if applicable), include changes in the following areas:

- a. Part 21 Clarifications (10 CFR Parts 21, 50, and 53)
- b. Reporting Requirements for Nonemergency Events for Nuclear Power Plants (10 CFR Part 50)
- c. Decommissioning Licensing Enhancements (10 CFR Parts 20, 50, 52, and 53)
- d. Financial Qualifications and Decommissioning Trust Fund Use (10 CFR Parts 50, 52, and 53)
- e. Risk Informed Seismic Design (10 CFR Part 50)
- f. Probabilistic Risk Assessment Requirements (10 CFR Part 50)
- g. Backfitting and Issue Finality Provisions (10 CFR Parts 50, 52, 53, 70, and 72)
- h. Notification of Initial Fuel Load (10 CFR Parts 52 and 53)
- i. Requirements for Evaluation of Generic Issues and Operating Experience (10 CFR Part 52)
- j. Standard Design Approvals (10 CFR Parts 50, 52, and 53)
- k. Environmental Reviews of Early Site Permits (10 CFR Parts 52 and 53)
- l. Post-TMI Requirements (10 CFR Part 50)
- m. Updates to the Operator Licensing Programs (10 CFR Parts 50, 53, and 55)
- n. International Atomic Energy Agency (IAEA) Notifications (10 CFR Part 75)
- o. Record Keeping and Reporting Requirements (10 CFR Parts 50, 52, 53, 70, and 72)

C. Costs and Benefits

The NRC prepared a draft regulatory analysis to determine the expected

quantitative costs and benefits of this proposed rule and associated draft guidance as well as qualitative factors to be considered in the NRC’s rulemaking decision. The conclusion from the analysis is that this proposed rule and associated draft guidance would result in net averted costs (*i.e.*, savings) to the industry and the NRC, over the next 30 years, ranging from \$311 million using a 7-percent discount rate to \$411 million using a 3-percent discount rate. For the industry, the net averted cost is estimated at \$305 million (7 percent net present value (NPV) and \$398 million (3 percent NPV). For the NRC, the net averted cost is estimated at \$5.50 million (7 percent NPV) and \$13.9 million (3 percent NPV). On an annualized basis, the net averted cost to the industry and the NRC would be about \$22.2 million per year at a 7 percent discount rate and \$15.1 million per year at a 3 percent discount rate.

The draft regulatory analysis also considers qualitative factors, such as regulatory efficiency. These benefits would result from clarifications, administrative changes, and streamlining of processes (such as notifications).

For more information, please see the draft regulatory analysis (available in the NRC’s Agencywide Documents Access and Management System (ADAMS) Accession No. ML26191A071).

Table of Contents

- I. Obtaining Information and Submitting Comments
- II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission
- III. Background
- IV. Discussion
- V. Specific Requests for Comments
- VI. Regulatory Flexibility Certification
- VII. Regulatory Analysis
- VIII. Backfitting and Issue Finality
- IX. Cumulative Effects of Regulation
- X. Plain Writing
- XI. National Environmental Policy Act
- XII. Paperwork Reduction Act
- XIII. Executive Orders
 - A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)
 - B. Executive Order 14154: Unleashing American Energy
 - C. Executive Order 14192: Unleashing Prosperity Through Deregulation
 - D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers
 - E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy
- XIV. Compatibility of Agreement State Regulations
- XV. Availability of Guidance
- XVI. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–1138 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–1138.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

- **Public Meeting:** The NRC may conduct a public meeting to describe the proposed amendments and answer questions from the public on this proposed rule. If the NRC determines it will hold a public meeting, NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: <https://www.nrc.gov/public-involve/public-meetings/index.cfm>.

B. Submitting Comments

Comments must be submitted using <https://www.regulations.gov> by 11:59 p.m. eastern time on November 9, 2026. Please include Docket ID NRC–2025–1138 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the

comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information. If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed E.O. 14300, "Ordering the Reform of the Nuclear Regulatory Commission." Section 5, "Reforming and Modernizing the NRC's Regulations," of that E.O. requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking addresses the required review and wholesale revision of the NRC's regulations and guidance documents specified in the main body of section 5 of E.O. 14300.

III. Background

Over the decades, under its authority to make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary, the NRC has developed a comprehensive and evolving regulatory framework to ensure that licensee programs at nuclear facilities continue to provide reasonable assurance of adequate protection to the health and safety of the public and common defense and security. This proposed rule seeks to modernize the NRC's regulations across 10 CFR parts 20, 21, 50, 52, 53, 55, 70, 72, and 75 with a focus on reducing or eliminating duplicative or unnecessary requirements, providing flexibility, and implementing risk-informed, performance-based alternatives where appropriate with respect to reactor licensing, decommissioning, and operational oversight.

The NRC recently issued a final rule establishing 10 CFR part 53, "Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Power Plants" (91 FR 15696, March 30, 2026). Part 53 sets forth a technology-inclusive regulatory framework as an alternative to the NRC's current application and licensing

requirements, which were primarily developed to address license requests concerning light water-cooled reactors and operational requirements for those types of reactors. As discussed in Section IV of this document, proposed changes would apply to licensees and applicants under 10 CFR parts 50, 52, and 53, as applicable. The proposed changes would provide enhanced regulatory flexibility for both current and future licensees, streamline administrative processes, and ensure that NRC requirements remain effective, efficient, and responsive to credible risks.

The NRC prepared an unofficial redline strikeout version of the proposed changes to regulatory text that is intended to help the reader identify the proposed changes. The unofficial redline strikeout version of this proposed rule is publicly available and is listed in the "Availability of Documents" section.

For the convenience of the reader, this proposed rule has been organized as follows within each section:

- a. 10 CFR Parts 21, 50, and 53—Part 21 Clarifications
- b. 10 CFR Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants
- c. 10 CFR Parts 20, 50, 52, and 53—Decommissioning Licensing Enhancements
- d. 10 CFR Parts 50, 52, and 53—Financial Qualifications and Decommissioning Trust Fund Use
- e. 10 CFR Part 50—Risk Informed Seismic Design
- f. 10 CFR Part 50—Probabilistic Risk Assessment Requirements
- g. 10 CFR Parts 50, 52, 53, 70, and 72—Backfitting and Issue Finality Provisions
- h. 10 CFR Parts 52 and 53—Notification of Initial Fuel Load
- i. 10 CFR Part 52—Requirements for Evaluation of Generic Issues and Operating Experience
- j. 10 CFR Parts 50, 52, and 53—Standard Design Approvals
- k. 10 CFR Parts 52 and 53—Environmental Reviews of Early Site Permits
- l. 10 CFR Part 50—Post-TMI Requirements
- m. 10 CFR Parts 50, 53, and 55—Updates to the Operator Licensing Programs
- n. 10 CFR Part 75—IAEA Notifications
- o. 10 CFR Parts 50, 52, 53, 70, and 72—Record Keeping and Reporting Requirements

10 CFR Parts 21, 50, and 53—Part 21 Clarifications

The NRC is proposing revisions to 10 CFR part 21, "Reporting of Defects and Noncompliance," for reporting safety defects. The regulations in 10 CFR part 21 establish procedures and requirements for the implementation of section 206 of the Energy Reorganization Act of 1974 (ERA). At a

high-level, 10 CFR part 21 addresses risks from basic components that have been identified to contain a defect, which could result in a plant failing to meet its licensing basis. The requirements and procedures of 10 CFR part 21 contribute to public health and safety by ensuring the Commission is adequately informed of any loss of safety function to the extent that there is a major reduction in the degree of protection provided to the public health and safety. Under 10 CFR part 21, directors and responsible officers of firms and organizations building, operating, or owning NRC-licensed facilities are required to report failures to comply with regulatory requirements relating to substantial safety hazards and defects in components that may result in a substantial safety hazard. This regulation also applies to directors and responsible officers of firms and organizations supplying safety-related components, as well as those providing safety-related design, testing, inspection, and consulting services. Part 21 also requires these entities to adopt procedures to ensure that safety-related defects and noncompliance are brought to the attention of responsible officers and directors (or their designees). In turn, the responsible officers and directors (or their designees) are required to notify the Commission by filing an initial report followed by a written report regarding the defect or noncompliance.

For facilities licensed under 10 CFR parts 40, 70, and 21 has been applicable since its publication in the final rule "Reports to the Commission Concerning Defects and Noncompliance" (42 FR 28891; June 6, 1977). Since then, the lack of clarity in 10 CFR part 21 has presented challenges to licensees, vendors, and the NRC staff. The rule's preamble discusses the broad, overarching nature of the regulations in 10 CFR part 21. In particular, it identifies the need for additional information to be accumulated after the rule has been implemented, with a recommendation that additional guidance clarify the regulation once experience has been gained. In response, the NRC published NUREG-0302, "Remarks Presented (Questions/ Answers Discussed) at Public Regional Meetings to Discuss Regulations (10 CFR part 21) for Reporting of Defects and Noncompliance," to provide further clarity, including thresholds for the substantial safety hazard criterion of "moderate exposure to, or release of, licensed material." The information presented in NUREG-0302 does not provide specific guidance to applicants

or licensees on how to comply with 10 CFR part 21; rather, it is a collection of questions and answers from a series of public meetings regarding 10 CFR part 21 requirements held from July 12–26, 1977. Additionally, the NRC staff has not provided detailed guidance to clarify the nexus between 10 CFR parts 21 and 70 requirements including the updated regulatory requirements in subpart H to 10 CFR part 70, "Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material" issued in September 2000, such as which types of structures, systems or components at a facility licensed under 10 CFR part 70 would be subject to the basic component requirements in 10 CFR part 21.

The NRC first amended 10 CFR part 21 in 1978 in order to exempt commercial-grade items (CGIs) from 10 CFR part 21 regulations until the items were dedicated for use as basic components (43 FR 48621; October 19, 1978). This rulemaking established the definition of CGIs and the commercial-grade dedication process, which would still be applicable to reactor and nonreactor facilities. In 1991, the NRC issued Information Notice 91–39, "Compliance with 10 CFR part 21, 'Reporting of Defects and Noncompliance,'" to inform NRC materials licensees of their responsibilities under 10 CFR part 21. Additionally in 1991, 10 CFR part 21 was amended to clarify the definitions of "defect" and "basic component" as well as to add the requirement for the retention of 10 CFR part 21 records (56 FR 36081; July 31, 1991). This rulemaking did not clarify the definition for, nor did it give specificity for the identification of, nonreactor basic components. In 1995, the NRC updated 10 CFR part 21 again (60 FR 48369; September 19, 1995) to provide flexibility in procuring CGIs for safety-related equipment and services to nuclear power plants; however, the issue of CGIs with respect to nonpower reactor licensees was not changed.

In 2010 and 2011, the NRC's Office of the Inspector General (OIG) performed two audits related to 10 CFR part 21. These audits resulted in 15 recommendations, most of which related to clarifying 10 CFR part 21.¹ One of the issues identified was that there was a lack of clarity in the definition of "basic component" for

nonreactor facilities and activities that made it difficult to interpret the applicability of the rule to 10 CFR part 70 licensees. This lack of clarity was illustrated by the submittal of alternative definitions by applicants and licensees to clarify the term "basic component." The NRC staff engaged stakeholders in multiple public meetings and also undertook a series of site visits at fuel cycle facilities. These interactions uncovered that there were widely differing interpretations of the meaning of "basic component" at different fuel cycle facilities.

Specifically, at some facilities the term was interpreted to include all systems, structures, and components designated as item relied on for safety (IROFS) in accordance with § 70.61(e), whereas at other facilities the term was interpreted as applying only to those IROFS that are the sole item relied on to prevent high consequence events as defined in § 70.61(b) or to mitigate their effects.

In 2015, the NRC staff issued proposed changes to 10 CFR part 21 and an assessment of the areas that need clarification in "Final Regulatory Basis to Clarify 10 CFR part 21, 'Reporting of Defects and Noncompliance'" (ML15152A457). This final regulatory basis proposed clarifying the 10 CFR part 21 regulations through both rulemaking and the development of regulatory guidance. However, these rulemaking actions were subsequently discontinued (ML16028A189); therefore, changes that would have clarified application of 10 CFR part 21 at fuel facilities were not implemented.

As part of efforts to address E.O. 14300, the NRC has reassessed whether certain potential changes identified in these prior activities would be appropriate. This rulemaking proposes the following revisions to 10 CFR part 21, paragraph (e) of § 50.55, "Conditions of construction permits, early site permits, combined licenses, and manufacturing licenses," and § 53.605, "Reporting of defects and noncompliance," as a result of this reassessment and broader assessment conducted pursuant to E.O. 14300. The proposed changes would include consolidating specific requirements in §§ 50.55(e) and 53.605 into 10 CFR part 21, allowing deletion of the redundant regulations in §§ 50.55(e) and 53.605.

The NRC proposes to amend five definitions: "dedicating entity," "basic component," "dedication," "commercial grade item," and "notification." One proposed change would revise the definition of "dedicating entity" to remove regulatory constraints that could limit competition in accordance with E.O. 14267,

¹ OIG-10-A-20, "Audit of NRC's Vendor Inspection Program," dated September 28, 2010 (ML102710583); OIG-11-A-08, "Audit of NRC's Implementation of 10 CFR part 21, Reporting of Defects and Noncompliance," dated March 23, 2011 (ML110820426).

“Reducing Anti-Competitive Regulatory Barriers.” This revision would delete the description of who can perform the dedication; specifically, it would remove references to a third-party dedicating entity. This revision would also separate the definition of dedicating entity based on the type of regulated facilities and the required quality assurance program. Specifically, the definition has been separated into: (1) facilities licensed under 10 CFR parts 50, 52, and 53; (2) 10 CFR part 70 licensees and other licensees, except for plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities, that are required to develop an integrated safety analysis in accordance with 10 CFR part 70, subpart H; and (3) plutonium processing and fuel fabrication plants or spent fuel reprocessing facility licensees licensed pursuant to 10 CFR part 70 that are required to develop an integrated safety analysis in accordance with subpart H to 10 CFR part 70. For the proposed definition of “dedicating entity” for plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities, the definition would be revised to conform with a proposed change to § 70.22(f)² to allow organizations with a dedication process compliant with a 10 CFR part 50, appendix B or a proposed appendix T, “Streamlined Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Facilities,”³ quality assurance program to perform dedication activities. In addition, the definition of “dedicating entity” would be modified to remove the reference to § 21.21(c) in order to not duplicate the requirements of § 21.21(c). Another proposed revision would modify the definition of “basic component” to (1) provide clarity to fuel facility licensees that are required to develop an integrated safety analysis to focus on equipment that is a sole engineered IROFS and is essential to preventing or mitigating an intermediate-consequence

event and a high-consequence event including an accidental criticality; (2) provide clarity to plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities that are required to develop an integrated safety analysis to focus on equipment that is relied on to prevent or mitigate high-consequences to individuals located beyond the controlled area boundary from a release of fission products and transuranics; (3) provide consistency with the definition of safety-related SSCs under 10 CFR part 53; and (4) allow items designed and manufactured under a quality assurance program that is complying with the proposed appendix T, to 10 CFR part 50 to be included in the definition of a basic component. The proposed changes to the “dedication” and “commercial grade item” definitions would (1) clarify that nuclear material users are exempt from the commercial grade dedication process; (2) add a reference to 10 CFR part 52 to address concerns raised after the 2007 10 CFR part 52 rulemaking, in which the NRC recognized that conforming changes to definitions in 10 CFR part 21 were not included to address 10 CFR part 52; (3) clarify that items that have successfully undergone dedication are deemed equivalent to items designed and manufactured under a quality assurance program that is complying with the proposed appendix T; and (4) add a reference to 10 CFR part 53. The proposed change to “notification” describes the primary method that the communication to the NRC should occur.

This proposed rule would remove 10 CFR part 76, “Certification of Gaseous Diffusion Plants,” from the scope of 10 CFR part 21. This proposed rule would also remove the “Initial notification by facsimile” requirement in § 21.21(d)(3)(i) and provide an updated email submittal option. Overall, these proposed revisions would increase clarity and reduce the regulatory burden.

10 CFR Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants

The NRC is proposing to amend its regulations related to reporting nonemergency events at nuclear power plants. The NRC would retain reporting criteria that are important to plant safety and maintaining appropriate NRC awareness of nonemergency events at nuclear power plants. The NRC would eliminate criteria that are no longer needed. This proposed rule would also allow for alternative reporting methods for certain nonemergency events. The following subsections provide further

background on the specific reporting requirements that would be revised or eliminated.

A. Immediate Notification Requirements Under § 50.72

In a 1980 final rule, “Immediate Reporting of Significant Events at Operating Nuclear Power Reactors” (45 FR 13434; February 29, 1980), the NRC established in § 50.72, “Immediate notification requirement for operating nuclear power reactors,” immediate reporting requirements for events considered significant. In the preamble to that rule, the Commission stated that the capability of the NRC to make timely decisions and to provide adequate assurances regarding actual or potential threats to public health and safety, depends heavily on the rapidity with which significant events are communicated by nuclear power reactor licensees to the NRC. The majority of events occurring throughout the nuclear industry pose little or no serious or immediate threats to the public health and safety; however, certain events do pose such threats or generate fear or unusual concern. The Commission also stated that the NRC has an important obligation to collect facts quickly and accurately about significant events, assess the facts, take necessary action, and inform the public about the extent of the threat, if any, to public health and safety. Not only must the NRC act promptly to prevent or minimize possible injury to the public, but it must also take appropriate action to alleviate fear or concern created as a result of such events.

Accordingly, the NRC required licensees to report 12 types of significant events to the NRC within 1 hour. These included serious events that could result in an impact on public health and safety, such as a nuclear power plant being in an uncontrolled condition, the exceedance of a safety limit, or an uncontrolled release of radioactivity.

Experience with the reporting requirements in § 50.72 led to the issuance of proposed amendments on December 21, 1981, “Immediate Notification Requirement for Operating Nuclear Reactors” (46 FR 61894). Public comments on the proposed rule suggested that the regulations should be revised to clarify reporting criteria and to require early reports only on those matters of value to the exercise of the NRC’s responsibilities. The Commission amended the reporting requirements of § 50.72 in the 1983 final rule, “Immediate Notification Requirements of Significant Events at Operating Nuclear Power Reactors” (48 FR 39039;

² The proposed change to § 70.22(f) is included in the separate proposed rule, “Modernizing Materials Licensing” (91 FR 38214, June 24, 2026). The conforming changes proposed in this rule to include a reference to 10 CFR part 50, appendix B in the definition of “dedicating entity” in 10 CFR part 21 would, accordingly, be contingent on the proposed addition of appendix B in that proposed rule becoming effective.

³ The proposed addition of appendix T to 10 CFR part 50 is included in the separate proposed rule, “Modernizing Reactor Licensing, Safety Oversight, and Siting Practices” (91 FR 44560; July 16, 2026). The conforming changes proposed in this rule to include a reference to 10 CFR part 50, appendix T in the definition of “basic component” in 10 CFR part 21 would, accordingly, be contingent on the proposed addition of appendix T in that proposed rule becoming effective.

August 29, 1983). The amendments clarified the list of reportable events with the goal of providing the Commission with more useful reports about the safety of operating nuclear power plants. The Commission also created a category of “nonemergency” event reports.

Subsequently, the Commission amended the reporting requirements in § 50.72 in a final rule published on September 10, 1992 (57 FR 41378). The Commission determined that some of the event reports were not necessary for the NRC to perform its safety mission and that continued reporting of those events would not contribute useful information to the operating reactor events database. The Commission also considered that unnecessary reports would continue to consume licensee and NRC resources that could be better applied elsewhere. As a result, the NRC removed reports for events primarily involving invalid engineered safety feature actuations that it determined were of little or no safety significance.

In 2000, the Commission significantly modified the reporting requirements of § 50.72 in a final rule, “Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites” (65 FR 63769; October 25, 2000). These amendments divided the nonemergency event reporting requirements into 1-hour, 4-hour, and 8-hour notifications instead of only 1-hour and 4-hour reporting requirements. The 1-hour reports were intended to “capture those events where there may be a need for immediate action by the NRC to protect public health and safety.” For 4-hour reports, the information was determined to be necessary in a prompt manner because the NRC may need to respond to heightened public concern or take a reasonably prompt action, such as partial activation of the agency’s response plan. The 8-hour reports were intended to capture those events for which the NRC may need to take action

within about a day, such as initiation of a special inspection.

B. Recent Rulemaking Activity

On August 2, 2018, Bill Pitesa, on behalf of the Nuclear Energy Institute (NEI), submitted a petition for rulemaking (PRM) under § 2.802, “Petition for rulemaking—requirements for filing,” requesting that the NRC amend § 50.72 to remove all nonemergency event notification requirements. In accordance with § 2.803, “Petition for rulemaking—NRC action,” the NRC docketed this petition for rulemaking as PRM–50–116 (the petition) and reviewed the petition under § 2.803(h)(1). The NRC staff provided a rulemaking plan to the Commission under SECY–20–0109, “Petition for Rulemaking and Rulemaking Plan on Immediate Notification Requirements for Nonemergency Events (PRM–50–116; NRC–2018–0201),” dated November 30, 2020, that recommended evaluating the nonemergency event reporting requirements of § 50.72(b), “Non-emergency events.” In the staff requirements memorandum (SRM) SRM–SECY–20–0109, “Petition for Rulemaking and Rulemaking Plan on Immediate Notification Requirements for Nonemergency Events,” dated July 28, 2021, the Commission directed the NRC staff to proceed with a rulemaking on the immediate notification requirements for nonemergency events in § 50.72(b) and approved the closure of the docket for PRM–50–116. The Commission provided additional direction to the staff in SRM–SECY–20–0109 that (1) changes that shift the responsibility for gathering, verifying, and communicating information on nonemergency events from licensees to resident inspectors should not be pursued, and (2) the staff should discontinue this effort if it determines at any point that the costs are not justified by the benefits or that the rulemaking would unacceptably degrade the NRC’s situational awareness.

Subsequently, the NRC published in the **Federal Register** a regulatory basis

to support rulemaking (87 FR 67571; November 9, 2022) with a comment period ending on January 9, 2023. In the regulatory basis, the NRC recommended maintaining five nonemergency event reporting requirements, eliminating six nonemergency event reporting requirements, revising guidance for two nonemergency event reporting requirements, and adding an alternative reporting method. The NRC held public meetings on November 4, 2021, on December 9, 2021, and on December 13, 2022. The meeting summaries are available as indicated in the “Availability of Documents” section of this document. The NRC extended the public comment period for the regulatory basis to January 31, 2023 (87 FR 79258; December 27, 2022). The NRC received twelve comment submissions on the regulatory basis, all of which were considered in the development of this proposed rule and are available in *regulations.gov* under Docket ID NRC–2020–0036.

C. NRC Observations on Stakeholder Feedback on the Regulatory Basis

The NRC received stakeholder feedback in several technical areas on the regulatory basis. The public comment submissions are listed in the following table, including associated ADAMS Accession Numbers. The NRC compiled the annotated comment submissions into a single document, which may be accessed within ADAMS using accession number ML23318A475. The NRC reviewed these submissions, several of which resulted in additional analysis and informed the development of this proposed rule. The additional analysis did not result in changes to the recommendations from the regulatory basis.

The NRC parsed each submission, depending on its length and complexity, into one or more individual comments reflecting discrete statements. The following discussion presents the NRC’s summaries of and responses to these comments.

ADAMS REFERENCES FOR PUBLIC COMMENT SUBMISSIONS ON THE REGULATORY BASIS

Submission No.	Commenter	Affiliation	Accession No.
001	Stephen Monarque	Private Citizen	ML22363A563
002	Representative Kevin Ryan	State of Connecticut Nuclear Energy Advisory Council ..	ML23004A036
003	Rani Franovich	The Breakthrough Institute	ML23011A311
004	Phil Couture	Entergy Operations	ML23025A364
005	David Gullott	Constellation Energy Generation	ML23031A202
006	Tony Brown	Nuclear Energy Institute	ML23031A302
007	Christopher P. Domingos	Xcel Energy	ML23031A303
008	Anthony Leshinskie	State of Vermont, Department of Public Service	ML23034A224
009	Alyse Peterson	New York State Energy Research and Development Authority.	ML23034A229

ADAMS REFERENCES FOR PUBLIC COMMENT SUBMISSIONS ON THE REGULATORY BASIS—Continued

Submission No.	Commenter	Affiliation	Accession No.
010	Anonymous	Unknown	ML23034A230
011	Andrew Calcagno	Private Citizen	ML23034A231
012	Daniel Mills	Private Citizen	ML23040A084

Summary of Comments and NRC Responses

Comment 1 (001–1, 003–1, 004–1, 005–1, 006–1, 007–1, 011–1): The NRC received several comments in support of the proposed rulemaking and encouraging the NRC to consider further changes to current event notification requirements.

NRC Response: The NRC agrees, in part, with the comments. The NRC is proposing changes consistent with the analysis the regulatory basis. The NRC may consider additional changes to event notification requirements in the future.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to these comments.

Comment 2 (002–01, 002–02, 002–03, 008–1, 009–7, 009–8, 009–9, 012–2, 012–3): Several comments reiterated the usefulness of event notifications for the purposes of awareness and the ability for stakeholders to consider taking actions independent of any NRC actions. The proposed elimination of prompt nonemergency event notifications would prevent the public from being adequately informed about many issues at the plant until 60 days following an event, and the methodology in the regulatory basis failed to analyze the importance of prompt communications for effective responses to public inquiries. Right now, the reports are made publicly available on the NRC website, which is the timeliest source of information provided to the public. The State, local, and Tribal governments are the most impacted, as members of the public are more likely to reach out to trusted State and local officials to understand the potential impacts of events. Absent receiving these prompt public notifications, State and local officials must expend valuable time and resources to reach out to licensees and the NRC, thereby delaying response to the public.

NRC Response: The NRC agrees, in part, with the comments. Event notifications may be useful for awareness of external parties; however, the situational awareness of State and local officials for nonemergency events is outside the scope of the NRC's

regulatory authority. The NRC is proposing to no longer compel event notification reports that are not important to plant safety and are unnecessary to maintain appropriate NRC awareness of nonemergency events at nuclear power plants. The comments did not provide any examples of NRC situational awareness that would be degraded in the absence of the nonemergency event notifications recommended for elimination through the rulemaking.

Accordingly, the Commission did not change the bulk of the NRC staff's recommendations in the regulatory basis in response to these comments. The Commission did reconsider removal of reporting criterion § 50.72(b)(3)(xiii) for the major loss of offsite communications capability, offsite response capability, and emergency assessment capability. That reporting criterion is not proposed for removal.

Comment 3 (002–4): The NRC should engage further with communities near commercial nuclear power plants for this rulemaking, including in-person engagement, and perform an environmental justice impact review.

NRC Response: The NRC disagrees with the comment. Although the NRC continuously aims to improve communications, the NRC determined that the elimination of the recommended nonemergency event notifications would not impact local communities because these notifications are not needed for the NRC to fulfill its mission to provide reasonable assurance of adequate protection of the public health and safety, which includes the health and safety of communities around commercial nuclear power plants. To that end, the NRC would retain a number of reporting requirements, including the non-emergency event reports for (1) deviations from technical specifications under § 50.54(x) per § 50.72(b)(1); (2) plant shutdowns required by technical specifications per § 50.72(b)(2)(i); (3) actuations of the reactor protection system per § 50.72(b)(2)(iv)(B); (4) the discovery of degraded or unanalyzed conditions per § 50.72(b)(3)(ii); and (5) the loss of emergency response capabilities per § 50.72(b)(xiii), as those reporting requirements help facilitate

the NRC's ability to ensure public safety.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to this comment.

Comment 4 (002–5, 008–2): The NRC should consider the costs to States to create their own event notification requirements in lieu of those the NRC recommends for deletion.

NRC Response: The NRC agrees with the comments. The NRC incorporated changes to the regulatory analysis to account for States that have indicated that they would initiate procedures to implement any nonemergency event notification requirements at a State level that would be eliminated by this proposed rule. The addition of these costs did not change the overall cost-effectiveness of this proposed rule.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to these comments.

Comment 5 (004–2): The NRC should be aware that the actual burden hours of evaluating conditions for reportability may exceed the estimated hours assumed in the cost analysis.

NRC Response: The NRC agrees with the comment. The hours assumed in the regulatory analysis are the NRC's best estimate of average hours expended per report. The NRC acknowledges that the actual burden of reports is variable and that some reports may require more time than assumed in the regulatory analysis. However, much of the burden associated with evaluating the conditions would also be needed for licensees' operability evaluations independent of reportability requirements.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to this comment.

Comment 6 (006–2, 006–03): The NRC should consider ways to accelerate the rulemaking schedule and update existing guidance in NUREG–1022 for reporting degraded or unanalyzed conditions under § 50.72(b)(3)(ii) as soon as practical.

NRC Response: The NRC disagrees, in part, with the comment. The NRC considered accelerating the schedule for this rulemaking but decided not to

change the schedule. The rulemaking schedule provides time for proper stakeholder engagement while ensuring that the rule and guidance adequately and appropriately address all issues and public comments. If the NRC proceeds to issue a final rule, the NRC anticipates publication of a final rule in late 2026. Updates to the rulemaking schedule will be made available in the NRC website: <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruleindex.html>.

The NRC agrees that updates to existing guidance in NUREG-1022 solely for reporting degraded or unanalyzed conditions under § 50.72(b)(3)(ii) can be achieved in advance of the rulemaking process. The updated guidance would provide additional information to address the high historical retraction rate of degraded or unanalyzed condition notifications under § 50.72(b)(3)(ii) in comparison to the other nonemergency event reporting criteria. Because it is not proposing to amend § 50.72(b)(3)(ii), the NRC can revise the associated guidance independent of this rulemaking effort and on a faster schedule than the rulemaking. To that end, on October 2, 2024, the NRC published in the **Federal Register** a notice of the issuance of NUREG-1022, Revision 3, “Event Report Guidelines: §§ 50.72 and 50.73,” Supplement 2 (89 FR 80268), to provide clarifications for Section 3.2.4, “Degraded and Unanalyzed Conditions,” of NUREG-1022, Revision 3.

Accordingly, the Commission did not change the NRC staff’s recommendations in the regulatory basis in response to these comments.

Comment 7 (008–3): It is unclear from the regulatory basis cost estimates that the rulemaking will provide any significant reduction in reporting burden.

NRC Response: The NRC disagrees with the comment. The regulatory analysis performed for this rulemaking documents the reduction in burden and associated costs resulting from this rulemaking. The analysis shows that the rulemaking is generally cost effective.

Accordingly, the Commission did not change the NRC staff’s recommendations in the regulatory basis in response to this comment.

Comment 8 (009–1, 009–2):

The NRC should be careful not to reduce reporting requirements further than prudent.

NRC Response: The NRC agrees with the comments. The regulatory basis used a decision-making process driven by (1) past reporting data, (2) NRC actions in response to those reports, and

(3) a qualitative risk assessment based on the NRC’s Principles of Good Regulation and the “Be riskSMART” framework, to determine which reporting requirements must be maintained to support the NRC’s ability to fulfill its mission.

Accordingly, the Commission did not change the NRC staff’s recommendations in the regulatory basis in response to these comments.

Comment 9 (009–3): The NRC should consider additional reporting requirements, such as those related to physical cybersecurity threats, telecommunications incidents, or preparation for and response to severe weather events.

NRC Response: The NRC disagrees with the comment. Although physical and cybersecurity issues are not covered by the § 50.72(b) event reporting requirements, they are subject to reporting to the NRC via other requirements such as those in § 73.77, “Cyber security event notifications,” and 73.1200, “Notifications of physical security events.” Therefore, adding requirements to report these events under § 50.72(b) would be unnecessarily redundant.

Telecommunications issues impacting emergency communications are currently reported to the NRC as required by § 50.72(b)(3)(xiii). Severe weather impacts are not specifically reportable to the NRC via event notifications. However, the NRC maintains general awareness of these impacts through other means, e.g., public meteorology sources, routine inspections, and event reports required by conditions created by the severe weather. Therefore, the NRC did not consider adding a notification requirement for severe weather. Additionally, natural phenomena, such as severe weather, that pose a threat to licensees are reportable via licensee event report (LER) as required by § 50.73(a)(2)(iii).

Accordingly, the Commission did not change the NRC staff’s recommendations in the regulatory basis in response to this comment.

Comment 10 (009–4): Eliminating the event notification reporting requirements could result in licensees eliminating their procedures to voluntarily notify resident inspectors of issues the same day. Also, it would require resident inspectors to track due dates for licensee event reports, identify when they are not provided within 60 days, and follow up on non-reported items via the corrective action program, which is an additional burden contrary to the Commission’s directive.

NRC Response: The NRC disagrees with the comment. Although licensees often notify resident inspectors of event notifications, any internal licensee requirement to do so may be changed regardless of this rulemaking, as there is no existing regulatory requirement for them to notify resident inspectors. Resident inspectors have numerous other means of maintaining awareness of plant activities and conditions, which would not be impacted by this rulemaking.

Additionally, resident inspectors sample plant condition reports to ensure licensees submit required notifications, including event notifications and licensee event reports. This rulemaking would not impact that activity.

Finally, resident inspector follow-up of events happens largely in parallel with the development of event notification reports, not solely in response to event notification reports. The removal of event notifications would not substantially change the scope of resident inspector activities. Rather, it means that plant conditions meeting the criteria recommended for elimination under this rulemaking would no longer require specific follow-up due to an event notification report. Instead, such conditions would be treated as any other routine condition of potential interest to resident inspectors, and any follow-up activities inspectors choose to take would be driven via routine baseline activities.

Accordingly, the Commission did not change the NRC staff’s recommendations in the regulatory basis in response to this comment.

Comment 11 (009–5, 009–6): The NRC should not eliminate both the 4-hour reporting requirement to report discharge of the emergency core cooling system (ECCS) in § 50.72(b)(2)(iv)(A) and the requirement to report safety system actuation in § 50.72(b)(3)(iv), because then there will be no notification of these types of events.

NRC Response: The NRC disagrees with the comments. In Section 14.0 of the regulatory basis, the NRC staff determined that the 4-hour event notification requirement in § 50.72(b)(2)(iv)(A) is unnecessary. Nearly all events resulting in ECCS discharge into the reactor coolant system that are reported to the NRC are captured by the § 50.72(b)(2)(iv)(B) requirement to report reactor protection system (RPS) actuations because most ECCS actuations are also RPS actuation signals. The NRC’s analysis determined that situations where an ECCS actuates or is required to actuate, but a corresponding RPS actuation is not required, are not significant enough to

warrant prompt NRC actions. Risk-significant ECCS actuations result in corresponding RPS actuations when the reactor is at power. There are few risk-significant conditions where ECCS actuations may occur and RPS is not required to be active. Of those, such as during refueling activities with the reactor coolant system partially drained, the potential significance of the conditions is more appropriately captured by licensees' emergency action levels (EALs) and the associated notifications required in licensees' emergency plans. For non-risk-significant conditions where an ECCS actuation occurs and RPS actuation does not also occur, the NRC would not need to take prompt actions to fulfill its mission. These conditions are appropriately captured by the corresponding 60-day LER reporting requirements and routine baseline inspection activities.

Separately, in Section 19.0 of the regulatory basis, the NRC considered the 8-hour ECCS actuation reporting requirement as a subset of the reporting requirements for general safety system actuations in § 50.72(b)(3)(iv). The NRC found that prompt NRC actions were not warranted. For conditions reportable under this criterion (including general ECCS actuation signals, but not ECCS discharges that also result in RPS actuations), the NRC can fulfill its mission through routine inspections and the corresponding 60-day LER reporting requirements.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to these comments.

Comment 12 (010–1): The NRC should make the conditions reportable under § 50.72(b)(3)(xiii) reportable as an LER.

NRC Response: The NRC disagrees with the comment. As discussed in the "Licensee Event Report System" final rule (48 FR 33850, July 26, 1983), when the NRC established the LER system, the purpose of reports required via § 50.73 are for the NRC to obtain detailed narratives of potentially safety significant events. In the review of past reports made under this criterion, the NRC did not find any reports where the conditions requiring an event notification under § 50.72(b)(3)(xiii)—yet falling below the threshold of being reportable under other criteria—would be of sufficient potential safety significance to warrant the need for a detailed description through the LER reporting of § 50.73. As such, NRC awareness of these events would be adequately maintained under the NRC's baseline inspection program.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to this comment.

Comment 13 (012–1): The proposed changes may increase the burden on resident inspectors and require resident inspectors to devote more inspection time to plant status.

NRC Response: The NRC disagrees with the comment. Resident inspectors maintain awareness of a broad array of plant activities and conditions. Most of these conditions are not reportable. The elimination of the proposed reporting requirements does not imply that residents should track those conditions outside of event reports. Residents would still maintain awareness of plant activities and conditions via their normal methods, and residents would not have to give any more or less attention to those that were previously reportable than they would give to other plant conditions of interest that were not previously reportable.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to this comment.

Comment 14 (012–4): There appears to be a gap in the current requirements. The NRC requires licensees to report a loss of outbound (licensee to NRC) communication capability but does not require licensees to report a loss of inbound (NRC to licensee) communication capability. Section 50.72 should be modified to require notification of the NRC for any loss of communications capability (inbound or outbound).

NRC Response: The NRC agrees, in part, with this comment. The current reporting requirements do not require licensees to notify the NRC of a loss of inbound communications capability. Licensees are not required to report a loss of inbound communications because there is no reliable way for licensees to test or otherwise know that inbound communications capabilities are lost. However, the NRC tests inbound communications daily with routine calls between licensees and the NRC's Headquarters Operations Officers. This testing allows the NRC to become aware of any loss of inbound communications capabilities.

Accordingly, the Commission did not change the NRC staff's recommendations in the regulatory basis in response to this comment.

10 CFR Parts 20, 50, 52, and 53—Decommissioning Licensing Enhancements

The NRC is proposing revisions to decommissioning licensing regulations

in 10 CFR parts 20, 50, 52, and 53. Proposed changes to decommissioning requirements build on prior NRC initiatives, including the rulemaking effort discussed in SECY–24–0011, "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning." However, given that the Commission is presently considering the NRC staff recommendations in SECY–24–0011, the revisions in this proposed rule would be separate from, and would not rely on, those recommendations.

A. Expansion of Partial Site Release Requests

In 2003, the NRC published a final rule that added § 50.83, "Release of part of a power reactor facility or site for unrestricted use" (68 FR 19711). Section 50.83 requires NRC approval for a partial site release for unrestricted use at a reactor site before NRC approval of the licensee's License Termination Plan (LTP). Before that final rule, there was no guidance for allowing a portion of a site to be released for unrestricted use, and the entire license footprint must have been decommissioned at the end of the facility's operating period. The flexibility of a partial site release allowed 10 CFR part 50 power reactor licensees to request release of portions of the facility at any time prior to the approval of the LTP, including during facility operations. Partial releases following LTP approval would be governed by the LTP or changes thereto, and partial releases for restricted use are not permitted prior to LTP approval. Under § 50.83, licensees may request a partial site release by providing specific information to the NRC, where the extent of the information necessary depends on whether the area to be released has been designated as "nonimpacted" or "impacted."

In 2007, the NRC published a final rule amending 10 CFR part 52 (72 FR 49517). That final rule included in 10 CFR part 52 provisions analogous to the decommissioning and license termination sections in 10 CFR part 50, yet the 10 CFR part 52 provisions reference only §§ 50.51 and 50.82, which do not include requests for partial site release. Part 53 also includes a partial site release provision in § 53.1080, "Release of part of a commercial nuclear plant or site for unrestricted use." This proposed rule would correct this exclusion in 10 CFR part 52 by including a new section, § 52.111, "Release of part of a power reactor facility or site for unrestricted use," to add a specific provision for release of part of a site for unrestricted use before license termination for 10

CFR part 52 licensees. The language in proposed § 52.111 is nearly identical to the language in § 50.83, with specific applicability to holders of a combined license under 10 CFR part 52. The NRC is also proposing minor conforming changes to 10 CFR part 20, “Standards for Protection Against Radiation,” subpart E, “Radiological Criteria for License Termination,” to include the release of part of a facility or site under the proposed § 52.111 and to limit the circumstances for which the Commission could require additional cleanup following release for unrestricted use. The proposed changes would provide 10 CFR part 52 licensees with a clear and efficient path toward releasing a portion of their site prior to license termination and would align the regulations in 10 CFR part 52 with those in 10 CFR parts 50 and 53, without any reduction in safety or security.

B. Reducing Regulatory Requirements for Prompt Decommissioning of Power Reactors

In 1996, the NRC amended its regulations to require power reactors licensed under 10 CFR part 50 to submit a Post-Shutdown Decommissioning Activities Report (PSDAR) before or within 2 years of permanent cessation of operations instead of a detailed Decommissioning Plan (DP) (61 FR 39278). Prior to the 1996 amendment, the DP approach, which is currently the required licensing mechanism for nonpower production or utilization facilities and all nuclear materials facilities, prohibited power reactor licensees from performing dismantlement activities until the NRC reviewed and approved the DP and issued an associated order permitting decommissioning activities in accordance with the approved plan.

Given that power reactor licensees have 60 years to terminate their license per §§ 50.82(a)(3), 52.110(c), and 53.1070(c), the introduction of the PSDAR allowed these licensees to either begin dismantlement activities promptly or place the reactor in storage and delay dismantlement, the standard industry practice at the time. During the development of the 1996 rule, the NRC assumed that power reactor licensees would not be ready to terminate their license within a few years after permanent cessation of operations. The PSDAR does not require NRC approval, rather, under §§ 50.82(a)(9)(i), 52.110(i)(1), and 53.1070(i)(1), the licensee must submit the LTP for NRC review and approval before 2 years of expected license termination. Decommissioning must be performed in accordance with the approved LTP.

Under current regulations in §§ 50.82(a)(4)(i), 52.110(d)(1), and 53.1070(d)(1), the PSDAR submitted to the NRC must contain a schedule of planned decommissioning activities, an estimate of the decommissioning costs expected to be incurred, and a discussion of environmental impacts of decommissioning. Under current regulations in §§ 50.82(a)(9)(ii), 52.110(i)(2), and 53.1070(i)(2), the LTP submitted to the NRC must contain identification of remaining dismantlement activities, an updated site-specific estimate of remaining decommissioning costs, and supplement to the environmental report describing any new information or significant environmental change associated with the licensee’s proposed termination activities. In addition, the LTP must include a site characterization; plans for site remediation; detailed plans for the final radiation survey; a description of the end use of the site, if restricted; and identification of parts, if any, of the facility or site that were released for use before approval of the LTP. The NRC recognizes the overlap in information submitted in both the PSDAR and LTP. If a licensee planned to promptly terminate the license after permanent shutdown, much of the information would be redundant.

The future landscape of power reactors licensed under 10 CFR parts 50, 52, and 53 will include various reactor technologies, types, and sizes. Therefore, the decommissioning of such reactors will vary tremendously, and accordingly, the NRC is proposing to proactively amend the decommissioning licensing process to provide regulatory enhancements and flexibility in the decommissioning and subsequent license termination of all potential reactors. To accommodate licensees who may decommission and terminate their license promptly after shutdown, the NRC is proposing to eliminate the requirement to submit a PSDAR if an LTP is submitted before or within 2 years of permanent cessation of operations.

To implement this proposed change, the NRC proposes conforming changes to certain requirements that commence at the time the PSDAR is submitted in §§ 50.82(a)(5), 50.82(a)(7), 52.110(e), 52.110(g), 53.1070(e), and 53.1070(g). The NRC is also proposing to amend the duplicative requirement in §§ 50.82(a)(8)(iii) and 52.110(h)(3) related to submission of a site-specific decommissioning cost estimate.

C. Public Engagements Related to Decommissioning Licensing Actions

Under current NRC regulations §§ 50.82(a)(4)(ii), 52.110(d)(2), and 53.1070(d)(2), the NRC must notice receipt of the PSDAR in the **Federal Register**, make the PSDAR available for public comment, hold a public meeting in the vicinity of the site being decommissioned, and publish details about the public meeting in the **Federal Register** and in a local forum. In the nearly 30 years since the creation of the PSDAR, the NRC has gained experience with preparing and reviewing PSDARs and conducting associated public interactions. Public engagements related to submittal of a PSDAR impose significant costs on the NRC and licensees without commensurate safety benefits, and public comments have rarely resulted in changes to a licensee’s PSDAR. This proposed rule would eliminate the requirement for the NRC to notice receipt of the PSDAR and make the PSDAR available for public comment. The NRC would continue to use the information in the PSDAR to maintain public health and safety at the beginning of the decommissioning process.

Additionally, this proposed rule would modify the locality requirement for the NRC to hold a public meeting for the PSDAR, LTP, or a partial site release request “in the vicinity of the site,” as required by §§ 50.82(a)(4)(ii), 50.82(a)(9)(iii), 50.83(f), 52.110(d)(2), 52.110(i)(3), 52.111(f), 53.1070(d)(2), 53.1070(i)(3), and 53.1080(f). This proposed rule would maintain the requirement for the NRC to host a public meeting and modernize NRC regulations to accommodate current and future practices for how the NRC currently conducts public meetings in support of its long-standing position that public involvement in NRC activities is a cornerstone of strong, fair regulation of the nuclear industry.

D. Shortening the Period After Submittal of a PSDAR Before Major Decommissioning Activities May Begin

Under current NRC regulations in §§ 50.82(a)(5), 52.110(e), and 53.1070(e), a power reactor licensee may not begin major decommissioning activities until 90 days after the NRC receives the PSDAR and until certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel have been submitted. The purpose of the current 90-day restriction was for the NRC to engage stakeholders during its review of the PSDAR before dismantlement and remediation began onsite. Because this proposed rule

would eliminate the required public comment period associated with the PSDAR, the NRC's review of future PSDAR submittals would be completed much faster. The NRC anticipates these reviews would be completed within 30 days. Therefore, this proposed rule would reduce the timeframe from 90 days to 30 days after the NRC receives the submittal required before or within 2 years of permanent cessation of operations (*i.e.*, PSDAR or LTP).

10 CFR Parts 50, 52, and 53—Financial Qualifications and Decommissioning Trust Fund Use

A. Conforming the Financial Qualifications Requirements for 10 CFR Parts 50 and 52 Applicants With the Financial Qualifications Requirements for 10 CFR Part 53 Applicants

Under §§ 50.33(f) and 52.77, applications for utilization facility permits and licenses under 10 CFR parts 50 and 52, respectively, are required to include, except for an electric utility applicant for a license to operate a utilization facility of the type described in paragraph (b) of § 50.21, “Class 104 licenses; for medical therapy and research and development facilities,” or in § 50.22, “Class 103 licenses; for commercial and industrial facilities,” information sufficient to demonstrate that the applicant “possesses or has reasonable assurance of obtaining” the funds necessary for construction and/or operation, as applicable, of the facility along with associated financing details. However, for commercial nuclear plants licensed under 10 CFR part 53, the NRC uses the less restrictive financial qualifications standard of “appears to be financially qualified,” which is similar to the standard used in paragraph (a)(5) of § 70.23, “Requirements for the approval of applications,” for the possession of special nuclear material.

In 2018, the NRC staff submitted to the Commission a draft proposed rule to change the NRC's financial qualifications requirements in 10 CFR part 50 to match the language of 10 CFR part 70. In 2022, the Commission issued SRM-SECY-18-0026, “Proposed Rule: Financial Qualifications Requirements for Reactor Licensing,” disapproving the draft proposed rule. Instead, the Commission directed the staff to address this issue during the development of 10 CFR part 53 and to solicit stakeholder feedback on financial qualifications. As directed, the staff solicited stakeholder feedback on using the 10 CFR part 70 standard in 10 CFR part 53 and, based on that feedback, 10 CFR part 53 ultimately did use the 10 CFR part 70 standard.

The NRC is now proposing to change § 50.33(f)(1) and (2) so that they conform to the financial qualifications standard for 10 CFR part 53 applicants. Specifically, the proposed changes to § 50.33(f)(1) and (2) would replace the current “possesses or has reasonable assurance of obtaining the funds necessary” financial qualifications standard with the 10 CFR part 53 “appears to be financially qualified” financial qualifications standard. And, as with 10 CFR part 53, the proposed changes would provide that if available funding at the time of application is 50 percent or less, the applicant should include proposed license conditions to facilitate verification that funding is available prior to the start of construction and/or operation, as applicable. These changes would ensure that the NRC's regulations are consistent.

B. Decommissioning Trust Fund Use

In 2024, the NRC issued “Interim Staff Guidance: Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal” (89 FR 63447), providing both the NRC's position on the topic and information that would assist the NRC staff in evaluating a request for an exemption from § 50.82 to allow for a decommissioning trust fund (DTF) withdrawal for major radioactive component disposal during operations. To date, the NRC has evaluated and approved two separate exemption requests related to the use of the DTF during operations and is currently evaluating a third. The NRC expects a significant number of similar requests in the foreseeable future. The NRC evaluates each exemption request for a DTF withdrawal during operations to ensure that it meets the criteria for exemptions in § 50.12, “Specific exemptions,” and considers the totality of facts in determining whether to grant or deny the request. Each request is accompanied by a safety and environmental review, which results in an average review time of 9 months.

To reduce time and resource burdens on both the industry and the NRC, rather than relying on the exemption process, the NRC proposes to establish a 60-working day notice/negative consent process. This proposed rule changes would explicitly allow the use of DTFs during operations for radiological decommissioning activities, including, but not limited to, major radioactive component disposal, under certain defined circumstances. This proposed rule would not change the NRC's existing practice of evaluating a DTF withdrawal notice for

“extraordinary circumstances,” using guidance similar to the current Interim Staff Guidance. Additionally, proposed changes to §§ 50.75 and 53.1045 would maintain the condition that licensees must continue to have sufficient funds available for decommissioning in the DTF. More information is provided in the draft Regulatory Guide (DG)–1476 (proposed RG 1.159, Revision 4), “Assuring the Availability of Funds for Decommissioning Nuclear Reactors.”

The NRC would continue to implement its robust decommissioning funding assurance oversight program, including the review of decommissioning funding status reports for operating reactors. These reports enable the NRC to ensure that funding will be available to safely decommission a facility that has permanently ceased operation, and to identify and respond to shortfalls in reasonable assurance, should they occur. These activities would provide an appropriate level of oversight to prevent funding shortages.

10 CFR Part 50—Risk Informed Seismic Design

Within the current regulatory framework, all power reactor applicants under 10 CFR parts 50 and 52 are required to meet appendix S, “Earthquake Engineering Criteria for Nuclear Power Plants,” to 10 CFR part 50, which does not allow for a graded approach to seismic design based on the risks of the facility or the SSCs within the facility. Appendix S to 10 CFR part 50 currently only allows for use of a single design-basis ground motion (DBGM), referred to as the safe-shutdown earthquake ground motion (SSE), and imposes a minimum peak ground acceleration (consistent with the highest risk level) for the response spectrum at the foundation level of structures.

Recently developed guidance, DG–4036 (proposed RG 4.29), “Graded Approach to Site Characterization for New Reactor Applications,” which would support changes to 10 CFR part 100, “Reactor Site Criteria,” in the proposed rule, “Modernizing Reactor Licensing, Safety Oversight, and Siting Practices” (91 FR 44560), would provide guidance on determining appropriate DBGMs for a facility based on the potential consequences from a design basis seismic event. DG–4036 also would include an appendix providing guidance on optimization of a facility's seismic design basis based on the use of multiple seismic design categories and associated DBGMs. This proposed rule would modify appendix S to 10 CFR part 50 to allow use of these risk-informed approaches under 10 CFR

parts 50 and 52. A guidance document supporting this proposed rule, DG-1471 (Draft RG 1.208 Revision 2), “A Performance-Based Approach to Define the Site-Specific Earthquake Ground Motion,” would rely on the proposed changes to 10 CFR part 100.

Section 53.480 includes a risk-informed and performance-based alternative to appendix S to 10 CFR part 50 that allows for the use of multiple DBGMs for 10 CFR part 53 applicants and licensees. The different target performance goals associated with each DBGM provide varying levels of reliability during a seismic event, which can be assigned based on the safety-significance of SSCs or potential radiological consequence resulting from failure of the SSCs during a seismic event and enable the gradation of seismic design criteria for SSCs. Similarly, and in a separate rulemaking, the proposed 10 CFR part 57, “Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles” (91 FR 23628), would provide a risk-informed and performance-based regulatory framework that would not preclude the use of multiple DBGMs for 10 CFR part 57 applicants and licensees. The proposed update to appendix S to 10 CFR part 50 in this rulemaking would be consistent with the risk-informed and performance-based approaches addressed in these other regulatory frameworks and DG-4036 and would enable the implementation of such approaches under 10 CFR parts 50 and 52.

These proposed rules and guidance would enable nuclear facilities to avoid overly conservative seismic design requirements by risk informing seismic design to the appropriate level needed to ensure safety.

10 CFR Part 50—Probabilistic Risk Assessment Requirements

Section 50.69, “Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors,” of 10 CFR provides an alternative, risk-informed approach for establishing the requirements for the treatment of SSCs in nuclear power reactors. Under this approach, SSCs are categorized according to their safety significance. The current regulations permit this alternative approach for holders of an operating license (OL) for a light water reactor (LWR) under 10 CFR part 50, holders of a renewed LWR license under 10 CFR part 54, “Requirements for Renewal of Operating Licenses for Nuclear Power Plants,” applicants for a construction permit (CP) or OL under 10 CFR part 50, and applicants for a

standard design approval (SDA), a combined license (COL), or a manufacturing license (ML) under 10 CFR part 52.

The NRC is proposing to amend § 50.69 to extend the applicability of its alternative approach to holders of an LWR CP under 10 CFR part 50, as well as to applicants for an LWR design certification and holders of an LWR COL and ML under 10 CFR part 52.

10 CFR parts 50, 52, 53, 70, and 72—Backfitting and Issue Finality Provisions

The NRC regulations include several backfitting and issue finality rules that provide for the predictability and stability of NRC regulations. Although these rules vary to an extent, each generally requires the NRC to demonstrate that specific criteria are met before imposing new or revised requirements on certain holders of, and certain applicants for, NRC approvals.

The NRC has always considered nuclear power reactors licensed under section 103 or 104b of the Atomic Energy Act of 1954, as amended (AEA) (*i.e.*, commercial nuclear power reactors) to be within the scope of § 50.109, “Backfitting.” In 2026 (91 FR 2287), the NRC issued a notice of interpretation explaining that commercial non-power production or utilization facilities (NPUFs) licensed under section 103 of the AEA are within the scope of § 50.109 and non-commercial NPUFs licensed under section 104 of the AEA are excluded from the scope of § 50.109. This proposed rule would revise § 50.109 to clarify this applicability.

The current § 50.109 does not require the NRC to consider the costs of its actions in cases of ensuring, defining, or redefining adequate protection, or in cases of ensuring compliance with NRC requirements or conformance with written licensee commitments. Unless a backfit is necessary for ensuring, defining, or redefining adequate protection or is necessary for compliance, § 50.109 requires the NRC to demonstrate through a systematic and documented analysis (*i.e.*, a backfit analysis) that there is a substantial increase in the overall protection of public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation are justified in view of this increased protection.

The NRC also has backfitting rules in § 70.76, “Backfitting,” for entities licensed to possess special nuclear material in quantities greater than a critical mass and engage in specific activities (*e.g.*, fuel facilities), and

§ 72.62, “Backfitting,” for independent spent fuel storage installations and monitored retrievable storage installations. These regulations provide definitions of “backfitting” and related requirements similar to those in § 50.109.

The regulations in 10 CFR part 52 include several issue finality provisions related to the licensing of nuclear power reactors involving early site permits, standard design certifications, COLs, SDAs, and MLs. The design certification rules in the appendices to 10 CFR part 52 also include specific backfitting and issue finality provisions. The issue finality provisions generally accomplish the same objective as the backfitting provisions by limiting changes to certain decisions made as part of the 10 CFR part 52 licensing process. For example, there are several issue finality provisions in 10 CFR part 52 that require justification similar to § 50.109 for NRC-initiated changes affecting issue finality.

The regulations in 10 CFR part 53 also include a backfitting rule in § 53.1590, “Backfitting,” and issue finality provisions related to the licensing of nuclear power reactors under 10 CFR part 53. The backfitting rule and issue finality provisions in 10 CFR part 53 are generally equivalent to the backfitting rule in § 50.109 and issue finality provisions in 10 CFR part 52.

Backfitting generally does not include changes made by the NRC at the request of an applicant, licensee, or similar entity, such as changes made in response to a request for a license amendment, exemption, or departure. Changes affecting issue finality can be initiated by an applicant, licensee, or the NRC.

On November 29, 2016, the Commission issued SRM-COMSECY-16-0020, “Revision of Guidance Concerning Consideration of Cost and Applicability of Compliance Exception to Backfit Rule” (ML16334A462), and directed the staff to consider costs in compliance backfit justifications and to make other changes in how the backfit and issue finality rules are implemented. The term “compliance backfit” encompasses both backfitting actions and changes affecting issue finality to ensure compliance with NRC requirements. This direction was based, in part, on the Supreme Court’s 2015 decision in *Michigan v. Environmental Protection Agency*, 576 U.S. 743 (2015), that reflects the view that under the Administrative Procedure Act, unless Congress has indicated otherwise, an agency’s decision-making calculus should include at least some consideration of the cost placed on a

licensee to comply with new requirements.

Under the NRC's current regulations, the NRC uses a compliance backfit justification when a modification is necessary to bring a facility into compliance with NRC requirements or into conformance with written commitments by the licensee. Compliance backfitting is limited to addressing situations in which the NRC approved a method of compliance with a requirement and later determines that (1) the method does not comply with the requirement and (2) the previous approval occurred because of an omission or mistake of fact at the time of approval. New or modified interpretations of what constitutes compliance are not within the scope of the compliance backfit justification but may be considered under the other applicable justifications for backfitting or imposing a change affecting issue finality. Prior to SRM-COMSECY-16-0020, the NRC evaluation of compliance and adequate protection backfits or changes affecting issue finality were similar, and costs were not considered in either case.

On September 19, 2019, NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests," was revised to reflect the Commission's updated policy in SRM-COMSECY-16-0020 on the implementation of the backfitting and issue finality rules. As described in the revised MD 8.4, if the NRC is considering a backfitting action or change affecting issue finality, it must first consider whether regulatory action is an issue of adequate protection (*i.e.*, necessary to provide reasonable assurance of adequate protection or involving defining or redefining adequate protection) and, if so, whether there is an imminent threat to public health and safety. If regulatory action is not an issue of adequate protection, then the NRC needs to determine if the proposed action satisfies the applicable compliance backfit criteria, which includes cost considerations. Finally, if the proposed action does not satisfy the applicable compliance backfit criteria, then the NRC may consider whether the proposed action is a cost-justified substantial increase in overall protection. The issue finality provisions can vary from this approach because some issue finality provisions allow for other justifications and some do not allow for a cost-justified substantial increase in overall protection.

Therefore, by the process described in MD 8.4, a compliance backfit is not necessary for reasonable assurance of

adequate protection of public health and safety or the common defense and security. The NRC must consider costs in the compliance backfit justification but, in contrast to a cost-justified substantial increase in overall protection, the NRC is afforded substantial flexibility in its cost considerations and does not need to demonstrate a substantial increase in overall protection.

On June 6, 2022, the NRC staff requested Commission approval to publish the proposed rule described in SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-A166)" (package ML21159A055). In response, the Commission issued SRM-SECY-22-0052 (ML24326A003), which approved the publication of a revised proposed rule that would, among other things, clarify the backfitting and issue finality requirements in 10 CFR parts 50 and 52 that govern changes to early site permits, SDAs, and manufacturing licenses. These proposed clarifications and other proposed changes are included in this rulemaking with some differences to what was described in SECY-22-0052.

E.O. 14300, section 5(f), directs the NRC to "[e]stablish stringent thresholds for circumstances in which the NRC may demand changes to reactor design once construction is underway" as part of the wholesale revision of its rules and guidance documents. The NRC's backfitting regulations in §§ 50.109 and 53.1590 and issue finality provisions in 10 CFR parts 52 and 53, among other regulations, include such thresholds. Additionally, in response to E.O. 14267, the Commission identified that several backfitting and issue finality provisions could be modified to reduce their competitive burden. In response to E.O.s 14300 and 14267, the NRC proposes to amend its backfitting and issue finality rules to eliminate the compliance backfit exception, revise and clarify the applicability of the backfitting and issue finality requirements, add criteria to allow the NRC to reduce regulatory burden, and make other corrections.

Specifically, the proposed amendments would revise the backfitting rules in §§ 50.109, 53.1590, 70.76, and 72.62. This proposed rule does not apply to the backfitting rule in 10 CFR part 76, "Certification of Gaseous Diffusion Plants," because 10 CFR part 76 is no longer used and is scheduled to be sunset on January 8, 2027. The proposed amendments would also revise the following issue finality rules that apply to early site permits, design certifications, and manufacturing

licenses issued under 10 CFR parts 52 or 53: §§ 52.31, "Criteria for renewal," 52.39, "Finality of early site permit determinations," 52.59, "Criteria for renewal," 52.63, "Finality of standard design certifications," 52.171, "Finality of manufacturing licenses; information requests," 52.179, "Criteria for renewal," 53.1176, "Criteria for renewal," 53.1188, "Finality of early site permit determinations," 53.1257, "Criteria for renewal," 53.1263, "Finality of standard design certifications," 53.1288, "Finality of manufacturing licenses," and 53.1295, "Renewal of manufacturing licenses."

In addition, the proposed amendments would revise the plant-specific backfitting limitations in paragraph VIII.B.3 of the five design certification rules currently in effect:

a. Appendix A to 10 CFR part 52, "Design Certification Rule for the U.S. Advanced Boiling Water Reactor,"

b. Appendix D to 10 CFR part 52, "Design Certification Rule for the AP1000 Design,"

c. Appendix E to 10 CFR part 52, "Design Certification Rule for the ESBWR Design,"

d. Appendix F to 10 CFR part 52, "Design Certification Rule for the APR1400 Design," and

e. Appendix G to 10 CFR part 52, "Design Certification Rule for NuScale."

Two design certifications have expired because no timely renewal applications were submitted in accordance with § 52.57, "Application for renewal." These are appendix B to 10 CFR part 52, "Design Certification Rule for the System 80 + Design," and appendix C to 10 CFR part 52, "Design Certification Rule for the AP600 Design." Accordingly, this proposed rule would apply to the five design certifications currently in effect and would not apply to the two expired design certifications.

Parts 52 and 53—Notification of Initial Fuel Load

The current regulations in §§ 52.103(a) and 53.1452(a) require an applicable licensee to notify the NRC of the licensee's scheduled date for initial loading of fuel at least 270 days before the scheduled date and subsequently to notify the NRC of any updates to the schedule every 30 days thereafter. In those cases where, after providing the initial notification, the licensee experiences extended delays, the licensee would still be required to provide updates every 30 days even if the schedule no longer changes. The regulations in § 53.1452(a) also require that COL holders installing fueled manufactured reactors notify the NRC at

least 270 days prior to initiating the removal of the features to prevent criticality and subsequently to notify the NRC of any updates to the schedule every 30 days thereafter. This proposed rule would eliminate the requirement for recurrent reporting of updates to the licensee's scheduled date for initial fuel load every 30 days after the initial report submitted no less than 270 days before the scheduled date. Instead, this would be replaced with a requirement to notify the NRC only in those cases where, after providing the initial notification, the scheduled date for initial fuel load is revised.

10 CFR Part 52—Requirements for Evaluation of Generic Issues and Operating Experience

The regulations in §§ 52.47(a)(21) and (22), 52.79(a)(20) and (37), 52.137(a)(21) and (22), and 52.157(f)(28) and (29) require applicants to submit, for NRC review, certain generic issues and operating experience from generic communications technically relevant to the associated design. As explained in Regulatory Guide 1.206, "Applications for Nuclear Power Plants," Revision 1, October 2018, the scope of the generic issues to be evaluated is those Unresolved Safety Issues (USIs) and medium- and high-priority Generic Safety Issues (GSIs) that (1) are identified in the version of NUREG-0933, "A Prioritization of Generic Safety Issues," current on the date up to 6 months before the docket date of the application and (2) are technically relevant to the design. RG 1.206, Revision 0, "Combined License Applications for Nuclear Power Plants," also states that the scope of the operating experience from generic communications to be evaluated is those Generic Letters and Bulletins issued after the most recent revision of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," and 6 months before the docket date of the application, or comparable international operating experience.

The Commission's Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants (50 FR 32138; August 8, 1985) and Policy Statement on Standardization (52 FR 34884; September 15, 1987) introduced the policy of evaluating USIs and medium- and high-priority GSIs, including a special focus on assuring the reliability of decay heat removal systems and the reliability of electrical supply systems. The 1989 10 CFR part 52 rulemaking (54 FR 15372; April 18, 1989) codified the policy, and the

subsequent 10 CFR part 52 rulemaking (72 FR 49352; August 28, 2007) introduced the provisions related to operating experience.

As discussed in SECY-15-0002, "Proposed Updates of Licensing Policies, Rules, and Guidance for Future New Reactor Applications" (ML13277A420), while 10 CFR part 50 does not contain regulations identical to those in 10 CFR part 52, under Commission policy, applicants under 10 CFR part 50 demonstrate the resolution of USIs and GSIs prior to issuance of an operating license.

The NRC proposes to remove this codified requirement for 10 CFR part 52 applicants, and to ensure consistency across frameworks, applicants under 10 CFR part 50 would not be required to demonstrate the resolution of USIs and GSIs prior to issuance of an operating license as well. These applicants would still be required to demonstrate that applicable NRC safety requirements are satisfied. Part 53 does not include requirements related to the evaluation of the generic issues and operating experience as does 10 CFR part 52.

The evaluation of the generic issues and operating experience from generic communications was intended to lead to improved efficiency and effectiveness of the NRC safety reviews. However, experience with new reactor licensing has demonstrated that these requirements have led to applicants expending significant resources without significant contributions to either the effectiveness or efficiency of the associated safety review. Accordingly, the evaluation is an unnecessary burden given the limited benefit. This assessment result is largely based on the following.

First, as the subject generic issues and generic communications were resolved, regulations and guidance have typically been revised or developed to inform future safety reviews. The regulatory guidance, e.g., the Standard Review Plan and Advanced Reactor Content of Application Project (ARCAP) guidance (<https://www.nrc.gov/reactors/new-reactors/advanced/modernizing/guidance/advanced-reactor-content-of-application-project.html>), regulatory guides, and endorsed industry consensus standards, contain provisions and acceptance criteria that reflect the lessons learned from past operating experience including generic issues and generic communications. In addition, as the NRC's approach to new and advanced reactor licensing has substantially evolved, the consideration of operating experience, generally broader than those from generic issues and generic communications, are further

integrated into both NRC and industry guidance and practices. An example is the advancement and increased use of probabilistic risk assessment (PRA), which is required under 10 CFR part 52. The industry PRA standard, endorsed by the NRC in regulatory guides, involves an evaluation of operating experience for various technical elements including initiating event analysis and event sequence analysis with an emphasis on a systematic and comprehensive assessment of hazards and associated licensing events of potential risk or safety significance. Accordingly, licensing experience has demonstrated that a separate evaluation of the subject generic issues and generic communications was not necessary as it largely became redundant.

Next, most past generic issues and generic communications are based on the operating LWRs. Their applicability and technical relevance to new and advanced reactors, such as small modular reactors and non-LWR reactors, are very limited. These new and advanced reactor designs, often much simpler and safer using inherent features and passive systems, have eliminated or reduced the potential risk that, historically, was addressed via evaluation of operating experience, including those identified in the generic issues or generic communications. The introduction of advanced reactor designs, such as microreactors, is expected to further limit the applicability and technical relevance of the subject generic issues and generic communications. Further, new and advanced reactor designs are significantly different from the operating reactors and reflect the vast operating experience from the design and operation of nuclear reactors of earlier generations. For example, new and advanced reactors provide enhanced margins of safety and/or use simplified, inherent, passive, or other innovative means to accomplish their safety functions, consistent with the Commission's Policy Statement on the Regulation of Advanced Reactors (73 FR 60612; October 14, 2008).

Finally, since its inception in 1976, the NRC's Generic Issues Program addresses potential safety or security concerns that affect multiple nuclear facilities and are not adequately covered by existing regulations or programs. Most of the generic issues have been identified during the plant operations. USIs are a specific subset of generic issues that are considered to have potential safety significance and require further analysis before a regulatory decision can be made. Over the years, fewer generic issues have been

identified, with the most recent issue (GSI-206: Flooding of Nuclear Power Plant Sites Following Upstream Dam Failures) being identified in 2011. Currently, all generic issues have been resolved, generally meaning that regulations or programs are in place for future licensing reviews. Similarly for generic communications, the issuance of generic letters and bulletins has decreased over the years, with the most recently issued Bulletin being in 2012 and Generic Letter in 2016. With sections of NUREG-0800 being updated occasionally, those Bulletins and Generic Letters issued since the last update of NUREG-0800 are minimal or none, especially those that may be technically relevant to new and advanced reactors. The underlying issues associated with Generic Letters and Bulletins, which often involves an NRC information request from the affected licensees, are typically resolved as part of the process implementation of NRC MD 8.18, “Generic Communication Program.”

Accordingly, this rulemaking would eliminate the regulations under 10 CFR part 52 that require applicants to submit for NRC review an evaluation of generic issues and operating experience from generic communications technically relevant to their design.

10 CFR Parts 50, 52, and 53—Standard Design Approvals

Under current regulations, §§ 52.147 and 53.1218, SDAs expire 15 years after issuance. This expiration period is inconsistent with the duration of other approvals, such as design certifications and combined licenses, that are also supported by renewal provisions.

Moreover, SDAs are currently excluded from the change control processes outlined in §§ 50.59, “Changes, tests, and experiments,” and 53.1550, “Evaluating changes to facility as described in Final Safety Analysis Reports.” They also lack a mechanism for amendments requiring prior NRC approval, limiting the ability of SDA holders to update their designs without initiating a new approval process.

Accordingly, this rulemaking addresses stakeholder feedback and supports the NRC’s strategic objectives to modernize its regulatory framework, reduce unnecessary regulatory burden, and foster innovation in reactor design by amending 10 CFR 52.147 and 53.1218 to remove the expiration date for SDAs.

10 CFR Parts 52 and 53—Environmental Reviews of Early Site Permits

At a high level, the National Environmental Policy Act of 1969, as

amended (NEPA), requires Federal agencies, including the NRC, to consider significant effects of a major Federal action on the quality of the human environment. In general, this process involves determining the appropriate level of review (*i.e.*, whether an environmental document such as an environmental impact statement or an environmental assessment is required or whether a categorical exclusion applies). As relevant to this rulemaking, the NRC’s current regulations in §§ 52.18 and 53.1149(a), both titled, “Standards for review of application,” require that the NRC prepare an environmental impact statement as part of its review of an application for an early site permit, regardless of whether a lesser level of review would be more appropriate. As such, this proposed rule would no longer require the NRC to always prepare an environmental impact statement for early site permits. Instead, the NRC would have the flexibility to assess the appropriate level of its environmental reviews on a case-by-case basis, commensurate with the reasonably foreseeable effects on the quality of the human environment. This proposed change would result in internal efficiencies and reduce resource burdens, including lesser burdens on applicants to provide supporting information, where preparation of an environmental impact statement would not be warranted.

10 CFR Part 50—Post-TMI Requirements

As discussed in SECY-22-0052 and as approved in SRM-SECY-22-0052, the NRC is proposing to amend paragraph (f), “Additional TMI-related requirements” of § 50.34, “Contents of applications; technical information.” Specifically, § 50.34(f) would be amended to require 10 CFR part 50 applicants to provide information related to addressing lessons learned from the Three Mile Island (TMI) accident in the same manner as currently required for 10 CFR part 52 applicants. These changes would improve clarity or remove unnecessary requirements and ensure consistency in new reactor licensing reviews across licensing frameworks.

10 CFR Parts 50, 53, and 55—Updates to the Operator Licensing Programs

A. Minimum Number of Manipulations

In 10 CFR part 55, “Operators’ Licenses,” § 55.31(a)(5) currently requires that operator license applicants, as trainees, provide evidence of successfully manipulating the controls of either the plant for which the license is sought or a simulator. It

further specifies that at least five significant control manipulations must be performed that affect reactivity or power level.

The NRC identified § 55.31(a)(5) as a regulation that should be considered for revision because it is prescriptive, based on currently operating reactors, and may not be needed for safety in all cases (*e.g.*, for new advanced reactor designs). The NRC is proposing to change § 55.31(a)(5) to add a provision that in lieu of five significant control manipulations, the facility licensee may determine the minimum number of required control manipulations in accordance with its Commission-approved training program. This change would improve flexibility in those situations and ensure that an appropriate alternative is established.

B. Alternative Examination Standards

The NRC would revise paragraph (a) and delete paragraph (d) of § 55.40, “Implementation,” to allow the use of criteria other than the criteria in NUREG-1021, “Operator Licensing Examination Standards for Power Reactors,” and NUREG-1478, “Operator Licensing Examiner Standards for Research and Test Reactors,” to avoid the NRC having to revise the NUREGs for each new plant design and/or licensees having to submit exemptions that seek to use a document other than these NUREGs. Requiring the use of these NUREGs has been the means of complying with the AEA, which requires the Commission to “prescribe uniform conditions for licensing individuals as operators” for different classes of facilities, but the statutory requirement can still be achieved without having the examination standards for every plant design contained in a NUREG. For example, facility licensees could submit criteria for NRC review in an examination standards topical report.

C. Written Examinations and Operating Tests

The NRC would revise §§ 55.41(b), 55.43(b), and 55.45(a) to allow greater flexibility and clarity for the content of written examinations and operating tests. Currently, these regulations require that written examinations and operating tests include a representative sample of the topics listed therein, to the extent applicable to the design of the facility. These topics may not include all of the safety-significant topics applicable to plant designs that are not water-cooled reactors, so there may be other safety-significant topics that should be sampled on written examinations and operating tests for

operator license applicants at non-LWR plants but are not currently covered by these regulations. This could create ambiguity and confusion, resulting in exemption requests. The proposed edits to §§ 55.41(b), 55.43(b), and 55.45(a) would address these concerns.

D. Simplification of Simulator Requirements

The NRC would remove the terms “plant-referenced simulator” and “Commission-approved simulator” from 10 CFR part 55. The term “simulation facility” would remain, and its definition in § 55.4, “Definitions,” would be revised. The NRC would not add any new requirements for simulation facilities; the performance-based requirements that a simulation facility must meet in order to be used for operating tests, requalification, or meeting experience requirements would remain in § 55.46, “Simulation facilities.” These changes would clarify for facility licensees of reactors under construction the requirements that a simulation facility must meet to be used for operating tests, requalification, or meeting experience requirements. As long as a simulation facility meets these proposed requirements, it could be used for those purposes; there would be no need to determine whether the simulation facility is a plant-referenced simulator or if it instead must be approved as a simulation facility by the Commission. The NRC would confirm that a simulation facility complies with regulatory requirements by inspecting simulator performance test results and other simulator data as necessary. Additionally, the NRC has observed an increased use by the industry of “glasstop” simulators in training. “Glasstop” simulators consist of one or more touch-sensitive panels that mimic the analog and digital controls, alarms, and displays found in the main control room of a nuclear power facility. They do not look like a full-scale control room, but they can replicate plant systems accurately. The proposed changes would clarify for facility licensees of operating reactors the requirements to use glasstop simulators for additional purposes, such as conducting portions of the operating tests required by § 55.45. As long as a glasstop simulator meets the proposed requirements, it could be used for those purposes; there would be no need to determine whether the glasstop simulator is a plant-referenced simulator or if it instead must be approved as a simulation facility by the Commission. The NRC would confirm that a simulation facility complies with regulatory requirements by inspecting

simulator performance test results and other simulator data as necessary. Minor conforming changes would be made to § 53.725(c).

E. Requalification Examination and Program Periodicity Requirements

In § 55.59(a), “Requalification requirements,” the NRC requires each licensed operator to successfully complete a requalification program developed by the facility licensee and to pass a comprehensive written examination and an annual operating test as part of the requalification program. Paragraph (h) of § 55.53, “Conditions of license,” also contains a condition applicable to all operators’ licenses that the licensee shall complete the requalification program, which includes passing the annual operating tests and biennial written examination. This is redundant to § 55.59(a).

Section 55.59(a) also lists the topics that must be included on the written examination and operating test; however, this requirement is a program requirement, and it would be more appropriate to include under the program evaluation requirements in § 55.59(c)(4), “Evaluation.”

Additionally, in § 55.59(c), “Requalification program requirements,” the NRC requires that the requalification program be conducted for a continuous period not to exceed 2 years, and that each 2-year program (*i.e.*, cycle) be followed by a subsequent 2-year program. The NRC proposes to allow a facility licensee, using the systems approach to training process, to appropriately determine a different length of time for its requalification program and different requalification examination periodicities.

The NRC identified the foregoing regulations as ones that should be considered for revision because they are prescriptive and may not be needed for safety in all cases. The proposed changes to § 55.59 would improve flexibility by allowing alternatives where they are justified by the facility licensee in its approved requalification program.

Conforming changes are proposed to 10 CFR part 53. Furthermore, the NRC proposes to amend § 53.730(g)(3) to align requalification program implementation requirements to those in § 50.54(i–1). Currently, § 53.730(g) states that requalification programs must be approved by the NRC as part of its approval of the OL or COL for the plant, and § 53.730(g)(3) requires that the requalification program be implemented upon commencing the administration of initial examinations.

However, the administration of initial examinations could potentially begin before an OL is required to be approved. The proposed change would prevent this situation.

F. Requirements for Licensed Medical Examiners

The NRC would revise §§ 55.21, “Medical examination,” and 55.23, “Certification,” to allow either a physician or a licensed medical examiner to perform and certify the results of the medical examinations required for licensed operators and applicants for operator licenses. Currently, the medical examinations may only be certified by a physician, as defined in § 55.4, meaning an individual licensed to dispense drugs in the practice of medicine.

The NRC identified these requirements as anticompetitive and overly restrictive. The NRC proposes to allow a licensed medical examiner (*i.e.*, a medical professional, other than a physician, licensed by their state to independently perform medical examinations for the purpose of determining an individual’s medical health and general condition) to perform and certify the results of the medical examinations required for licensed operators and applicants for operator licenses. This proposed change would reduce burden by expanding the pool of available medical professionals, especially in rural areas where doctors already may be in relatively shorter supply. If more nuclear power plants are constructed, more operators will be needed, and they will need medical examinations. Allowing medical professionals licensed by their state to perform medical examinations to do the operator examinations would likely help alleviate demand for doctors, especially in areas where they may be in short supply.

Conforming changes would be implemented in §§ 53.765 and 53.775(b)(2).

G. Changes to Treatment of Medical License Conditions

The NRC would revise §§ 55.25, “Incapacitation because of disability or illness,” 55.27, “Documentation,” 55.33, “Disposition of an initial application,” and 55.53 to allow for certain medical conditions to be covered under a new, generic condition of licenses in § 55.53. Currently, applicants for a license must have a medical examination that must be certified by a physician on NRC Form 396, “Certification of Medical Examination by Facility Licensee.” The certifying physician must determine that the applicant either meets all health

requirements or, if the applicant does not meet all health requirements, that any medical conditions can be accommodated through specific license conditions (e.g., a license condition that says something akin to, “you shall wear corrective lenses while performing licensed operator duties,” for applicants who do not meet the minimum vision requirements). If the applicant’s Form 396 indicates that the applicant has no medical issues requiring accommodation via a license condition, then the applicant can be found by the Commission to meet the requirements of § 55.33(a)(1). If the applicant’s Form 396 indicates that the applicant has one or more issues that can be accommodated by one or more license conditions, then the Commission may issue a license with the specific license conditions that are necessary to accommodate the medical condition(s) (e.g., “you shall take medications as prescribed,” for an applicant who has diabetes that is controlled by medication). Once a license is issued, the license must be amended if either any new, permanent medical conditions arise that need to be accommodated by one or more license conditions, or if a medical condition changes such that one or more license conditions are no longer necessary (e.g., the operator gets LASIK surgery and no longer needs corrective lenses, rendering a license condition to wear corrective lenses unnecessary).

The NRC uses a qualified medical expert to review certain medical documents for applicants and operators to ensure that the license conditions proposed by the examining physician are sufficient to accommodate the identified medical conditions. The process is as follows:

- a. For new applications, the NRC reviews the applicant’s NRC Form 396.
- b. If corrective lenses, hearing aids, and/or use of a continuous positive airway pressure device are checked as necessary license conditions, then the NRC will not send the documentation forward for review by a qualified medical expert. The NRC will then issue a license with the corresponding specific license condition(s).
- c. If any other license conditions are identified as being necessary, then the NRC sends the documentation to a qualified medical expert, who reviews the applicant’s medical information (i.e., the “medical evidence” submitted on NRC Form 396) to make sure that the proposed license condition(s) will accommodate the medical condition(s). The qualified medical expert documents the results of his or her review and provides it to the NRC. The NRC issues

the license with the necessary, specific conditions listed on the license.

d. If a licensed operator develops a new, permanent medical condition that must be accommodated by one or more license conditions, then they must inform the NRC and submit a new NRC Form 396 to request any new, specific license conditions be added to the license. The NRC uses the same process described above for new applications for license amendments.

To streamline this process, the NRC proposes to add a new, generic condition of licenses to § 55.53 that would eliminate the need for specific license conditions for certain medical restrictions (i.e., corrective lenses, hearing aids, and use of a continuous positive airway pressure machine). The proposed new generic condition in § 55.53 would state that a licensee must comply with all license conditions identified on NRC Form 396 that are designated as covered by § 55.53(m), and NRC Form 396 would identify the medical restrictions (i.e., license conditions) that are covered by § 55.53(m). The number of licenses with specific conditions for corrective lenses and/or hearing aids that could be replaced with the proposed new generic license condition are as follows per region/office (note: license conditions to use a therapeutic device are not included in the count below since they may or may not be limited to continuous positive airway pressure machines, so these numbers are slightly lower than the numbers of specific license conditions that would actually be able to be replaced):

- *Headquarters*: 146 (71% of all licenses with specific medical conditions)
- *Region I*: 192 (40% of all licenses with specific medical conditions)
- *Region II*: 207 (25% of all licenses with specific medical conditions)
- *Region III*: 159 (30% of all licenses with specific medical conditions)
- *Region IV*: 148 (30% of all licenses with specific medical conditions)

On average, about 39% of licenses with specific license conditions would be “covered” under the proposed new general license condition in § 55.53(m).

Furthermore, there has been ambiguity for many years regarding what is considered a “permanent” medical condition. The NRC receives correspondence from facility licensees regarding temporary medical conditions; these correspondence are not required. The NRC proposes to amend §§ 55.25 and 55.27 to specify how facility licensees should accommodate temporary medical

conditions, as distinct from permanent medical conditions, and to clarify that these do not need to be treated in the same manner as permanent medical conditions.

H. Changes to Operator License Reporting Requirements

As discussed in § 50.74, “Notification of change in operator or senior operator status,” three reports are currently required for changes to operator status. NEI discussed these reports in a May 6, 2020, letter on the Retrospective Review of Administrative Requirements (RROAR) (ML20128J340) and recommended deleting them. The reporting requirements in § 50.74(a) and (b) address the situations where the 10 CFR part 55 license holder’s employment at the facility has been terminated or is no longer needed. The NRC does not propose to remove these two reporting requirements. The facility licensee should be responsible for reporting the required information to the NRC because (1) under this proposed rule, operator licenses would no longer be issued with license terms, and (2) the NRC needs to know the status of the operator licenses that it issues (including who actually holds operator licenses and, thus, is required to meet the requalification requirements and medical examination requirements). However, the NRC proposes to improve clarity by including these reporting requirements in 10 CFR part 55 instead of in 10 CFR part 50. The third reporting requirement, in § 50.74(c), is proposed to be deleted because it is redundant to §§ 55.25, and 55.25 would be amended to remove reference to § 50.74 and replace it with § 55.5, “Communications.”

Additionally, § 55.53(g) requires a licensed operator to notify the Commission within 30 days of conviction of a felony, and § 55.59(b) requires a licensed operator to submit evidence of completion of additional training to the Commission when necessary. The NEI letter dated May 6, 2020, regarding RROAR included a proposed change to § 55.53(g) to remove the burden of notifying the NRC from the individual operator. The NRC agrees and proposes to amend these sections to allow licensed operators to provide information to the NRC via the facility licensee rather than requiring the operator to provide it to the NRC directly. Conforming changes for § 55.53(g) would be made to §§ 53.785(h) and 53.810(f). Conforming changes for § 55.59(b) are not needed in 10 CFR part 53.

I. Revision to Training Requirements in § 50.120

Paragraph (b)(1) in § 50.120, “Training and qualification of nuclear power plant personnel,” includes an 18-month timeframe, based on the date of fuel load, for the establishment, implementation, and maintenance of a training program that meets the requirements of § 50.120(b)(2) and (3). This timeframe is not necessary for safety, and since the requirement was first established, ambiguity has existed as to what exactly is required to meet the 18 months before fuel load criteria. Therefore, the NRC proposes to change § 50.120 to clarify that the requirement to establish, implement, and maintain the training program must be met with sufficient time to ensure that qualified personnel are available to do their assigned jobs. This proposal was also included in a letter from NEI titled, “Industry Recommendations on Accelerating NRC Reform,” dated July 31, 2025 (ML25212A197).

Additionally, § 50.120 prescribes that specific training programs be implemented, including for a shift technical advisor. In 2020, NuScale submitted a topical report, which was approved by the NRC on May 26, 2021 (ML21231A286), to support future exemptions from the requirement to have a shift technical advisor training program because NuScale plants would not have a shift technical advisor. The NRC proposes to add “as applicable” to the list of personnel to be covered by the training program so as to avoid the need for future exemptions in cases where certain categories of plant personnel are determined not to be necessary at a plant.

Section 53.830, “Training and qualification of commercial nuclear personnel,” is already similar to proposed § 50.120, with a minor difference: § 53.830 states that prior to initial fuel load (or, for a fueled manufactured reactor, prior to initiating the removal of the features to prevent criticality required under § 53.620(d)(1)), each holder of an OL or COL must, with sufficient time to provide trained and qualified personnel to operate the facility, establish, implement, and maintain a training program that demonstrates compliance with the requirements of § 53.830(c) and (d). It imposes two time-based requirements to have the training programs established: prior to fuel load/initiating removal of features to prevent criticality, and with sufficient time to provide qualified personnel to operate the facility. The NRC proposes to remove the former requirement because

there is no reason to also require the training program to be implemented prior to fuel load, as this activity would require sufficiently trained and qualified or even licensed plant personnel, and that would be covered by the requirement to have trained and qualified personnel in time to perform jobs that require trained and qualified personnel.

J. Elimination of Wait Times for Re-Applications in § 55.35

Paragraph (a) of § 55.35, “Re-applications,” requires an applicant for an operator license whose application has been denied because of failure to pass the written examination, operating test, or both, to wait 2 months after the first denial, 6 months after a second denial, and then 2 years for each subsequent denial. These wait times are unnecessary and create additional burden for operator license applicants and facility licensees. Therefore, the NRC proposes to amend this requirement to allow applicants to file re-applications regardless of the time that has elapsed since the previous application denial.

K. Operating Tests

In § 55.40, the NRC currently provides the option for power reactor facility licensees to prepare, proctor, and grade the written examinations required by §§ 55.41, “Written examination: Operators,” and 55.43, “Written examination: Senior operators,” and to prepare the operating tests required by § 55.45, “Operating tests,” subject to conditions specified therein. Section 55.40 also says that the NRC shall prepare, proctor, and grade examinations and tests for non-power reactor facility licensees. These regulations became effective on October 20, 1999, in the final rule, “Initial Licensed Operator Examination” (64 FR 19868). The Commission did not then permit licensees to administer and grade operating tests (with NRC examiners observing facility employees) in part due to a concern with the reduced NRC involvement and the potential for impact on independence, objectivity, and public perception. In SECY-96-206, “Rulemaking Plan for Amendments to 10 CFR part 55 to Change Licensed Operator Examination Requirements” (ML20134C900), the NRC staff discussed the option of having NRC examiners observe facility employees conduct the simulator scenarios and a sample of the walk-through tasks for the operating tests for each applicant: “[This option] would have had the least NRC involvement and, therefore, the greatest potential impact on

independence and public perception. By not directly observing each applicant, the NRC examiner would be in a weaker position to judge the performance of the applicant so as to determine which applicants should pass or fail if a crew responded incorrectly during a simulator scenario.” In SRM-SECY-96-206, dated December 17, 1996 (ML20132C429), the Commission directed the NRC staff to continue to administer and grade the operating tests.

Today, nearly all power reactor operators’ license written examinations and operating tests are prepared by facility licensee staff, and power reactor operators’ license written examinations are frequently proctored and graded by facility licensee staff. As required by current regulations, operating tests are administered by an NRC examination team with the support of facility licensee personnel (e.g., facility licensee personnel run the simulator used for power reactor simulator scenarios, taking direction from the NRC chief examiner on when the simulator should initiate the events per the pre-approved simulator examination guide), and the NRC examiners conduct the grading of their designated applicants, with no input from facility licensee personnel.

Certain power and non-power reactor stakeholders have recently indicated an interest in also proctoring and grading the operating tests for their operator license applicants, such that the NRC’s role would shift from administering the operating tests and grading applicants to overseeing the facility licensee staff in its administration and grading of the operating tests. In addition, in its July 31, 2025, letter to the NRC, NEI recommended this change.

Moreover, industry now possess substantial experience in administering, proctoring, and grading examinations as part of both the Commission-approved INPO-accredited training process—which includes audit examinations that closely model NRC initial exams—and the long-standing NRC-mandated requalification program, which requires licensees to administer and grade annual operating tests and biennial written examinations subject to NRC inspection and oversight. Although the industry has not prepared the operating test grading documentation for the NRC initial operator licensing examination, the staff has developed detailed guidance in NUREG-1021 to support licensee preparation and documentation of initial exam grading, and NRC examiners would continue to oversee and evaluate licensee performance, enabling prompt identification and correction of any gaps that may arise during implementation.

Section 55.40 is currently silent regarding who will administer and grade the operating tests for power reactor facilities, but it is implied that only the NRC will do that given that the regulation specifies other activities that power reactor facilities may do (and it is explicitly stated that way in NUREG–1021, revision 12). Therefore, this proposed rule would amend § 55.40 to specifically allow facility licensees to administer and grade operating tests subject to certain conditions.

L. Plant Walkthrough Requirements in § 55.45

In § 55.45(b), “Implementation—Administration,” the NRC requires that the operating test be administered in a plant walkthrough and in either a simulation facility that the Commission has approved for use after application has been made by the facility licensee under § 55.46(b), “Commission-approved simulation facilities and Commission approval of use of the plant in the administration of the operating test,” a plant-reference simulator, or the plant, if approved for use in the administration of the operating test by the Commission. Section 55.40(a) requires, in part, that the NRC use the criteria in NUREG–1021 to prepare the operating tests required by § 55.45, and to evaluate the operating tests prepared by power reactor facility licensees. As discussed in NUREG–1021, revision 12, section ES–3.1, “Overview of the Operating Test for Operator Licensing Initial Examinations,” the walkthrough portion of the operating test consists of a set of job performance measures. Each applicant for an operator’s license must complete a certain number of job performance measures in the plant.

The plant walkthrough requirement was the subject of exemption requests for Vogtle Electric Generation Plant (VEGP) Unit 3 and for Virgil C. Summer Nuclear Station (VCSNS) Unit 2. In the June 30, 2016, **Federal Register** notice (FRN) of the NRC’s granting approval of the exemption for VEGP Unit 3 (81 FR 42745) and in the August 22, 2016, FRN for the NRC’s granting approval of the exemption for VCSNS Unit 2 (81 FR 56704), the NRC also approved alternatives to the in-plant methods of testing described in NUREG–1021. Specifically, the NRC approved the use of discussion and performance evaluation methods in combination with plant layout diagrams, maps, equipment diagrams, pictures, and mock-ups while the plant is under construction.

A substantial number of a plant’s systems must be constructed before doing a plant walkthrough during the

NRC initial licensing examination so that the plant walkthrough portion of the operating test is not predictable. Predictable examinations may prevent the examiner from distinguishing applicants who have mastered the required knowledge and skills from those who have not. However, the completion of plant construction occurs relatively close in time to the scheduled date for fuel loading and later operation of the facility. Thus, administration of the NRC initial licensing examinations would need to occur relatively close in time to the scheduled date for fuel loading at the plant. Delaying the administration of the NRC operating test, which includes in-plant job performance measures, until plant construction is complete is not desirable.

The NRC examination will likely overlap with preoperational testing activities; applicants may be required to participate in preoperational testing at the same time the NRC examination is administered. Insufficient NRC examination throughput (*i.e.*, the number of applicants that pass the NRC examination) could cause preventable delays in the facility licensee’s ability to begin fuel loading. There might be missed opportunities for early identification and timely incorporation of lessons learned into the operator training and licensing process without a safe and deliberate approach to administering examinations to smaller groups of applicants in succession. The NRC’s ability to administer examinations for the large number of applicants necessary to staff a new single large LWR unit (40–50 operators) in time for fuel load, while also carrying out examinations and inspections at operating reactor sites, could be challenged.

Therefore, the NRC proposes to amend the plant walkthrough requirements in § 55.45(b) to allow alternatives to the in-plant methods of testing while the plant is under construction.

M. Examination Waiver Requirements

Under § 55.47, “Waiver of examination and test requirements,” the NRC may waive any or all of the requirements for a written examination and operating test. As discussed in SECY–22–0052 and approved in SRM–SECY–22–0052, the NRC is proposing changes to the waiver criteria to allow waivers in the circumstances of adding additional units to a standard design. Additionally, § 53.780(f) would be revised with conforming changes.

N. Removing Obsolete Information From § 55.5

In § 55.5, instructions are provided for submitting information to the NRC. Currently, the electronic information exchange (EIE) is listed as an example of an electronic submission method. However, the NRC plans to transition away from the EIE and replace it with other options for the electronic submission of documents (*e.g.*, the NRC external portal). Therefore, the NRC proposes to remove the term “EIE” throughout 10 CFR part 55 as an example of a method of electronic submission.

O. Elimination of License Renewal for 10 CFR Part 55 Operators’ Licenses

Historically, the requirement for renewal of operators’ licenses afforded the NRC the opportunity to re-evaluate the licensing basis of licensed operators. The purpose of license renewal was to assess the likelihood of an operator’s continued ability to safely operate the facility.

The NRC identified that eliminating license terms and, thus, the requirement for license renewal, would meet goals stated in E.O. 14300 and E.O. 14192, “Unleashing Prosperity Through Deregulation.” Specifically, if the number of nuclear plants and licensed operators were to increase, the amount of renewals would also increase, requiring an expenditure of more licensee and NRC resources. Removing the requirement for licensed operators to request renewal of their licenses every 6 years would be a reduction in burden for the licensed operators, facility licensees, and the NRC. Therefore, the NRC is proposing to eliminate license terms and the requirement for license renewal. Conforming changes would also be made to 10 CFR part 53.

The NRC has previously reconsidered license terms: in December 2024, the NRC eliminated license terms for certain NPUFs (see 89 FR 106234). The NRC determined that the overall objectives of license renewal can likely be achieved through existing oversight activities while eliminating the administrative burden associated with renewal. This proposed approach would be consistent with the NRC’s goal of efficient and effective licensing. Additionally, this is not the first time that the NRC has amended renewal requirements for operators’ licenses: license terms were extended from 2 years to 6 years in the final rule, “Operators’ Licenses and Conforming Amendments,” issued on March 25, 1987 (52 FR 9453).

P. Generally Licensed Reactor Operators for Self-Reliant Mitigation Facilities

Part 53, subpart F, describes a class of facility, the self-reliant mitigation facility (SRMF). For a facility to be classified as a SRMF, the NRC must find that certain criteria established in 10 CFR part 53 have been met. For SRMFs, specific licenses for operators (*i.e.*, individual operator and senior operator licenses) are not required. Instead, the facility licensee may rely on a general license for reactor operators issued by the NRC under 10 CFR part 53.

Part 53 is an optional framework, and 10 CFR parts 50 and 52 are also options for an NRC applicant. As of December 2025, three NRC applicants that are using or intend to use the current part 50 licensing process had proposed that their facilities are SRMFs, and, accordingly, expressed an interest in using the same provisions for a general license for reactor operators that are in 10 CFR part 53. Currently, there are no provisions for generally licensed reactor operators (GLROs) in the NRC's regulations other than in 10 CFR part 53. Accordingly, any applicant for an SRMF would need to request exemptions to use an approach comparable to a general license for reactor operators if it is not using 10 CFR part 53. Such an approach would be less efficient than adding to 10 CFR part 55 provisions equivalent to those in 10 CFR part 53. Therefore, the NRC proposes to add to 10 CFR part 55 optional provisions for GLROs, which would be applicable to 10 CFR parts 50 and 52 facility licensees of SRMFs.

Adding provisions for GLROs to 10 CFR part 55 would also require revising 10 CFR parts 50 and 52 to establish associated requirements related to staffing for GLROs akin to those requirements in 10 CFR part 53. The licensed operator staffing requirements in § 50.54(m) that apply to OL or COL holders do not account for GLROs and are not always necessary for safety.

Minor editorial conforming changes would be made to 10 CFR part 53.

10 CFR Part 75—IAEA Notifications

Paragraphs (b)(3) and (c) of § 75.13, “Safeguards on Nuclear Material—Implementation of Safeguards Agreements Between the United States and the International Atomic Energy Agency,” provide that a “request” for non-disclosure of information to the public made under § 2.390, “Public inspections, exemptions, requests for withholding,” not be treated as a “request” made under § 75.13 for confidential information not to be transmitted physically to the IAEA.

This rulemaking proposes eliminating § 75.13(c) because it is redundant with § 75.13(b)(3), as both contain identical language except that § 75.13(b)(3) references § 2.390 while § 75.13(c) references § 2.390(b).

10 CFR Parts 50, 52, 53, 70, and 72—Record Keeping and Reporting Requirements

On February 4, 2020, the NRC published a 60-day notice in the **Federal Register** (85 FR 6103) requesting input on any administrative requirements that were duplicative or outdated. Over 146 comment submissions, with 100 unique recommendations, were received. The NRC evaluated comments per criteria approved in SRM-COMSECY-18-0027, “Staff Requirements—COMSECY-18-0027—Evaluation Criteria for Retrospective Review of Administrative Regulations (RROAR)” (ML19281C697). On June 1, 2021, the NRC staff summarized the evaluation in SECY-21-0056, “Evaluation of Stakeholder Input on Retrospective Review of Administrative Requirements” (ML21013A026), screening 54 recommendations into a rulemaking. The NRC staff coordinated public meetings on June 30 and August 19, 2021, to discuss the results of the RROAR evaluation. On September 8, 2021, NEI provided a letter to the NRC stating the limited value in continuing the RROAR effort (ML21256A149). On December 20, 2021, the NRC staff submitted rulemaking plans in SECY-21-0110, “Rulemaking Plans to Implement the Results of the Retrospective Review of Administrative Requirements Evaluation” (ML21124A116) requesting Commission approval to initiate rulemaking. The NRC staff proposed two rulemakings, a streamlined approach (*e.g.*, no regulatory basis) for administrative changes and a standard approach for more significant changes. Additional information is available on the NRC public website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/retrospective-review-admin-reqmnts.html>. This proposed rulemaking would include revisions that incorporate or build on these RROAR activities, including Revision of Administrative Requirements (see SECY-21-0110, ML21124A116) and the development of the proposed changes to § 50.72 in this proposed rule. In large part, the proposed revisions would align with E.O.'s 14300, 14192, and 14270, “Zero-Based Regulatory Budgeting To Unleash American Energy” by reducing regulatory burden through the modification or elimination of outdated or redundant administrative

requirements identified in RROAR and other reporting requirements. Consistent with E.O. 14270, this rulemaking would remove unnecessary reporting obligations, streamlining information submission, recordkeeping, and reporting processes without compromising the NRC's mission.

IV. Discussion

This discussion section has been divided into subsections to better present information on this proposed rule. The following sections correspond to the associated sections of the same title in Section III, “Background,” of this document. Each section discusses what action the NRC is proposing and whom the action would affect and how they would be affected.

10 CFR Parts 21, 50, and 53—10 CFR Part 21 Clarifications

A. 10 CFR Part 21, and §§ 50.55(e), and 53.605 Alignment

Section 50.55(e) has been modified over the last 30 years to become more aligned with 10 CFR part 21. Incorporating the two remaining differences from § 50.55(e) into 10 CFR part 21 would allow for the deletion of § 50.55(e). There are no identified disadvantages associated with combining these two regulations. The following proposed changes would remove redundant regulation and clarify regulatory requirements.

This proposed rule would delete § 21.2(b) and renumber the subsequent sections appropriately. This proposed rule would add § 21.2(a)(5) to address 10 CFR part 21 applicability to a construction permit, early site permit, and or manufacturing license and incorporate language from § 21.2(b).

In order to incorporate § 50.55(e) requirements into 10 CFR part 21, this proposed rule would add a new § 21.21(a)(3)(iii) with the following statement from § 50.55(e): Undergoes any significant breakdown in any portion of the quality assurance program conducted under the requirements of appendix B to 10 CFR part 50 which could have produced a defect in a basic component. These breakdowns in the quality assurance program are reportable whether or not the breakdown actually resulted in a defect in a design approved and released for construction, installation, or manufacture.

These proposed rule changes would add a new § 21.21(d)(1)(iii) and (d)(2) to include requirements for the holder of a facility construction permit subject to 10 CFR part 21, combined license, or manufacturing license, who obtains

information reasonably indicating that the quality assurance program has undergone any significant breakdown, to notify the Commission of the breakdown in the quality assurance program through a director or responsible officer or designated person.

This proposed rule would add a new § 21.51(b)(1)–(3). These paragraphs would state that the holder of a construction permit, combined license, and or manufacturing license must prepare and maintain records necessary to accomplish the purposes of § 21.51. Specifically, this requirement would include retaining records of evaluations of all deviations and failures to comply under § 21.21(a)(1) for the longest of 10 years from the date of the evaluation; 5 years from the date that an early site permit is referenced in an application for a combined license; or 5 years from the date of delivery of a manufactured reactor.

This proposed rule would add a new § 21.51(b)(4) for suppliers of basic components for holders of construction permits, combined licenses, and manufacturing licenses. This section would state that such suppliers of basic components must retain a record of all notifications sent to affected licensees or purchasers under § 21.21(c) for a minimum of 10 years following the date of the notification, and a record of the facilities or other purchasers to whom basic components or associated services were supplied for a minimum of 15 years from the delivery of the basic component or associated services.

This proposed rule would incorporate in 10 CFR part 21 applicable portions of the definition of “basic component” from 10 CFR part 50. Specifically, the language in paragraph (2) of the definition of “basic component” in § 50.2 would be added to the definition of “basic component” in § 21.3, “Definitions,” as a sixth item to include applicability to a construction permit holder, consistent with § 50.55(e).

This proposed rule would delete §§ 50.55(e) and 53.605 in their entirety. The proposed change of relocating specific §§ 50.55(e) and 53.605 requirements to 10 CFR part 21 would not impact licensees as compliance with the current §§ 50.55(e) and 53.605 would be sufficient to comply with the requirements proposed to be relocated. Additionally, there are currently no existing 10 CFR part 53 licensees.

B. Commercial Grade Dedication Definition for 10 CFR Parts 21, 52, and 53

This proposed rule would modify the definitions of “commercial grade item” and “dedication” in § 21.3 to include

references to 10 CFR parts 52 and 53. This change would address (1) concerns raised after the 2007 10 CFR part 52 final rule, in which the NRC recognized that conforming changes to definitions in 10 CFR part 21 were not included to address 10 CFR part 52; and (2) the recent issuance of the 10 CFR part 53 final rule.

This proposed rule change for including references to 10 CFR parts 52 and 53 in the 10 CFR part 21 definitions of “commercial grade item” and “dedication” would not impact licensees and other stakeholders that are already implementing the commercial grade dedication acceptance process.

C. Executive Order 14267, Reducing Anti-Competitive Regulatory Barriers

This proposed rule would revise the § 21.3 definition of “dedicating entity” to address E.O. 14267. The proposed rule would also delete the word “third-party” with respect to who can perform the dedication, which has been determined to be anticompetitive, because it could limit competition among qualified suppliers.

The proposed rule would also clarify that a 10 CFR part 50, appendix B or appendix T compliant quality assurance program and 10 CFR part 21 program are needed when performing the commercial grade dedication process. In addition, the proposed rule would provide conforming changes to address the issuance of 10 CFR part 53 and the proposed rule to add 10 CFR part 50, appendix T. Revising the definition of “dedicating entity” would not impact licensees and other stakeholders that are already implementing the commercial grade dedication acceptance process. In addition, a clarification was added to the definition of “dedicating entity” to ensure that anti-competitive regulatory barriers are not introduced for fuel facilities. Fuel facilities, uranium enrichment and fuel fabrication facilities, plutonium processing and fuel fabrication plants, and spent fuel reprocessing facilities, that are licensed under 10 CFR part 70 and are required to develop an integrated safety analysis in accordance with subpart H to 10 CFR part 70, may have a dedicating entity perform dedication so long as the organization has a quality assurance program compliant with the licensee’s approved configuration management program or management measure program, respectively. The proposed rule language is consistent with current licensee practices and aligns with the existing text in 10 CFR part 21 related to dedication for nonreactors.

D. Clarify “Basic Component” Definition

This proposed rule would modify the definition of “basic component” in § 21.3 to provide clarity to uranium enrichment, fuel fabrication, fuel conversion, plutonium processing and fuel fabrication plants or spent fuel processing facilities that are required, by regulation or license condition, to develop an integrated safety analysis in accordance with subpart H to 10 CFR part 70. For fuel facilities, this modification would focus the scope of commercial grade dedication to sole engineered items relied on for safety. Spent fuel reprocessing facilities and plutonium processing and fuel fabrication plants would also focus on sole engineered items relied on for safety and, additionally, include all engineered equipment that is relied on to prevent or mitigate high-consequences to individuals located beyond the controlled area boundary from a release of fission products and transuranics. While 10 CFR part 70 facilities are clearly within the scope of 10 CFR part 21, the NRC had previously received feedback that the definition of “basic component” in § 21.3, was difficult to interpret as it was written to have applicability to multiple other types of facilities and activities and did not offer sufficient specificity for such varied activities. In contrast, the power reactor definition of a basic component is specific to power reactor terminology. As a result, the fuel facility industry communicated through the years that they had difficulty in applying the definition as written, as made evident by numerous facility-specific definitions or exemptions. The revised definition of basic component would clarify the connection between subpart H to 10 CFR part 70, and 10 CFR part 21 using insights gained from years of operating experience, the current regulatory framework,⁴ and current industry procurement practices.

The NRC is proposing to take a risk-informed approach in the definition of basic component as applied to fuel facilities. The licensing basis for fuel facilities is well suited to taking such a risk-informed approach, as licensees that are subject to 10 CFR part 70, subpart H, are required to perform an integrated safety analysis. The integrated safety analysis designates items relied on for safety, consisting of passive engineered controls, active engineered controls, administrative controls, and enhanced administrative

⁴ Subpart H to 10 CFR part 70 was issued on September 18, 2000 (65 FR 56211).

controls (or a combination of these), to prevent or mitigate the consequences of events that could cause the performance requirements to be exceeded without the application of the items relied on for safety. These items relied on for safety are subject to requirements for configuration management, maintenance, training, reporting, and other quality assurance elements to ensure they are reliable and available to function as designed. In many cases, licensees have multiple items relied on for safety to independently prevent or mitigate a specific safety hazard. However, in some cases, licensees may have only one 'sole' engineered item relied on for safety. In these cases, the NRC proposes that the sole item relied on for safety be designated a basic component.

By providing a new definition of basic components that would be specific to fuel facilities, plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities, the NRC would provide clarity about the components that would be managed under a commercial grade dedication program and would need to be evaluated for deviations or defects. This definition, for fuel facilities, would focus dedication activities to components that are sole engineered items relied on for safety for preventing or mitigating intermediate-consequence events and high-consequence events including accidental criticalities. For spent fuel reprocessing facilities and plutonium processing and fuel fabrication plants, an additional criterion to this definition is proposed that would focus dedication activities on items relied on for safety that are necessary to prevent or mitigate hazards to members of the public located beyond the controlled area boundary unique to such facilities.

If a loss or degradation of any item relied on for safety results in failure to meet the performance requirements of § 70.61, the licensee is required to report the failure to the NRC. The new definition does not change the reporting requirements of either 10 CFR part 21 or 10 CFR part 70.

The definition of "basic component" would be modified to provide consistency with the definition of safety-related SSCs under 10 CFR part 53. Specifically, the changes to the definition of "basic component" made by the 10 CFR part 53 rule are inconsistent with the scope of what structures, systems, and components are considered safety-related in 10 CFR part 53. Therefore, this revision would correctly align the definition of "basic component" with the technology-inclusive framework of 10 CFR part 53.

Additionally, the definition of "basic component" would be modified to allow items designed and manufactured under a quality assurance program that is complying with the proposed appendix T to 10 CFR part 50 to be included in this definition. This change would not impact licensees as compliance with the proposed appendix T would be a voluntary alternative to appendix B to 10 CFR part 50.

E. Clarify That Commercial Grade Dedication Is Not Applicable to Nuclear Material Users

This proposed rule would remove the references to 10 CFR part 30 from the definitions of "commercial grade item" and "dedication" in § 21.3. This change would clarify that broad scope and specific licensees (e.g., radiography, medical licensees, irradiators, and well logging) with licenses issued under 10 CFR parts 30, 31, 34, 35, 36, and 39, would not need to dedicate their basic components using the commercial grade dedication process. This proposed change would make the regulatory language consistent with industry practice. The NRC has not provided guidance to nuclear material users on the commercial grade dedication process, and enforcement of this portion of 10 CFR part 21 is of low safety significance. This proposed change would correct the regulation to ensure that nuclear material users continue to report defects on basic components but are not required to commercially dedicate them.

F. Remove 10 CFR Part 76 References

This proposed rule change would also remove references to 10 CFR part 76, which applied to gaseous diffusion plants. The proposed deletion of references to 10 CFR part 76 would not impact licensees and other stakeholders because the facilities subject to 10 CFR part 76 are no longer in operation and were transitioned to the regulatory oversight of the U.S. Department of Energy for decommissioning. The administrative removal of references to 10 CFR part 76 from 10 CFR part 21 would not impact NRC resources or external stakeholders. The NRC issued a direct final rule on December 3, 2025 (90 FR 55621), that amended various regulations to insert a conditional sunset date in response to E.O. 14270. This direct final rule added the conditional sunset date to 10 CFR part 76.

G. Update Notification Methods

This proposed rule change would update § 21.21(d)(3)(i) by replacing facsimile information with the NRC

Headquarters Operations Officer (HOO) email address: hoo.hoc@nrc.gov. The proposed change would replace initial notification by facsimile with notification by email to the NRC HOO email address: hoo.hoc@nrc.gov as the preferred method, which would not impact licensees and other stakeholders as some are already implementing notification using the NRC HOO email.

10 CFR Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants

A. Purpose and Scope

This proposed rule would revise § 50.72(b) to eliminate reporting requirements associated with certain nonemergency events and allow licensees to use alternative, technology-inclusive methods for notifying the NRC of certain nonemergency events at commercial nuclear power plants. This proposed rule would better align the reporting requirements with the current needs of the agency and licensees by eliminating those reports that are not necessary for the NRC to have reasonable assurance of adequate protection of the public health and safety, that do not require prompt NRC action, or that can be tracked using other existing agency processes. These proposed changes would help ensure that the agency devotes its resources to those events for which the agency needs to take prompt action while maintaining appropriate NRC and stakeholder awareness of these events. This proposed rule also would allow for the submission of certain nonemergency event reports by methods other than the Emergency Notification System (ENS). Accordingly, this proposed rule would result in a reporting process that maintains openness, reduces regulatory burden by focusing requirements on issues important to safety warranting prompt NRC actions, and addresses advances in communication technology. The safety significance of the reported issues is the primary decision criteria for the proposed changes (i.e., likelihood of the event, consequences of the event, and defense-in-depth considerations). Public awareness of nonemergency events by itself is not a significant factor for this proposed rule.

As part of its evaluation of each of the reporting requirements in § 50.72(b), the NRC considered the Principles of Good Regulation, the Be riskSMART framework, and the internal NRC evaluation and communications process for nonemergency event notifications (discussed in section 2.4 of the regulatory basis). The Principles of Good Regulation include independence,

openness, efficiency, clarity, and reliability and ensure that the agency focuses on its safety and security mission while appropriately balancing the interests of the NRC's stakeholders, including the public and licensees. The Be riskSMART framework provides a process to ensure the consistent application of risk information across different NRC program areas. Use of the Principles of Good Regulation and the Be riskSMART framework enabled the NRC to develop standard criteria by which to assess each of the reporting requirements. Under these criteria, the relative frequency of reporting of a specific event notification is not the sole factor in the justification for elimination of a requirement. The inclusion of the numbers of reactive inspections initiated due to event notifications provides some valuable risk insights (*i.e.*, unless deterministic criteria are identified, the decision to initiate a reactive inspection would be primarily based on conditional core damage probability). For some categories of reporting, the relative frequency of reports is low, challenging the basis described in PRM-50-116 about the administrative burden on licensees. Conversely, for some categories of reporting where there were a relatively greater number of reports, there were few of these events that tripped the risk threshold to initiate a reactive inspection, and most follow-up was conducted by resident inspectors under the baseline inspection program. Using the Be riskSMART framework, the data on frequency of event notification reports and the historical NRC response (*i.e.*, reactive inspection versus baseline inspection follow-up) was used to help inform the risk of eliminating these reports in the context of the original bases for the 4- and 8-hour reports. The NRC's application of these criteria is detailed in section 3.0 of the regulatory basis.

In this proposed rule, the NRC is not proposing changes to the following nonemergency reporting requirements:

a. Section 50.72(b)(1)—notification to the NRC within 1 hour of any deviation from the plant's technical specifications authorized by 10 CFR 50.54(x), if not already reported as part of a declared emergency;

b. Section 50.72(b)(2)(i)—notification to the NRC within 4 hours of the initiation of any nuclear plant shutdown required by the plant's technical specifications;

c. Section 50.72(b)(2)(iv)(B)—notification to the NRC within 4 hours of an event or condition that results in actuation of the reactor protection system when the reactor is critical,

except when the actuation results from and is part of a pre-planned sequence during testing or reactor operation;

d. Section 50.72(b)(3)(ii)(A)—licensees to submit a report to the NRC within 8 hours of any event or condition that results in the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded;

e. Section 50.72(b)(3)(ii)(B)—licensees to submit a report to the NRC within 8 hours of any event or condition that results in the condition of the nuclear power plant being in an unanalyzed condition that significantly degrades plant safety; and

f. Section 50.72(b)(3)(xiii)—notification to the NRC of an event that results in a major loss of offsite communications capability, offsite response capability, or emergency assessment capability.

Eliminating or delaying these reports would unacceptably degrade the NRC's ability to perform oversight and incident response functions for the potential significance or safety issue associated with those events. The NRC is also not proposing changes to the emergency reporting requirements found in appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to 10 CFR part 50; the reporting requirements of § 50.73; or other event reporting requirements, such as those contained in 10 CFR part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," 10 CFR part 40, "Domestic Licensing of Source Material," and 10 CFR part 70, "Domestic Licensing of Special Nuclear Material."

B. Proposed Changes to § 50.72

The NRC proposes to amend the following nonemergency event reporting requirements in § 50.72. Eliminating these event reports would not be an unacceptable degradation of situational awareness because a delay in NRC awareness for the scope of these events and otherwise maintaining awareness via routine oversight processes would be commensurate with the safety significance of issues associated with these event reports. This proposed rule would eliminate the following reporting requirements.

a. Section 50.72(b)(2)(iv)(A)—the requirement to notify the NRC of an event that results or should have resulted in an ECCS discharge into the reactor coolant system as a result of a valid signal except when the actuation results from and is part of a pre-planned sequence during testing or reactor operation;

b. Section 50.72(b)(2)(xi)—the requirement to notify the NRC of an event or situation related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made;

c. Section 50.72(b)(3)(iv)(A)—the requirement to notify the NRC of an event or condition that results in valid actuation of specified safety systems;

d. Section 50.72(b)(3)(v)—the requirement to notify the NRC of an event or condition that could have prevented fulfillment of the safety function of structures or systems needed to shut down and maintain the reactor in a safe condition, remove residual heat, control the release of radioactive material, or mitigate the consequences of an accident; and

e. Section 50.72(b)(3)(xii)—the requirement to notify the NRC of an event requiring the transport of a radioactively contaminated person to an offsite medical facility for treatment.

This proposed rule would also add new paragraph (a)(6) to § 50.72 to enable licensees to submit certain nonemergency event reports via methods other than the ENS.

i. Proposed Changes to § 50.72(b)(2)(iv)(A)

In § 50.72(b)(2)(iv)(A), the NRC currently requires that each nuclear power reactor licensee notify the NRC of an event that results or should have resulted in a discharge of the ECCS into the reactor coolant system resulting from a valid signal unless the actuation resulted from and was part of a pre-planned sequence during testing or reactor operation. The § 50.72(b)(2)(iv)(A) report is required to be made within 4 hours of occurrence of such an event.

The NRC proposes to eliminate this reporting requirement because these reports are infrequent, occurring 37 times across the entire nuclear power plant fleet between 2011 and 2021, and have not required prompt agency actions as discussed in section 14.2 of the regulatory basis. Agency records indicate that the NRC has never activated its response plan in response to these events absent an emergency declaration. Most instances where the underlying events result in a notification under this requirement will happen when the RPS is in service. ECCS actuations that also result in RPS actuation signals would still be captured by the RPS actuation notification requirement in the current § 50.72(b)(2)(iv)(B). Further, if the

underlying condition that resulted in the ECCS actuation meets the threshold for an emergency declaration as required by a licensee's emergency plan, such conditions would still be reportable within 1 hour under § 50.72(a)(3).

Finally, there may be some low-risk conditions where ECCS actuations occur that do not result in RPS actuations or meet licensees' pre-defined emergency declaration conditions. These low-risk actuations would still be captured in the LER reporting requirement in § 50.73(a)(2)(iv), which would continue to ensure openness by making information about these events publicly available. As those conditions are of low risk, they would not result in the need for prompt agency action, and reporting only via LER would be appropriate. Inspectors would likely identify and may follow up on these events during their normal oversight duties well before an LER was issued, depending on the safety significance of the event. Further discussion of the factors and options considered by the NRC can be found in section 14.0 of the regulatory basis.

ii. Proposed Changes to § 50.72(b)(2)(xi)

In § 50.72(b)(2)(xi), the NRC requires that licensees notify the NRC of any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials. The report is required to be made within 4 hours of occurrence of such event.

The NRC proposes to eliminate this reporting requirement because these events are generally not related to nuclear plant safety and, therefore, do not pose a threat to public health and safety. Agency records indicate that the NRC has never initiated an inspection or investigation in response to these events. Removing this requirement would not affect the NRC's ability to execute oversight, event response, or other regulatory functions.

The NRC and the public may first become aware of issues, such as fatalities or contamination, from news and social media. In addition, public or NRC situational awareness of significant items would continue to occur through the normal regional baseline inspections and subsequent inspection reports that already address the underlying condition resulting in offsite nonemergency event notifications. As an example, resident inspectors

routinely sample and review condition reports generated on a daily basis under the corrective action program. These condition reports capture situations that would require reporting by the current criteria proposed to be eliminated by this rulemaking. The NRC would remain properly informed of these events and be able to communicate them to the public via quarterly baseline inspection reports, if appropriate. Responses to any public inquiries could be developed and coordinated through the NRC's Office of Public Affairs.

iii. Proposed Changes to § 50.72(b)(3)(iv)

In § 50.72(b)(3)(iv)(A), the NRC requires that nuclear power reactor licensees notify the NRC of an event or condition that results in valid actuation of any of the systems listed in § 50.72(b)(3)(iv)(B) except when the actuation results from and is part of a pre-planned sequence during testing or reactor operation. The report must be made within 8 hours of the occurrence of such an event. Section 50.72(b)(3)(iv)(B) lists the systems subjected to the reporting requirements in § 50.72(b)(iv)(A), and the NRC is proposing to delete this list as a conforming change. The systems listed in § 50.72(b)(3)(iv)(B) are the following: reactor protection system including reactor scram and reactor trip; general containment isolation signals affecting containment isolation valves in more than one system or multiple main steam isolation valves; ECCS for pressurized water reactors including high-head, intermediate-head, and low-head injection systems and the low pressure injection function of residual (decay) heat removal systems; ECCS for boiling water reactors including high-pressure and low-pressure core spray systems, high-pressure coolant injection system, and low pressure injection function of the residual heat removal system; boiling water reactor core isolation cooling system, isolation condenser system, and feedwater coolant injection system; pressurized water reactor auxiliary or emergency feedwater system; containment heat removal and depressurization systems, including containment spray and fan cooler systems; and emergency ac electrical power systems, including emergency diesel generators (EDGs), hydroelectric facilities used in lieu of EDGs at the Oconee Station, and boiling water reactor dedicated Division 3 EDGs.

The NRC proposes to eliminate this reporting requirement because these reports have not required prompt agency oversight or enforcement action within a day as discussed in Section 19.2 of the regulatory basis. The routine

follow-up of plant issues already performed by resident inspectors is sufficient to ensure that the NRC takes appropriate near-term actions in response to these events. Historically, the NRC has not needed to take prompt actions for event notifications reported under this criterion outside of routine event response, thus, retaining this criterion is not warranted. Formal notification through LERs under § 50.73(a)(2)(iv) would provide the NRC with more detailed information on the event and inform longer-term actions to respond to such events. Further discussion of the factors and options considered by the NRC can be found in section 19.0 of the regulatory basis described in the "Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants" section of this document.

iv. Proposed Changes to § 50.72(b)(3)(v)

In § 50.72(b)(3)(v), the NRC requires that nuclear power reactor licensees notify the NRC of an event or condition that, at the time of discovery, could have prevented the fulfillment of the safety function of structures or systems that are needed to shut down the reactor and maintain it in a safe shutdown condition, remove residual heat, control the release of radioactive material, or mitigate the consequences of an accident. The report must be made within 8 hours of the occurrence of such an event.

The NRC proposes to eliminate this reporting requirement because these reports have been infrequent and rarely require prompt agency oversight or enforcement action. The routine follow-up of plant issues already performed by resident inspectors is sufficient to ensure that the NRC takes appropriate near-term actions in response to these events. Formal notification through LERs under § 50.73(a)(2)(iv) would provide the NRC with more detailed information on the event and inform longer-term actions to respond to such events. Further discussion of the factors and options considered by the NRC can be found in section 20.0 of the regulatory basis.

v. Proposed Changes to § 50.72(b)(2)(xii)

In § 50.72(b)(3)(xii), the NRC requires that nuclear power reactor licensees notify the NRC of any event requiring the transport of a radioactively contaminated person to an offsite medical facility for treatment. This report is required to be made within 8 hours of the occurrence of such an event.

The NRC proposes to eliminate this reporting requirement because events

covered by § 50.72(b)(3)(xii) are generally not related to plant safety and licensees and offsite emergency responders have arrangements and agreements in place to safely transport contaminated individuals without compromising public health and safety. Specifically, the regulations in paragraph (b)(12) of § 50.47, “Emergency plans,” and appendix E to 10 CFR part 50 require licensees to have arrangements and agreements in place for transportation and medical services for radiologically contaminated individuals, which includes notification of the offsite medical facilities. The regulations in paragraph (a)(12) of 44 CFR 350.5, “Criteria for review and approval of State and local radiological emergency plans and preparedness,” and the Federal Emergency Management Agency’s (FEMA) Radiological Emergency Preparedness Program Manual provide policies and guidance to offsite response organizations, including to have these arrangements with licensees as well. The NRC regulations in § 50.47(b)(14) and appendix E to 10 CFR part 50 and the FEMA regulations in 44 CFR 350.5(a)(14) also contain training provisions for licensees and offsite emergency responders, respectively. Therefore, eliminating the reporting requirement in § 50.72(b)(3)(xii) would not pose a threat to public health and safety.

Agency records indicate that the NRC has never initiated an inspection or investigation in response to these events and would still be able to successfully execute its oversight, event response, and regulatory functions. Further discussion of the factors and options considered by the NRC can be found in section 21.0 of the regulatory basis.

vi. Proposed Changes to § 50.72(a)

The NRC is proposing to allow licensees to use alternative methods to notify the NRC of nonemergency events listed in § 50.72(b)(2)–(3). Currently, each operating nuclear power reactor licensee is required, in part, under § 50.72(a)(1) to notify the NRC Headquarters Operations Center (HOC) through the ENS of the declaration of any of the emergency classes specified in the licensee’s approved emergency plan and nonemergency events specified in § 50.72(b). The ENS lines are direct access telephone lines that bypass switching in the telephone service’s local central office. These lines are installed in the licensee control rooms as well as their technical support center and emergency operations facility. If the ENS is inoperative, § 50.72(a)(2) requires the licensee to

make the required emergency notifications through a commercial telephone service, another dedicated telephone system, or any other method enabling a report as soon as practical to the HOC at the telephone numbers specified in appendix A to 10 CFR part 73, “Physical Protection of Plants and Materials.” Although use of NRC Form 361, “Reactor Plant Event Notification Worksheet,” is voluntary, it provides a standard structure for licensees to communicate to the HOC the information required by § 50.72.

In the early 1980s, when the NRC first required and implemented the ENS, telephones were the only widely available means of communication available between the NRC and its licensees. Since then, several other means of communication have become widely available, including facsimile, email, text messaging, instant messaging, and online portals. Licensees have used facsimile or other electronic means to submit a completed version of Form 361 to the NRC with specific event information as a supplement to their telephone reporting required by § 50.72(a)(1). Often, the completed version of NRC Form 361 would be sufficient to notify the NRC of the event. However, licensees must continue to use the ENS to call the HOC because of the requirement to do so in § 50.72(a)(1). In cases for which NRC Form 361 would be sufficient, the mandatory ENS phone call would be unnecessary for many nonemergency reports.

The NRC is proposing to add a new § 50.72(a)(6) to allow licensees to submit nonemergency event reports required under § 50.72(b)(2)–(3) using other methods as an alternative to using the ENS, provided the licensee submits the report to the NRC HOC within the required timeframe and confirms the NRC’s receipt of the report. For example, the NRC offers certain persons an online method of submitting reports to the NRC, although licensees are still required by regulation to communicate all events directly to the HOC through the ENS. Beginning in 2022, the NRC began allowing properly vetted licensee personnel to provide NRC Form 361 through an online portal. Upon submittal, the information is sent to the HOC for the Headquarters Operations Officers for follow up with the licensee, if needed, and process to the NRC’s operating experience team (nuclear power plants only) for data retention, tracking, and trending. Under this proposed rule, licensees using this online portal for § 50.72(b)(2) or (3) nonemergency event reports would need only to confirm NRC receipt of the

report and would not need to use the ENS.

The NRC would not allow licensees to submit nonemergency event reports required under § 50.72(b)(1) using methods permitted by proposed § 50.72(a)(6). The event listed in § 50.72(b)(1)—deviation from the plant’s technical specifications, if not already reported as part of a declared emergency—is required to be reported within 1 hour of its occurrence because the event is ongoing, and actions are being taken to address immediate safety or security concerns. The nature of these reports is such that prompt actions or follow-up by the NRC may be warranted commensurate with safety significance. The HOC is the primary center of communication and coordination among the NRC, its licensees, and other stakeholders for operating events and needs to be made aware of these events within 1 hour. Event notifications required by § 50.72(b)(1) must be made through the ENS so the HOC promptly receives them.

C. NRC Situational Awareness and Public Openness

For events associated with reporting criteria that are proposed for elimination, NRC situational awareness would continue under the normal inspection activities as part of the Reactor Oversight Process (ROP). These events would be treated as other plant conditions of similar safety significance are treated and would be subject to each licensee’s informal communication processes and the NRC’s baseline sampling process that resident inspectors apply to all reported plant conditions. Resident inspection staff would continue to perform baseline inspections of selected conditions and document findings in inspection reports regardless of reportability under the nonemergency event notification criteria. As an example, resident inspectors routinely review daily plant condition reports under the corrective action program and through their routine plant status activities. Those baseline inspection activities capture conditions of potential public health and safety concern occurring at licensee sites, including situations that would be reported to offsite organizations. The proposed changes are not intended to increase the workload of resident inspectors or require resident inspectors to gather, verify, or communicate information beyond what is done through existing inspection activities.

Many ROP-related activities include actions to inform the NRC of items of interest within a sufficient timeframe, such as those specified in inspection

procedures, routine regional status meetings, and frequent informal communications between inspectors and regional management. For significant items discovered during these activities, regional staff perform reactive inspection evaluations in accordance with MD 8.3, "NRC Incident Investigation Program." The MD 8.3 process is the NRC's primary internal tool for ensuring that significant operational events are investigated in a timely, objective, systematic, and technically sound manner. These activities, which occur independently of nonemergency event notifications, ensure that the NRC would remain informed, act in a timely manner, and communicate items of interest internally.

Although the proposed approach would eliminate prompt notifications for some events that have no or very low safety or regulatory significance, the NRC would maintain sufficient NRC situational awareness of these events, as appropriate, via regional baseline and emergency preparedness inspection activities, including available performance indicators. Notification of individual events to NRC Headquarters technical points of contact and the public may be delayed or not occur for a subset of issues. For example, a situation that results in an ECCS system actuation but not an associated RPS actuation is currently reportable under either a 4-hour or 8-hour report depending on the circumstances. Such a report is shared internally with NRC Headquarters technical points of contact and management within 24 hours of receipt for situational awareness. As proposed in this rulemaking, this event might not be formally reported to the NRC until a required LER is made 60 days after the event or not at all. However, regional inspection staff and management would become aware of these ECCS events within several days through performing routine baseline inspection activities. Other NRC technical points of contact and management may not be promptly notified for purposes of situational awareness but may become aware through other routine communication processes. As another example, critical emergency preparedness assessment capabilities are addressed in licensee EAL schemes, and a major loss of capabilities would result in a 1-hour emergency event notification per § 50.72(a)(3), thereby providing the NRC with sufficient situational awareness.

Openness and public awareness would be maintained under the normal regional baseline inspections and subsequent inspection reports that

already address situations resulting in offsite notifications. The release of public information on some plant events may be delayed, or not occur, for some events that have low safety or regulatory significance. As an example, resident inspectors routinely review daily plant condition reports generated under the corrective action program. This review includes the underlying conditions that are currently required to be reported to the NRC but would not be immediately reported under this proposed rule, thereby ensuring the NRC would remain informed and able to communicate issues of safety or regulatory significance to the public via quarterly baseline inspection reports.

If a nonemergency report is not generated and interest from external stakeholders exists, then the NRC would consider communication of event information to stakeholders, where appropriate, following the current processes for communicating items of interest. For issues of public interest, responses could be developed and coordinated through the NRC's Office of Public Affairs. Internal interest could be managed using existing processes and regular operating experience briefs.

In summary, the inspection program would ensure sufficient openness and sharing of information with the public for significant issues subject to LER reporting criteria and, for items where findings are identified, through inspection reports. However, this information sharing would take longer than for the current event notification criteria and may not occur for items that have no associated LER reporting criteria (e.g., major loss of communications) and for which regulatory findings are not identified.

10 CFR Parts 20, 50, 52, and 53— Decommissioning Licensing Enhancements

New and advanced reactor technologies in a variety of sizes, geographic locations, technical complexities, and licensed footprints may be licensed under the long-standing frameworks in 10 CFR parts 50 and 52 or the recently published 10 CFR part 53. As the NRC prepares to license reactors that differ from the traditional, large light-water reactor designs that the United States has seen for decades, the NRC intends to establish and maintain regulatory frameworks that are risk-informed and technology-inclusive. Given the number of options regarding regulatory frameworks that an applicant may pursue to license a specific reactor technology, the NRC is proposing to apply regulatory enhancements to decommissioning licensing

requirements across all three frameworks (i.e., 10 CFR parts 50, 52, and 53). These enhancements are described in the following subsections.

A. Expansion of Partial Site Release Requests

The NRC proposes to add new § 52.111, "Release of part of a power reactor facility or site for unrestricted use," as a specific provision for release of a part of a site for unrestricted use before license termination for part 52 licensees. The proposed § 52.111 would be nearly identical to the text in § 50.83, with specific applicability to holders of an operating license or combined license under 10 CFR part 52. The rule language from the existing § 50.83 and the regulations referenced within it are otherwise already applicable for 10 CFR part 52 facilities and no other changes to the language from the existing § 50.83 would be needed. The proposed changes are anticipated to provide 10 CFR part 52 licensees with a clearer and more efficient path towards releasing portions of their site prior to license termination and will align the regulations in 10 CFR part 52 with those in 10 CFR parts 50 and 53.

Minor conforming changes are also proposed for § 20.1401, "General provisions and scope," in paragraphs (a) and (c). The proposed change to § 20.1401(a) would add the release of a part of a facility or site for unrestricted use in accordance with proposed § 52.111 to the list of facilities that the criteria in part 20, subpart E, "Radiological Criteria for License Termination," apply to. The proposed change to § 20.1401(c) would limit the circumstances in which the Commission could require additional cleanup after release of part of a facility or site for unrestricted use in accordance with proposed § 52.111 to those instances where based on new information it is determined that the criteria of part 20 subpart E were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

B. Reducing Regulatory Requirements for Prompt Decommissioning of Power Reactors

The NRC is proposing to expand the options by which nuclear power reactors may terminate their license. Because of the range of commercial and industrial utilization and production facilities that may become licensed under 10 CFR part 50, 10 CFR part 52, or 10 CFR part 53, the NRC is proposing to enhance the decommissioning licensing process to accommodate the unique aspects of a variety of facilities.

Currently, a nuclear power reactor licensee must submit a PSDAR within 2 years of permanent shutdown. The licensee may perform dismantlement and remediation activities permitted by § 50.59 or § 53.1540, "Updating licensing-basis information and determining the need for NRC approval." Then, at least 2 years before expected license termination, the licensee must submit an LTP for NRC review and approval. The current decommissioning framework is predicated on the assumption that power reactors will take a significant amount of time, potentially up to 60 years, to terminate their license. However, the proposed regulations would more readily and efficiently accommodate prompt decommissioning of power reactors.

The NRC is proposing to amend the decommissioning licensing process to allow licensees to submit the LTP within 2 years of permanent cessation of operations (referred to as the "upfront LTP"). In this case, the licensee would not be required to submit the PSDAR. The goal of this proposed change is to provide an option for increased regulatory certainty, in the form of a license application and approval, at the beginning of the decommissioning process for reactors that choose to submit an upfront LTP. The NRC has received stakeholder feedback from the power reactor industry that licensees perform the majority of decommissioning activities "at risk," without NRC review and approval, before the submission of the LTP. At the time of NRC review and approval of the licensing action (within 2 years of expected license termination), the licensee has already removed the reactor pressure vessel, cut and dismantled various reactor systems, and remediated building surfaces and land areas. For many facilities, these major decommissioning activities could potentially increase the amount and variability of residual radioactivity that must be remediated and surveyed before license termination. Consequently, this timing challenge can reduce the efficiency of the decommissioning licensing process, as licensees may need to implement additional corrective measures to meet regulatory requirements after certain decommissioning activities have been completed. For example, consider a hypothetical site has completed its final status survey of an excavation and subsequently backfilled it with offsite surface soil. If the NRC determines that the final status survey is incomplete or inaccurate, the licensee may not be able

to selectively remove the clean backfill in order to redo the survey. In another example, a hypothetical site may perform radiation surveys of a building before demolition. If the NRC identified a concern with the survey results, the licensee may need to perform additional remediation activities near the building area, which may have already been surveyed, as well. In such cases, NRC-identified concerns of decommissioning activities performed "at risk" may delay license termination for certain facilities that had conducted such decommissioning activities before meeting all regulatory requirements.

Licensees that submit an upfront LTP within 2 years of permanent cessation of operations would benefit from increased regulatory certainty during the decommissioning process. Additionally, licensees opting for this approach would not be required to submit a PSDAR, as its three required components under § 50.82(a)(4)(i) (*e.g.*, schedule and description of the planned decommissioning activities, discussion of environmental impacts, and site-specific decommissioning cost estimate) are already captured within the eight elements of the LTP under § 50.82(a)(9)(ii), thereby streamlining the licensing process and avoiding duplication of effort. When the PSDAR and LTP were established in 1996 (61 FR 39301), the NRC noted that the PSDAR and LTP could be combined into one submittal, which would have to be submitted to NRC within 2 years of permanent shutdown. In this case, the requirements for both the PSDAR and LTP would apply to the combined document, including the requisite waiting period, public meeting, and approval by amendment of the LTP. However, no power reactor licensee, to date, has submitted a combined PSDAR and LTP. This proposed rule would streamline the licensing process for facilities that are able to prepare an LTP within 2 years of permanent cessation of operations.

This proposal is similar to the long-standing, proven decommissioning licensing process of submitting a Decommissioning Plan (DP) soon after permanent cessation of operations. This approach was the standard decommissioning licensing framework for power reactor licensees until the introduction of the PSDAR and LTP. The DP approach, which is currently the required licensing mechanism for nonpower production or utilization facilities and all nuclear materials facilities, requires licensees to submit the DP for NRC review and approval promptly after permanent cessation of operations. Under this approach, the

licensee could not perform dismantlement activities until the approved DP amended the license and the NRC issued an associated order permitting decommissioning activities in accordance with the approved plan. However, the proposed revisions here differ from the DP in that power reactor licensees would be able to perform decommissioning activities consistent with § 50.59 or § 53.1540, as applicable, prior to the approval of the upfront LTP.

The NRC anticipates that future reactors licensed under 10 CFR parts 50, 52, and 53 may be smaller, less technically complex, and may operate for a shorter period of time than the current fleet of traditional reactors, while maintaining adequate records and decommissioning financial assurance. These facilities may plan for and begin decommissioning activities promptly after permanent cessation of operations, during operations, or even during application for an operating license. For example, consider a hypothetical SMR, licensed under 10 CFR part 52, which operates for 5 years in a remote location to provide emergency power to a local community after a natural disaster. Because the facility has a short operating history, has not undergone reactor refueling, and has a small license footprint, the licensee wishes to decommission promptly after cessation of operations. The licensee plans to terminate the license within 2 years. Under the current regulations, the licensee would either need to request an exemption from the requirement to submit a PSDAR or submit both the PSDAR and LTP after permanent shutdown. However, there would be no increased safety benefit from submitting both a PSDAR and LTP within this short timeframe. Under the proposed regulations, the licensee could focus on developing and submitting a quality LTP to promptly terminate the license in a safe manner. Accordingly, this proposed licensing enhancement would significantly reduce administrative burden on licensees who submit an upfront LTP.

The NRC foresees challenges for traditional large power reactor licensees in developing an LTP within 2 years of permanent cessation of operations. The long-standing PSDAR and LTP approach was developed specifically for large power reactors to transition to decommissioning with less regulatory burden and begin decommissioning activities with sufficient funding promptly. However, upon entering decommissioning, licensees must plan and safely perform large-scale dismantlement and remediation activities that have not been attempted

during operations (e.g. removal of the reactor pressure vessel, dismantlement of the containment building). Traditional large power reactor licensees may need time to identify remaining dismantlement activities and develop the historical site assessment, sufficient characterization reports, and detailed plans for final radiation survey to be included in the LTP. The NRC does not anticipate that the current fleet of reactors would benefit from using the upfront LTP approach because the licensee would need to develop a large volume of technical information soon after operating a large facility for many decades. Rather, the upfront LTP would be most beneficial for licensees who expect to begin decommissioning promptly after permanent shutdown; have less complex dismantlement, decommissioning planning, and radiation survey activities; and can feasibly terminate the license in a foreseeable timeframe. Nevertheless, the NRC is proposing to provide the option to submit an upfront LTP to all power reactor facilities licensed under 10 CFR parts 50, 52, and 53. Because both decommissioning pathways are proven methods to meet NRC requirements for license termination, the agency does not propose to limit the upfront LTP option to a subset of licensees, but rather allow all power reactor licensees to determine which approach best suits their operational and planning needs.

Accordingly, this proposed rule has conforming changes to §§ 50.82(a)(5), 50.82(a)(7), 52.110(e), 52.110(g), 53.1070(e), and 53.1070(g), which reference submittal of the PSDAR. This proposed rule would update the requirements to reference the submittal required before or within 2 years of permanent cessation of operations. The NRC would retain the core content of the requirement, regardless of whether the licensee chooses to submit the PSDAR or LTP at that time.

The NRC is proposing to amend the duplicative requirement in §§ 50.82(a)(8)(iii) and 52.110(h)(3) related to submission of a site-specific decommissioning cost estimate. Both the PSDAR (in §§ 50.82(a)(4)(i) and 52.110(d)(1)) and LTP (in §§ 50.82(a)(9)(ii)(F) and 52.110(i)(vi)) require licensees to submit an updated site-specific decommissioning cost estimate. There is no situation in which a licensee will not have already submitted a site-specific decommissioning cost estimate within 2 years following permanent cessation of operations. Therefore, this regulation is redundant.

Currently, the header of paragraphs (a) and (b) of § 50.82, “Termination of

license,” denote the applicability of the subsequent requirements to power reactor licensees and non-power production or utilization facility licensees, respectively. The NRC is proposing to move these indicators into the introductory paragraph of § 50.82, effectively restructuring the section to ensure cohesiveness and avoid confusion. The NRC will likely license a variety of power reactors under 10 CFR part 50 or other applicable licensing frameworks. Each of these licensing frameworks have their own set of decommissioning requirements. Therefore, it may be confusing for future power reactor licensees under a different part to determine if § 50.82(a) applies. The proposed introductory paragraph would note that the requirements in paragraph (a) apply to power reactor facilities licensed under 10 CFR part 50 and that the requirements in paragraph (b) apply to non-power production or utilization facility licensees under 10 CFR part 50. This proposed change would increase regulatory clarity for facilities licensed under 10 CFR part 50 as well as avoid confusion for power reactors licensed under other licensing frameworks.

C. Public Engagement Related to Decommissioning Licensing Actions

The NRC considers public involvement in, and information about, NRC activities to be a cornerstone of strong regulation of the nuclear industry. The NRC recognizes the public’s interest in the regulation of nuclear activities and provides opportunities for the public to be heard. The NRC has an established record of engaging in open communications with members of the public, local community engagement groups, industry stakeholders, and tribal and foreign governments to facilitate public participation and hear feedback. At present, 10 CFR part 50 requires the NRC to hold public meetings in three instances related to the decommissioning process (*i.e.*, during review of a PSDAR, LTP, and partial site release request).

Following receipt of the PSDAR, the NRC currently publishes the PSDAR in the **Federal Register** and in a local forum such as a local newspaper, responds to all public comments received, holds a public meeting in the vicinity of the site, and publishes an associated meeting summary. These actions impose significant costs on the NRC and licensees, without commensurate safety benefit. The NRC does not approve the PSDAR but rather reviews the document for accuracy and completeness. The NRC uses the PSDAR

to plan its decommissioning oversight activities, ensure compliance with decommissioning financial assurance requirements, and understand the environmental impacts of planned decommissioning activities. Historically, public comments submitted through the **Federal Register** and raised at public meetings related to the PSDAR have been related to issues other than the decommissioning of the specific facility. Public comments have rarely resulted in changes to a licensee’s PSDAR. Therefore, based on decades of experience, this proposed rule would eliminate the requirement for the NRC to publish the PSDAR in the **Federal Register** and in a local forum such as a local newspaper, and solicit public comments on it. The NRC would retain the requirement for a public meeting upon receipt of the PSDAR to continue to engage the public. Upon receipt of the LTP, current regulations require the NRC to schedule a public meeting and publish a notice in the **Federal Register** and in a forum, such as local newspapers, which is readily accessible to individuals in the vicinity of the site. Regardless of the timing in which the LTP is submitted (*e.g.*, upfront LTP within 2 years of permanent cessation of operations or traditional LTP within 2 years of expected license termination), current regulations require, and the proposed regulation would continue to require, the NRC to engage with the public in this manner.

There are a variety of ways in which the public can engage the NRC to obtain access to information and provide written comments. Members of the public can view and follow NRC social media pages, register for NRC email updates, and view Really Simple Syndication (RSS) feeds to stay abreast of current news and information from the NRC. The NRC public website contains up-to-date information about each of the facilities undergoing decommissioning, including the name of the NRC project manager for the site. Members of the public have access to the public search function of the agency’s official recordkeeping system, ADAMS, and may ask questions, send comments, or make recommendations about ADAMS by contacting the librarians in the PDR. A member of the public may submit a written request for copies of records that are not routinely made available as part of the agency’s public record. Moreover, members of the public are able to obtain access to Federal agency records in accordance with the Freedom of Information Act and the Privacy Act.

Additionally, the NRC attends a variety of periodic meetings held by

local communities, state officials, and tribal governments. For example, the NRC routinely attends Nuclear Decommissioning Citizens Advisory Panel (NDCAP) meetings near facilities undergoing decommissioning. For a decommissioning action related to a specific facility, the NRC may hold a public meeting in the vicinity of the facility if local interest in the decommissioning of the facility is high. When the NRC holds a meeting with a licensee, members of the public are allowed to observe the meeting (except when the discussion involves proprietary, sensitive, safeguards, or classified information). The public has an opportunity to provide comments and there is an opportunity to request a hearing whenever a licensee submits a license amendment request, including an LTP or partial site release request.

The NRC would maintain the requirement to hold a public meeting upon submission of an LTP and a partial site release request. This proposed rule would modify the requirement for the NRC to hold a public meeting for the submittal of a PSDAR, LTP, or a partial site release request “in the vicinity of the site,” as currently required by §§ 50.82(a)(4)(ii), 50.82(a)(9)(iii), 50.83(f), 52.110(d)(2), 52.110(i)(3), 52.111(f), 53.1070(d)(2), 53.1070(i)(3), and 53.1080(f). Since the COVID-19 pandemic, the NRC has seen an increase in the availability and accessibility of online platforms to conduct engaging, productive meetings with a variety of stakeholders from across the United States. In many cases, these meetings are able to reach more interested parties because they are more accessible than gathering at one physical location. However, the NRC recognizes that certain impacted communities, especially based on the use cases being presented to the Commission, may lack communication infrastructure that permits meaningful virtual participation. In such cases an in-person component to the public meeting would be necessary. The proposed modification of the locality requirement for the NRC to hold the public meetings associated with PSDARs, LTPs, and partial site release requests would modernize NRC regulations to conform to the ways the NRC currently conducts other public meetings while retaining an explicit option to have the public meeting in the vicinity of the facility, especially for cases with high local interest and/or less robust communication infrastructure. The proposed revision would provide the NRC with the explicit flexibility to hold these meetings in-person, virtually, or in

a hybrid environment, enabling public participation and maintaining transparency while adjusting to the local interest and communication infrastructure. In addition, the format of the public meeting related to the licensee’s request has no bearing on the risk to public health and safety from the licensee’s request itself. Therefore, modifying the locality requirement would not present undue risk to public health and safety nor the common defense and security. The underlying purpose of the requirement is to provide for public participation in the NRC’s consideration of the PSDAR, LTP, or partial site release, and this proposed rule would maintain the requirement for the NRC to hold a public meeting upon receipt of the PSDAR, LTP, or partial site release request. The proposed modification of the locality requirement, specifically, would apply to all required public meetings in the decommissioning process for power reactors, namely during NRC review of the PSDAR, LTP, and a partial site release request.

D. Shortening the Waiting Period Before Major Decommissioning Activities May Begin

Currently, a power reactor licensee may not begin major decommissioning activities until 90 days after the NRC receives the PSDAR and until certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel have been submitted, per §§ 50.82(a)(5), 52.110(e), and 53.1070(e). The purpose of this requirement is to provide the NRC with sufficient time to review the PSDAR before the licensee begins dismantlement activities that may increase risk onsite. When the regulation was established (61 FR 39301), the NRC noted that the 90-day waiting period does not address a health and safety issue but rather is the minimum time necessary for the NRC to evaluate the licensee’s proposed activities and to conduct a public meeting. Notably, power reactor licensees have the authority to perform certain decommissioning activities during operation and throughout the decommissioning process in accordance with § 50.59 or § 53.1540. However, licensees are restricted from major decommissioning activities during this 90-day waiting period.

This proposed rule would reduce NRC resources dedicated to non-safety significant items related to the PSDAR, including responding to public comments submitted through the Office of the Federal Register. By removing the public notice and comment requirements, as discussed in section C,

“Public Engagements Related to Decommissioning Licensing Actions,” this proposed rule would allow the staff to focus on risk-significant aspects of the review and shorten the review time without affecting safety. As a result, NRC review of the PSDAR would be completed within 30 days of receipt. Therefore, this proposed rule would reduce the waiting period from 90 days to 30 days. This proposed rule would make conforming changes to this requirement and others related to the submittal of the PSDAR to accommodate licensees that choose to submit an upfront LTP.

E. Minor Editorial and Administrative Corrections

This proposed rule includes the correction of a typographical error in § 50.59(b). That regulation currently applies, in part, to each holder of a combined license issued under 10 CFR part 52. However, the regulation incorrectly references the requirement for facilities licensed under 10 CFR part 52 to submit the certification of permanent cessation of operations as § 50.110. This rule proposes to amend this reference to the correct regulation, § 52.110(a). Additionally, this proposed rule would edit various requirements to harmonize regulatory language across current reactor licensing frameworks in 10 CFR parts 50, 52, and 53 to ensure consistent application of relevant decommissioning requirements.

10 CFR Parts 50, 52, and 53—Financial Qualifications and Decommissioning Trust Fund Use

A. Conforming the Financial Qualifications Requirements for 10 CFR Parts 50 and 52

Applicants With the Financial Qualifications Requirements for 10 CFR Part 53 Applicants

Under §§ 50.33(f) and 52.77, applications for utilization facility permits and licenses under 10 CFR parts 50 and 52, respectively, except for an electric utility applicant for a license to operate a utilization facility of the type described in § 50.21(b) or § 50.22, are required to include information sufficient to demonstrate that the applicant “possesses or has reasonable assurance of obtaining” the funds necessary for construction and/or operation, as applicable, of the facility along with associated financing details. However, applicants for commercial nuclear plants under the recently-issued 10 CFR part 53 are subject to the less restrictive financial qualifications standard of “appears to be financially qualified.” Part 53 is an optional

framework for the licensing of nuclear plants that could also be licensed under 10 CFR part 50 or 10 CFR part 52; therefore, the financial qualifications standard for 10 CFR part 53 applicants is applicable to 10 CFR parts 50 and 52 applicants. Having this less restrictive standard for 10 CFR parts 50 and 52 applicants would also reduce an unnecessary burden on these applicants and the NRC. Finally, having the same financial qualifications standard for 10 CFR parts 50, 52, and 53 applicants would further regulatory consistency. Therefore, the NRC is proposing to replace the current “possesses or has reasonable assurance of obtaining the funds necessary” financial qualifications standard in § 50.33(f)(1) and (2) with the 10 CFR part 53 “appears to be financially qualified” financial qualifications standard. And, as with 10 CFR part 53, the NRC is proposing to add to § 50.33(f)(1) and (2) that if available funding at the time of application is 50 percent or less, the applicant should include proposed license conditions to facilitate verification that funding is available prior to the start of construction and/or operation, as applicable. Making this conforming change to use the 10 CFR part 53 financial qualifications standard for 10 CFR parts 50 and 52 applicants is sufficiently protective of the public health and safety for the same reasons that the use of the standard was found to be sufficiently protective of the public health and safety for 10 CFR part 53 applicants.

B. Decommissioning Trust Fund Use

The NRC is proposing to delete §§ 50.82(a)(8)(ii), 52.110(h)(2), and 53.1045(a)(2) to remove the “timing” regulation that currently prohibits the use of decommissioning trust funds (DTFs) until decommissioning has begun (e.g. the licensee has submitted a site-specific cost estimate and certifications of permanent cessation of operations and removal of fuel). Currently, a licensee may use up to 3% of the formula amount of its decommissioning funds (under § 50.75(c)) at any time for decommissioning planning, which includes paperwork activities and prohibits physical dismantlement and decontamination activities, without notification pursuant to §§ 50.75(h)(1)(iv), 50.75(h)(2), 53.1045(b)(4), and 50.1045(c). Currently, once certifications of permanent cessation of operations and fuel removal have been received and commencing 90 days after receipt of the PSDAR, an additional 20% of the DTF may be used for radiological decommissioning. The

remaining funding may be used for radiological decommissioning once the site-specific cost estimate has been received. The proposed deletion of §§ 50.82(a)(8)(ii), 52.110(h)(2), and 53.1045(a)(2) would result in sole reliance on §§ 50.75(h)(1)(iv), 50.75(h)(2), 53.1045(b)(4), and 53.1045(c) for determining when and how decommissioning trust funds can be used. Therefore, the NRC is proposing to revise §§ 50.75(h)(1)(iv), 50.75(h)(2), 53.1045(b)(4), and 53.1045(c) to encompass similar timing regulations that define when and how much decommissioning trust funds may be used without notification to the NRC.

Proposed revisions to these regulations would allow the DTF to be used for legitimate radiological decommissioning activities during operations, typically for disposal of major radioactive components. Reviews of planned DTF withdrawals for these activities would fall under the notification process described in §§ 50.75(h)(1)(iv), 50.75(h)(2), 53.1045(b)(4), and 53.1045(c), rather than requiring an exemption from § 50.82, § 52.110, or § 53.1045 to facilitate the withdrawal. The proposed revision would still allow 3% of the formula amount to be used without notification and would also decrease the time the funds may be used once in decommissioning from 90 days to 30 days after the site-specific decommissioning cost estimate has been received, consistent with the proposed changes to §§ 50.82(a)(4), 52.110(d)(1), and 53.1070(d)(1).

The NRC is further proposing to revise §§ 50.75(h)(1)(iv), 50.75(h)(2), 53.1045(b)(4), and 53.1045(c) to require a 60-working day notification for such withdrawals. The current regulation requires a 30-working day notification during which the NRC receives and reviews the merits of the withdrawal. If the NRC does not object to the withdrawal, no further action is taken by the NRC (negative consent), and the DTF disbursement may occur after the 30-working days. Because withdrawals during operations for radiological decommissioning activities are not typical and administrative withdrawals are permitted without notification, the NRC does not typically receive these requests under the current regulatory structure. Although the current exemption process takes between 6–12 months to complete due to the development of supporting documents and evaluation of the request against the exemption criteria, the NRC typically completes the technical review to support withdrawals from decommissioning trust funds for major

radioactive components within 60 days. Additionally, based on its experience evaluating previous exemptions, the NRC staff has found no issues of safety or security significance that would preclude a withdrawal of decommissioning trust funds during operations, that could not otherwise be determined during a standard review associated with the notification process.

Therefore, this proposed rule would include a 60-working day notification to allow for a complete technical analysis of a DTF withdrawal during operations. This proposed change in approach for how the NRC evaluates DTF use during operations would result in a net-positive time efficiency compared to the existing exemption process. The NRC has experience reviewing exemption requests for this purpose and, consistent with the proposed regulatory enhancements to §§ 50.75(h), 50.82(a)(8), 52.110(d)(1), 53.1045(b)(4), 53.1045(c), and 53.1070(d)(1), has determined that a detailed, streamlined review can be completed within 60 days, providing sufficient time to review the merits of the withdrawal and object, if necessary. This proposed change would increase overall efficiency for licensees to access decommissioning funds during operations by reducing regulatory and administrative burden and focusing NRC review on the technical merits of DTF withdrawals during operations, without a reduction in safety or security.

10 CFR Part 50—Risk Informed Seismic Design

The proposed changes to appendix S to 10 CFR part 50 would allow for the use of multiple design-basis ground motions (DBGMs). These changes would include:

- a. A definition of DBGMs added under section III of appendix S to 10 CFR part 50;
- b. A revised definition under section III of appendix S to 10 CFR part 50 related to the SSCs required to withstand the effects of vibratory ground motion or surface deformation. The revised definition would address both the SSE and DBGMs and the determination of SSCs based on their risk-significance and safety functions. Consistent changes would be made where the SSCs are referred to under part IV of appendix S to 10 CFR part 50;
- c. A revised part IV, section (a)(1)(i) of appendix S to 10 CFR part 50 that would address the development of both the SSE and DBGMs and that would eliminate the minimum required peak ground acceleration for the response spectrum at the foundation level of structures. In place of the latter, and

consistent with 10 CFR part 53 requirements, the revised part IV, section (a)(1)(i) of appendix S to 10 CFR part 50 would enable the development of the response spectrum at the foundation level of structures commensurate with the risk-significance and safety functions of SSCs. Elsewhere in part IV of appendix S to 10 CFR part 50, references to SSE would be revised to include both the SSE and DBGMs;

d. A revised part IV, section (a)(1)(iv) of appendix S to 10 CFR part 50 to clarify that soil-structure interaction effects should be considered in the design of SSCs, if applicable. Further, part IV, section (a)(1)(iv) of appendix S to 10 CFR part 50 would be revised to replace the phrase “strain limits in excess of yield strain” with “inelastic behavior”;

e. A revised part IV, section (a)(2)(i)(A) and (B) of appendix S to 10 CFR part 50 that would define the operating basis earthquake based on the SSE or minimum DBGm; and

f. Other general proposed changes including removal of the start date for the applicability of appendix S to 10 CFR part 50, removal of a reference to appendix A to 10 CFR part 100, correcting a reference to § 50.10(c), replacing references to § 100.23 with references to 10 CFR part 100, and use of acronyms throughout appendix S to 10 CFR part 50.

10 CFR Part 50—Probabilistic Risk Assessment Requirements

The NRC proposes to amend § 50.69 to allow holders of an LWR CP under 10 CFR part 50, as well as applicants for an LWR design certification and holders of an LWR COL or ML under 10 CFR part 52, to make use of this regulation. Section 50.69 allows certain entities to categorize SSCs according to safety significance and, for safety-related SSCs of low safety significance, the ability to adopt alternatives to certain special treatment requirements that are in addition to the customary treatment of SSCs in industrial applications. The regulations currently permit this for holders of an LWR OL under 10 CFR part 50, holders of a renewed LWR license under 10 CFR part 54, applicants for a CP or an OL under 10 CFR part 50, and applicants for an SDA, a COL, or an ML under 10 CFR part 52. The NRC proposes to amend this regulation to extend its applicability to others. Specifically, § 50.69 would be available to holders of an LWR CP under 10 CFR part 50, as well as to applicants for an LWR design certification and holders of an LWR COL or ML under 10 CFR part 52. In addition, the NRC is proposing to clarify § 50.69(b) to make the

applicability of the regulation more explicit.

This proposed change would allow for a risk-informed development and review of a design certification application. This would provide a safety benefit by permitting the applicant and the NRC to focus their efforts on the most risk-significant SSCs during design and design review. Risk-informed classification of SSCs in the design phase also would allow the use of alternative special treatment requirements for establishing the suitability of SSCs for the proposed design. Further, allowing LWR OL 10 CFR part 50 holders but not LWR COL 10 CFR part 52 holders to apply § 50.69 lacks a technical basis. Once the operating phase begins, there is no longer any technical difference between an OL and a COL. In addition, the proposed rule expands § 50.69 to ML holders to further provide flexibility to utilize risk-informed categorization and special treatments. This change would also be consistent with the Commission's PRA Policy Statement (60 FR 42622), which calls for increased use of PRA in all regulatory matters to the extent supported by the state of the art in PRA.

In SRM-SECY-18-0106, “Consideration in the Rulemaking Process of Issue Raised in Petition for Rulemaking on Applicability of Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors (PRM-50-110) (NRC-2015-0028),” dated September 10, 2020 (84 FR 39684), the Commission directed the NRC staff to consider in the rulemaking process the issue of whether to allow holders of a COL to adopt risk-informed classifications of SSCs under § 50.69. These proposed changes would address that Commission direction.

10 CFR Parts 50, 52, 53, 70, and 72—Backfitting and Issue Finality Provisions

A. Compliance Backfitting

As part of this rulemaking, the NRC is proposing to remove the compliance backfit justifications. The compliance exception is intended to address situations in which the license failed to meet known and established standards of the Commission because of omission or mistake of fact. This exception was further clarified in SRM-COMSECY-16-0020. Consistent with the NRC's Principles of Good Regulation, removing the compliance backfit justifications would improve the efficiency, clarity, and reliability of the NRC's regulations. With respect to efficiency, the Principles of Good Regulation state that

regulatory activities should be consistent with the degree of risk reduction they achieve. Adequate protection backfits and backfits involving a cost-justified substantial increase in overall protection inherently apply clear and reliable standards that utilize the NRC's resources in a manner commensurate with an activity's associated risks. In contrast, the compliance backfit provisions do not provide a specific threshold for evaluating the degree of risk-reduction, and in so doing, are susceptible to focusing resources on less risk-significant issues. Thus, in applying the compliance exception, a licensee may be required to make a change without a showing of a substantial safety benefit. Further, while the NRC's implementing guidance directs “some consideration of cost” in its documented evaluation for a compliance backfit (e.g., MD 8.4), the backfitting and issue finality regulation provisions do not explicitly specify that cost must be considered for compliance backfits. Moreover, due to the lack of specific criteria in the compliance backfit provisions, the compliance justifications are susceptible to less objective application and, therefore, are less predictable and may create some regulatory uncertainty for entities when making long-term financial decisions regarding, for example, new facility construction or major upgrades. Such uncertainty may create a barrier to competition; therefore, in response to E.O. 14627, the NRC is proposing to eliminate the compliance backfit provisions from its rules.

In addition, the backfitting and issue finality rules in 10 CFR parts 50, 52, and 53, and the Commission's policy described in MD 8.4, require the NRC to demonstrate that certain criteria are met before imposing new or revised requirements that would result in a change to the design, construction, or operation of a nuclear power reactor. These regulations apply upon the issuance of certain permits, licenses, certifications, or other approvals under 10 CFR parts 50, 52, and 53, including the issuance of a construction permit for a power reactor under 10 CFR part 50 or 10 CFR part 53 or a combined construction and operating license issued under 10 CFR part 52 or 10 CFR part 53. Accordingly, the proposed removal of the compliance backfit justification from §§ 50.109 and 53.1590 and from the issue finality provisions in 10 CFR parts 52 and 53 would further the direction in section 5(f) of E.O. 14300 to provide stringent thresholds for circumstances in which the NRC

may demand changes to a reactor design once construction is underway.

Finally, the issue finality regulations in §§ 52.63(a)(4) and 53.1263(a)(4) state that the Commission may not impose new requirements by plant-specific order on any part of the design of a specific plant referencing a design certification rule if that part was approved in the design certification, unless (1) a modification is necessary for adequate protection or compliance and (2) special circumstances as defined in § 52.7 or § 53.080 are present and outweigh any decrease in safety that may result from a reduction in standardization. There are similar provisions in paragraph VIII.B.3 of the design certification rules located in the appendices to 10 CFR part 52. With the proposed removal of the compliance justification, it would not be necessary for the NRC to separately demonstrate that special circumstances are present when applying § 52.63(a)(4), § 53.1263(a)(4), or paragraph VIII.B.3 of the design certification rules. That is, when such a modification is necessary for the NRC to have reasonable assurance of adequate protection, the AEA requires the NRC to take regulatory action regardless of the presence of special circumstances. Therefore, this proposed rule would remove the special circumstances criteria from §§ 52.63(a)(4), 53.1263(a)(4), and paragraph VIII.B.3 of the design certification rules in appendices A, D, E, F, and G to 10 CFR part 52. This proposed rule would also correct an error in § 53.1263(a)(4) by replacing the reference to “§ 53.1248” with “§ 53.1251 or § 53.1260.”

B. Applicability of the Backfitting and Issue Finality Regulations in 10 CFR Parts 50 and 52

This proposed rule would amend §§ 50.109, 52.63, and 52.171 to revise and clarify the applicability of the backfitting and issue finality requirements in 10 CFR parts 50 and 52. The backfitting and issue finality requirements in 10 CFR parts 50 and 52 overlap in some areas and have inconsistencies that may lead to confusion about the applicable criteria for the NRC to impose certain changes. The applicability of § 50.109 would also be updated to reflect the Commission's interpretation and policies related to its application and to provide more consistency regarding the backfitting of nuclear power plants licensed under 10 CFR parts 50, 52, and 53. This proposed rule would also remove certain provisions regarding the applicability of § 50.109 that are obsolete or unnecessary.

Currently, the licenses, permits, and approvals that are within the scope of § 50.109 are listed in § 50.109(a)(1)(i) through (vii) under the definition of backfitting. The NRC is proposing to clarify this list and relocate it to a new paragraph (a) that describes the applicability of § 50.109. The existing paragraph (a) in § 50.109 would replace the deleted paragraph (b), which is no longer necessary. The proposed § 50.109(a)(1) would identify the specific approvals issued under 10 CFR parts 50 and 52 for which § 50.109 is applicable. Additionally, the proposed § 50.109(a)(2) would clarify that matters addressed in a design certification or manufacturing license referenced in a construction permit, operating license, or combined license for a power reactor issued under 10 CFR part 50 or 10 CFR part 52 are not within the scope of § 50.109 but instead must be considered under the appropriate issue finality requirements in 10 CFR part 52.

The regulations in 10 CFR part 50 provide for the licensing of production and utilization facilities in general, and not just nuclear power reactors. The NRC has always considered nuclear power reactors licensed under section 103 or 104b of the AEA (*i.e.*, commercial nuclear power reactors) to be within the scope of § 50.109. In 2026 (91 FR 2287), the NRC issued a notice of interpretation explaining that commercial NPUFs licensed under section 103 of the AEA are included within the scope of § 50.109 and that non-commercial NPUFs licensed under section 104 of the AEA are excluded from the scope of § 50.109. Licenses issued under section 103 of the AEA are referred to as class 103 licenses in the Commission's regulations in 10 CFR part 50, and are issued under § 50.22. In addition, licenses, permits, and other Commission authorizations issued under 10 CFR part 53 are not within the scope of § 50.109. Therefore, the proposed amendment of § 50.109 would clarify in the new paragraph (a)(1) that, among other things, § 50.109 applies after the date of issuance of the following:

- a. Construction permits and operating licenses for nuclear power reactors issued under 10 CFR part 50;
- b. SDAs for nuclear power reactors issued under subpart E of 10 CFR part 52;
- c. Combined licenses for nuclear power reactors issued under subpart C of 10 CFR part 52; and
- d. Construction permits and operating licenses for commercial NPUFs issued under § 50.22.

The proposed § 50.109(a)(2) would further clarify that the NRC would apply

§ 50.109 to matters within the scope of these approvals, which include renewed, amended, or revised approvals, except for matters resolved in a design certification rule or manufacturing license proceeding referenced in a construction permit, operating license, or combined license for a power reactor issued under 10 CFR part 50 or 10 CFR part 52.

The NRC is also proposing to add limited work authorizations issued under § 50.10 to the scope of § 50.109 for nuclear power reactors licensed or to be licensed under 10 CFR part 50 or 10 CFR part 52 and for commercial NPUFs licensed or to be licensed under § 50.22. The Commission's policy described in MD 8.4 states that the NRC would apply § 50.109 to matters covered by a limited work authorization for power reactors to be licensed under 10 CFR part 50. Since MD 8.4 was issued in 2019, the NRC issued an interpretation that commercial NPUFs licensed under § 50.22 are within the scope of § 50.109 (91 FR 2287). The regulations in § 50.10 apply to the issuance of all limited work authorizations under 10 CFR parts 50 and 52, and § 50.10 does not provide different standards for power reactors to be licensed under 10 CFR part 50 or 10 CFR part 52 or commercial NPUFs to be licensed under § 50.22. In addition, the backfitting rule in § 53.1590 applies to limited work authorizations for nuclear power reactors licensed or to be licensed under 10 CFR part 53. To provide consistent treatment under the backfitting provisions across frameworks, the proposed § 50.109(a)(1) would add limited work authorizations for nuclear power reactors and commercial NPUFs licensed or to be licensed under 10 CFR part 50 or 10 CFR part 52, as applicable, to the scope of § 50.109.

In addition, the current provisions in § 50.109(a)(1)(i) and (ii) provide a distinction between the applicability of the backfitting provisions for nuclear power reactor construction permits issued before and after October 21, 1985. There are no longer any nuclear power reactor construction permits in effect that were issued before October 21, 1985. The proposed amendment would remove § 50.109(a)(1)(i) for construction permits issued before October 21, 1985, and remove the date from § 50.109(a)(1)(ii) (and renumber the provision) because it is no longer necessary to provide a distinction regarding when a construction permit was issued. Similarly, the NRC also proposes to remove § 50.109(b) because it is no longer necessary.

The NRC is proposing to delete § 50.109(a)(1)(vi) because it is redundant

to § 50.109(a)(1)(i). The current provision in § 50.109(a)(1)(vi) makes § 50.109 applicable after the date of issuance of the first construction permit issued for a duplicate design (*i.e.*, identical design) for a nuclear power reactor under appendix N, “Standardization of Nuclear Power Plant Designs: Permits to Construct and Licenses to Operate Nuclear Power Reactors of Identical Design at Multiple Sites,” to 10 CFR part 50. Appendix N to 10 CFR part 50 concerns applications “filed by one or more applicants for licenses to construct and operate nuclear power reactors of essentially the same design to be located at different sites.” The issuance of a construction permit is the only method provided in appendix N to CFR part 50 for the approval of a duplicate design that may be referenced by other construction permit applications. This process would allow for one review—at the first construction permit application stage—of those aspects of the design that are approved and then referenced in subsequent appendix N to 10 CFR part 50 applications. As discussed in the preamble for the 2007 10 CFR part 52 final rule, § 50.109(a)(1)(vi) was added to clarify when the applicability of § 50.109 begins for a construction permit for a duplicate design. However, the current provision in § 50.109(a)(1)(i), which will be retained in the proposed § 50.109(a), makes § 50.109 applicable to all construction permits issued for nuclear power reactors under 10 CFR part 50, which would include the first construction permit issued for a duplicate design issued under appendix N to 10 CFR part 50. Accordingly, when the first construction permit is issued under appendix N, then § 50.109 becomes applicable on that date for all subsequent appendix N construction permit applications that reference the design of the first construction permit (and the construction permits themselves if they are issued). Therefore, the current provision in § 50.109(a)(1)(vi) is not necessary.

The current provision in § 50.109(c)(2) would be revised to require a backfit analysis to also include a general description of the activities that would be required by holders of SDAs to implement a backfit. Currently, § 50.109(c)(2) only requires a general description of the activities required by licensees and applicants. Under the definitions of “License,” “Licensee,” and “Standard design approval” in § 52.1(a), a holder of an SDA is not a licensee.

The NRC also proposes to remove manufacturing licenses from the scope of the backfitting rule in § 50.109 to

eliminate inconsistencies between §§ 50.109, 52.98, and 52.171. Currently, manufacturing licenses are included within the definition of backfitting in § 50.109(a)(1), and § 50.109(a)(1)(v) includes manufacturing licenses within the scope of § 50.109. However, this is inconsistent with other provisions in §§ 50.109, 52.98, and 52.171 that require the NRC to apply the issue finality criteria in § 52.171 to impose changes related to a manufacturing license including the design of a manufactured reactor. For example, § 52.171(a) requires the NRC to apply the criteria in § 52.171(a) “notwithstanding any provision in 10 CFR 50.109.” For a combined license that references a reactor manufactured under a manufacturing license, §§ 50.109(a)(1)(vii) and 52.98(d) currently specify that the provisions of § 52.171 apply with respect to matters resolved in the manufacturing license proceeding. This proposed rule would remove the words “or manufacturing license” from the definition of backfitting in § 50.109(a)(1) and remove § 50.109(a)(1)(v) to resolve this inconsistency. As a result, NRC-imposed changes to manufacturing licenses would be governed by the provisions in § 52.171. This proposed rule would also delete the phrase “notwithstanding any provision in 10 CFR 50.109” from § 52.171(a) because the proposed changes to clarify § 50.109 would make this clause unnecessary.

For a combined license, § 50.109(a)(1)(vii) currently clarifies that the issue finality regulations in § 52.63, § 52.171, or the referenced design certification rule apply to matters resolved in referenced standard design certification rule or manufacturing license proceeding. In addition, § 50.109(a)(1)(vii) currently clarifies that any backfitting limitation in a referenced standard design certification rule would govern over the provisions in §§ 50.109 and 52.63. However, the provisions in § 50.109(a)(1)(i) and (iii) that incorporate construction permits and operating licenses, respectively, within the scope of § 50.109 do not include these clarifications. To ensure consistency in the application of § 50.109, the clarification in § 50.109(a)(1)(vii) regarding the applicability of these issue finality requirements would be relocated to the proposed § 50.109(a)(2) to provide clarification for power reactor construction permits, operating licenses, and combined licenses issued under 10 CFR parts 50 and 52. Specifically, the proposed § 50.109(a)(2) would clarify that the provisions of § 52.63, § 52.171,

or the referenced design certification rule apply to matters resolved in a referenced standard design certification rule or manufacturing license proceeding, as appropriate, and § 50.109 would not apply. The proposed § 50.109(a)(2) would also state that any backfitting limitation in a referenced standard design certification rule would govern over the provisions in §§ 50.109 and 52.63.

The NRC proposes to delete the phrase “notwithstanding any provision in 10 CFR 50.109” from § 52.63(a)(1) to avoid potential inconsistencies with other rules. The regulation in § 52.63(a)(1) states that, “notwithstanding any provision in 10 CFR 50.109,” changes to certification information must be made in accordance with the criteria in § 52.63(a)(1). The design certification rules codified in appendices to 10 CFR part 52 that are currently in effect include provisions that specify the information subject to § 52.63(a) and the information subject to § 50.109. For example, paragraph VIII.C.1 in appendix D to 10 CFR part 52 states, in part, “Generic changes to generic TS [technical specifications] and other operational requirements that were completely reviewed and approved in the design certification rulemaking and do not require a change to a design feature in the generic DCD [design control document] are governed by the requirements in 10 CFR 50.109.” In addition, the proposed § 50.109(a)(2) would clarify the applicability of § 52.63 and the design certification rules if they are referenced in a power reactor license or construction permit issued under 10 CFR part 50 or 10 CFR part 52, as applicable. Therefore, the “notwithstanding” clause in § 52.63(a)(1) is not necessary. In addition, eliminating this clause would clarify that the provisions in the design certification rules establish the appropriate change control mechanisms for different types of information associated with the design certification.

Next, to enhance clarity and consistency across NRC regulations, the NRC is proposing to delete the sentence in § 50.109(a)(1)(vii) that states that, for a combined license referencing an SDA, § 52.145 applies to the design matters resolved in that SDA. The NRC proposes to remove this text because §§ 52.98 and 52.145 and the associated discussions in the preamble for the 2007 10 CFR part 52 final rule (72 FR 49352) explain that issue finality under § 52.145 applies only when the NRC staff and Advisory Committee on Reactor Safeguards are reviewing an individual facility license application incorporating an SDA. In

contrast, the Commission, Atomic Safety Licensing Board Panel, or presiding officers are not bound by NRC staff determinations in the final design approval or final safety evaluation report for the SDA. The NRC also proposes to delete the sentence in § 50.109(a)(1)(vii) stating that § 52.145 applies to the design matters resolved in the SDA because the existing text could unintentionally imply a conflict with the issue finality requirements in § 52.98 for combined licenses referencing SDAs. Specifically, § 52.98(a) requires NRC-initiated changes to a combined license related to design matters resolved in an SDA to be addressed under § 50.109, not § 52.145. This point is reinforced by the Commission's discussion for § 52.98 in the preamble for the 2007 10 CFR part 52 final rule, which states, in part, that "[t]he change processes in 10 CFR part 50 apply to a combined license that does not reference a design certification rule or a reactor manufactured under a manufacturing license." As such, this would mean that the change processes in 10 CFR part 50 apply to combined licenses that reference an SDA. Thus, § 52.145 does not apply to a combined license that references an SDA after the license is issued.

As previously stated, the issue finality provisions of § 52.145 address the finality of an SDA in the review of an application referencing the SDA. Under current regulations, NRC-imposed generic changes to an SDA are made under § 50.109, as reflected by the fact that standard design approvals are included within the definition of backfitting in § 50.109(a)(1), and § 50.109(a)(1)(iv) establishes the date when an SDA is included within the scope of § 50.109. These requirements in § 50.109 would be retained to address generic NRC-imposed changes to an SDA, but the requirements in § 50.109(a)(1)(iv) would be relocated to the proposed § 50.109(a)(1).

The NRC also proposes to delete the sentence in § 50.109(a)(1)(vii) stating that, for a combined license referencing an early site permit, § 52.39 applies to the site characteristics, design parameters, and terms and conditions specified in the early site permit after the combined license is issued. The NRC proposes to remove this text because it is incorrect. Section 52.26(d) states that upon issuance of a construction permit or combined license, a referenced early site permit is subsumed, to the extent referenced, into the construction permit or combined license. Therefore, an early site permit is no longer operative once the construction permit or combined license

is issued, so § 52.39 cannot apply to an issued construction permit or combined license that references an early site permit.

The NRC proposes to amend § 52.171(a)(1) to clarify that restriction on NRC-imposed changes related to the design of a nuclear power reactor approved under a manufacturing license applies before, during, and after the reactor is manufactured. The current wording of § 52.171(a)(1) could be read to suggest that this restriction applies only when the reactor is being manufactured. Additionally, § 52.171(a)(1) indicates that this regulation only applies during the term of the manufacturing license. However, such a reading would not be consistent with the preamble for the 2007 10 CFR part 52 final rule. The Commission explained in the preamble that under § 52.171(a)(1) "the NRC may not impose any change or modification to the approved design (including site parameters, or design characteristics) for the manufacturing license" unless the NRC determines that the § 52.171(a)(1) criteria for imposing the change are met. The Commission further explained that this restriction applies "to reactors which have already been manufactured, as well as any reactors yet to be manufactured under the manufacturing license."

Accordingly, the NRC is proposing to revise § 52.171(a)(1) to more clearly reflect the intent of the regulation as promulgated in the 2007 10 CFR part 52 final rule. With the proposed changes, the design of a manufactured reactor referenced in an operating license, for example, would remain within the scope of § 52.171(a)(1) independent of the duration of the manufacturing license. With respect to the manufacturing license itself, it is not necessary to specify in § 52.171(a)(1) that this provision applies "during the term of the manufacturing license" because, even without this clause, an expired manufacturing license would not be within the scope of § 52.171(a)(1).

C. Applicability of the Backfitting and Issue Finality Regulations in 10 CFR Part 53

In general, the backfitting and issue finality provisions in 10 CFR part 53 are similar to the backfitting and issue finality provisions in 10 CFR parts 50 and 52. The proposed amendments to §§ 53.1288, "Finality of manufacturing licenses," and 53.1590 would revise and clarify the applicability of the backfitting and issue finality provisions in 10 CFR part 53. Many of these proposed changes are, in part, intended to align with §§ 50.109 and 52.171,

where practical. The backfitting and issue finality regulations in 10 CFR part 53 overlap in some areas, which may lead to confusion about the applicable criteria for the NRC to impose certain changes.

Currently, § 53.1590 applies after the date of issuance of a commercial nuclear plant license issued under 10 CFR part 53. This means that the scope of § 53.1590 includes construction permits, operating licenses, combined licenses, and limited work authorizations for nuclear power plants licensed under 10 CFR part 53 based on the definitions for "commercial nuclear plant" and "license" in § 53.020, "Definitions." However, § 53.1590 does not specify how the issue finality rules are to be applied when a license references a design certification rule or manufacturing license. In addition, the definition of backfitting in § 53.1590 includes "design approvals," which is equivalent to the term "SDA" according to the definition in § 53.020. But SDAs are not a license under 10 CFR part 53 and, as a result, it is not clear whether an SDA could fall within the scope of § 53.1590.

The NRC is proposing to add a new paragraph (a) to § 53.1590 to clarify the applicability of § 53.1590 and the related issue finality regulations. The existing paragraphs (a) through (d) in § 53.1590 would be redesignated as paragraphs (b) through (e). The proposed § 53.1590(a)(1) would identify that § 53.1590 applies after construction permits, operating licenses, combined licenses, limited work authorizations, and SDAs are approved under 10 CFR part 53. The proposed § 53.1590(a)(2) would clarify that matters addressed in a design certification or manufacturing license referenced in such NRC approvals under 10 CFR part 53 are not within the scope of § 53.1590 but instead must be considered under the appropriate issue finality requirements in 10 CFR part 53.

The proposed inclusion of SDAs within the scope of § 53.1590 would be consistent with § 50.109, which includes SDAs issued under 10 CFR part 52 within its scope. The issue finality regulations in § 53.1221 would continue to apply for license applications under 10 CFR part 53 that reference an SDA. Applications referencing an SDA would remain outside the scope of the backfitting provisions in § 53.1590. However, the NRC would apply the provisions in § 53.1590 when considering generic changes that would affect an SDA.

The proposed § 53.1590(a)(2) would specify that the provisions of § 53.1263, § 53.1288, or the referenced design

certification rule apply—and § 53.1590 would not apply—to matters resolved in a referenced standard design certification rule or manufacturing license proceeding. The proposed § 53.1590(a)(2) would also state that any backfitting limitation in a referenced standard design certification rule would govern over the provisions in §§ 53.1590 and 53.1263. The proposed § 53.1590(a)(2) provisions are equivalent to the proposed § 50.109(a)(2) and the provisions in § 50.109(a)(vii) for combined licenses issued under 10 CFR part 52 that reference a design certification rule or manufacturing license. For combined licenses issued under 10 CFR part 53, the proposed § 53.1590(a)(2) is consistent with the issue finality provisions in §§ 53.1425, “Finality of referenced NRC approvals,” and 53.1443, “Finality of combined licenses.” For example, § 53.1443(c)(1) states that if a combined license references a certified design, then “changes to or departures from information within the scope of the referenced standard design certification rule are subject to the applicable change processes in that rule.” Similarly, § 53.1443(d)(1) states that if a combined license references use of a manufactured reactor, then “changes to or departures from information within the scope of the manufactured reactor’s design are subject to the change processes in § 53.1288.” However, like 10 CFR parts 50 and 52, the regulations in 10 CFR part 53 also allow construction permits and operating licenses to reference a design certification rule or a manufacturing license, but 10 CFR parts 50 and 52 do not provide issue finality provisions equivalent to §§ 53.1425 and 53.1443 that apply after the construction permit or operating license is issued. To ensure consistency between frameworks regarding the application of the backfitting and issue finality regulations, the proposed § 53.1590(a)(2) would apply to construction permits, operating licenses, and combined licenses issued under 10 CFR part 53 after such an approval is issued.

The current provision in § 50.1590(b)(2) would be revised to require a backfit analysis to also include a general description of the activities that would be required by holders of SDAs to implement a backfit. Currently, § 50.1590(b)(2) only requires a general description of the activities required by licensees and applicants.

The NRC proposes to delete the clause in § 53.1288(a)(1) implying that this provision regarding the issue finality for manufacturing licenses only applies during the term of a manufacturing license issued under this part. This

proposed provision would apply to the design of manufactured reactors before, during, and after they have been manufactured under a manufacturing license. For example, § 53.1443(d)(1) states that if a combined license references use of a manufactured reactor, then “changes to or departures from information within the scope of the manufactured reactor’s design are subject to the change processes in § 53.1288.” The regulation in § 53.1288(a)(1) was based on § 52.171(a)(1), and, as discussed previously, the current wording of § 52.171(a)(1) is inconsistent with the Commission’s intent when the final 2007 10 CFR part 52 rule was issued. With the proposed changes, the design of a manufactured reactor referenced in an operating license, for example, would remain within the scope of § 53.1288(a)(1) independent of the duration of the manufacturing license. With respect to the manufacturing license itself, it is not necessary to specify in § 53.1288(a)(1) that this provision applies during the term of the manufacturing license because, even without this clause, an expired manufacturing license would not be within the scope of § 53.1288(a)(1).

Next, in accordance with § 53.620(d), “Fuel loading,” a manufacturing license under 10 CFR part 53 may authorize the possession and loading of fresh fuel in a manufactured reactor pursuant to a license issued under 10 CFR part 70. Among other requirements, § 53.620(d)(2) states that “holders of these part 70 licenses must comply with the requirements of Subpart H to part 70, regardless of whether their proposed activities meet the applicability criteria found in 10 CFR 70.60.” Although the licensee must comply with the requirements of subpart H to 10 CFR part 70, the backfitting provision in § 70.76 applies to the NRC and not the licensee. Additionally, the regulation in § 53.620(d)(1)(ii) allows an applicant for a manufacturing license to file a separate, subsequent application for a 10 CFR part 70 license or to combine both applications. As a result, the provision in § 53.620(d) and subpart H to 10 CFR part 70, create some uncertainty regarding the applicability of the backfitting rule in § 70.76 and the issue finality rule in § 53.1288(a).

To rectify this potential uncertainty, the NRC proposes adding a new paragraph § 53.1288(a)(4) to clarify the applicability of the issue finality provisions in § 53.1288 and the backfitting provisions in § 70.76 for manufacturing licensees that have obtained a 10 CFR part 70 license in accordance with § 53.620 to possess and

load fresh fuel into a manufactured reactor. Specifically, the proposed § 53.1288(a)(4) would clarify that the 10 CFR part 70 license would be within the scope of the backfitting rule in § 70.76. The backfitting requirements in § 70.76 would be appropriate for NRC-initiated changes that may affect the 10 CFR part 70 license because the activities authorized under the 10 CFR part 70 license, such as the possession, storage, and handling of fresh fuel, are similar to activities authorized under other 10 CFR part 70 licenses. Additionally, the 10 CFR part 70 license would be subject to the requirements in subpart H to 10 CFR part 70, and may be issued separately or subsequent to the issuance of the manufacturing license. However, the features to prevent criticality in a manufactured reactor that are specified in the manufacturing license, as required by § 53.620(d)(1)(i), would be within the scope of the issue finality provisions in § 53.1288(a)(1) under this proposed rule because these features would have been subject to the manufacturing license proceeding and are expected to be integral to the design and manufacture of the reactor.

D. Other Revisions to Criteria for Changes Affecting Issue Finality

The NRC proposes to revise the criteria in §§ 52.63(a)(1)(iii) and 53.1263(a)(1)(iii) that allows the Commission to change requirements on design certification information if the change reduces unnecessary regulatory burden and maintains protection to public health and safety and the common defense and security. Specifically, the NRC proposes to change the phrase “maintains protection to” to “maintains reasonable assurance of adequate protection of.” The preamble discussion for § 52.63(a)(1)(iii) in the final 2007 10 CFR part 52 rule stated, in part, that “maintaining protection generally embodies the same safety principles used by the NRC in applying risk-informed decision-making, *i.e.*, ensuring that adequate protection is provided”

As discussed in MD 8.4, the Commission’s policy requires decisions regarding changes affecting issue finality to be risk-informed, which is consistent with the concept of “maintaining protection” discussed in the preamble for the final 2007 10 CFR part 52 rule. The proposed changes to §§ 52.63(a)(1)(iii) and 53.1263(a)(1)(iii) would clarify that the NRC must demonstrate that reasonable assurance of adequate protection would be maintained when making changes that reduce regulatory burden and would continue to allow the NRC to make risk-

informed decisions regarding such changes.

The NRC proposes adding criteria to the issue finality provisions in §§ 52.171(a) and 53.1288(a) that would allow the Commission to change requirements to reduce unnecessary regulatory burden on manufacturing licenses and licensees with manufactured reactors provided that the NRC continues to have reasonable assurance of adequate protection of the public health and safety and the common defense and security. The provisions in §§ 52.171(a) and 53.1288(a) currently provide that the Commission may not modify, rescind, or impose new requirements on the design or manufacture of a manufactured reactor unless the change can be justified as necessary to provide reasonable assurance of adequate protection or for compliance with NRC requirements. These provisions do not appear to allow the NRC to eliminate or relax requirements that are not necessary to provide reasonable assurance of adequate protection of public health and safety or the common defense and security. The proposed criteria to be added to §§ 52.171(a) and 53.1288(a) are equivalent to the criteria currently in §§ 52.63(a)(1)(iii) and 53.1263(a)(1)(iii) with the proposed clarifications previously discussed.

E. Clarification of Backfitting Definitions

The NRC proposes to revise the definitions of “backfitting” in §§ 50.109, 53.1590, and 70.76 to clarify that backfitting occurs when certain changes to the facility, design, or procedures “would be required by” a new or amended NRC requirement or staff position. Currently, the backfitting definitions state that backfitting occurs when certain changes to the facility, design, or procedures “may result from” a new or amended NRC requirement or staff position. The Commission’s policy described in MD 8.4 identifies that nonmandatory relaxations of regulatory requirements or staff positions are not backfits. The phrase “may result from” could be interpreted as requiring the NRC to consider backfitting even for nonmandatory relaxations. Therefore, the NRC is proposing to clarify that definitions of “backfitting” in §§ 50.109, 53.1590, and 70.76 are limited to situations where the NRC action would require changes to the facility, design, or procedures consistent with the Commission’s policy on nonmandatory relaxations.

10 CFR Parts 52 and 53—Notification of Initial Fuel Load

The NRC is proposing to revise certain requirements related to the notification of initial fuel load in §§ 52.103(a) and 53.1452(a). The proposed change to § 52.103(a) would eliminate the requirement for recurrent reporting of updates to the licensee’s scheduled date for initial fuel load every 30 days after the initial report submitted no less than 270 days before the scheduled date. The licensee would be required to notify the NRC only in those cases where, after providing the initial notification, the scheduled date for initial fuel load is revised. In such cases, the licensee would be required to notify the NRC within 30 days of revising the schedule.

The proposed change would also be applicable to COL holders installing a fueled manufactured reactor under 10 CFR part 53. The proposed change would eliminate the requirement for recurrent reporting of updates to the COL holder’s scheduled date for initiating the removal of the features to prevent criticality every 30 days after the initial report submitted no less than 270 days before the scheduled date. The COL holder would be required to notify the NRC only in cases where, after providing the initial notification, the scheduled date for initiating the removal of the features to prevent criticality is revised. In such cases, the COL holder would be required to notify the NRC within 30 days of revising the schedule.

These amendments would reduce unnecessary regulatory burden without any reduction in safety or security.

10 CFR Part 52—Requirements for Evaluation of Generic Issues and Operating Experience

The following regulations concerning Unresolved Safety Issues, Generic Safety Issues, and operating experience in relation to plant designs are proposed to be removed for future new reactor applicants:

- § 52.47(a)(21) and (22) for design certifications under 10 CFR part 52, subpart B
- § 52.79(a)(20) and (37) for combined licenses under 10 CFR part 52, subpart C
- § 52.137(a)(21) and (22) for standard design approvals under 10 CFR part 52, subpart E
- § 52.157(f)(28) and (29) for manufacturing licenses under 10 CFR part 52, subpart F

The relevant regulatory guidance is currently located in Regulatory Guide 1.206 and Chapter 1 of NUREG-0800,

both of which are for LWRs. There is a brief discussion concerning Unresolved Safety Issues, Generic Safety Issues, and operating experience in relation to plant designs for non-LWRs in NRC Interim Staff Guidance in DANU-ISG-2022-01, “Review of Risk-Informed, Technology-Inclusive Advanced Reactor Applications—Roadmap,” dated March 2024, (ML23277A139). There is no specific guidance for non-LWRs; the NRC would consider the existing LWR guidance to inform the NRC’s licensing review. In association with the proposed removal of regulations, the NRC would revise the relevant guidance. The revised guidance would include a discussion related to applications under 10 CFR part 50.

The NRC recently issued Regulatory Guide 1.254, “Technology-Inclusive Identification of Licensing Events for Commercial Nuclear Plants,” March 2026, (ML25232A005) for nuclear plants under 10 CFR parts 50, 52, and 53. This document integrates operating experience as a foundational input in several key areas of the safety analysis process. Under the guidance, applicants are encouraged to systematically review operating experience from a variety of sources, including NRC communications, industry databases, and international reports.

The expected impact on future applicants and other stakeholders from the rulemaking would be a reduction in burden without compromising safety. Specifically, applicants would no longer be required to submit for NRC review an evaluation of USIs, GSIs, and operating experience from generic communications relevant to their design. The NRC would continue to consider operating experience of potential safety or risk significance during its review of future new reactors under other regulatory requirements and guidance that are sufficient to reach a finding of reasonable assurance of adequate protection of public health and safety. Another impact of this proposed rule would be that it would increase licensing efficiency and effectiveness because of the reduced content of applications and scope of licensing reviews, thus allowing resources to be allocated to other safety- or risk-significant issues.

10 CFR Parts 50, 52, and 53—Standard Design Approvals

A. Elimination of SDA Expiration

This proposed rule would eliminate the current 15-year expiration period and prohibition on renewal for future SDAs, as specified in §§ 52.147 and 53.1218. Under the revised framework,

once an SDA is approved by the NRC, it would remain valid indefinitely unless it is withdrawn by the applicant, superseded by a subsequent design approval or certification, or materially changed in a way that affects safety or regulatory compliance.

This change would align with the NRC's goal of reducing unnecessary regulatory burden and increasing regulatory stability for applicants and licensees. It recognizes that design information, particularly for advanced reactors, may remain technically relevant and safe for extended periods. Removing the expiration date would encourage long-term investment in design development and support deployment flexibility.

For an SDA issued following this proposed change, the holders would no longer need to reapply for approval solely due to the passage of time. However, the holder would still be responsible for ensuring the design remains technically current and safe, especially if used in future license applications. For an SDA issued prior to the proposed change, the SDA holder could choose to submit an amendment requesting the expiration date to be removed from the SDA, under the proposed § 52.145.

B. Inclusion of SDA in § 50.59, § 53.1221, and § 53.1505

This proposed rule would explicitly include SDAs within the scope of the §§ 50.59 and 53.1505, "Changes to licensing-basis information requiring prior NRC approval." The change proposed in § 50.59 would allow 10 CFR part 52 SDA holders to make certain changes to the approved design without prior NRC approval, provided the changes do not result in more than a minimal increase in the frequency or consequences of accidents, create the possibility of a new or different kind of accident, reduce the margin of safety, or otherwise meet the criteria requiring prior NRC review.

For 10 CFR part 53, this proposed rule would also add a new paragraph (e) to § 53.1221, which would allow changes to SDAs that meet the criteria in § 53.1550(a)(2) and do not require a change to the associated generic technical specifications. This would allow SDA holders under 10 CFR part 53 to make certain changes to their approved designs without prior NRC approval, provided the changes do not:

a. Result in an increase to the frequency or consequences of an event sequence such that an event sequence not previously identified as risk significant becomes risk significant;

b. Result in an increase to the frequency or consequences of an event sequence such that an event sequence exceeds the licensing-basis event evaluation criteria required to be established in accordance with § 53.450(e);

c. Involve either of the following: (A) a change to the NRC-approved comprehensive risk metric(s) or associated risk performance objective under § 53.220(b), or (B) an increase to the frequency or consequences of one or more event sequences such that any calculated comprehensive risk metric exceeds the associated risk performance objective established in accordance with § 53.220;

d. Involve a departure from a method of evaluation described in the FSAR (as updated) used in assessing design-basis accidents in accordance with § 53.450(f) unless the results of the analysis under § 53.450(f) are conservative or essentially the same, the revised method of evaluation has been previously approved by the NRC for the intended application, or the revised method of evaluation can be used under an NRC-endorsed consensus code or standard;

e. Result in a change to the safety classification of an SSC from safety-related to either nonsafety-related but safety-significant or non-safety-related;

f. Result in more than a minimal decrease in defense in depth;

g. Result in the identification of a new design-basis accident in accordance with § 53.450(f) or

h. Result in more than a minimal increase in the consequences of any design-basis accident.

This change would provide consistency with how other licensing instruments (*e.g.*, facility operating licenses and certified designs) are treated under the NRC's regulatory framework and would empower SDA holders to manage minor design evolutions efficiently while maintaining the appropriate degree of NRC oversight.

SDA holders would also gain flexibility to implement design improvements or updates based on operational experience, technological advancements, or vendor feedback. SDA holders would still be required to maintain sufficient internal processes to ensure compliance with § 50.59 thresholds in §§ 50.59 and 53.1550 and related documentation requirements.

C. Revisions to § 52.145, § 53.1521, and § 53.1545

This proposed rule would revise §§ 52.145, 53.1521, and 53.1545, "Updating Final Safety Analysis Reports," and add § 53.1521(f) and (g), to establish a formal process for

amending an SDA and submitting updates to the FSAR. Under this process, any material change to an approved SDA that exceeds the thresholds defined in § 50.59, § 53.1521, or § 53.1550(a)(2) would require prior NRC approval through a structured amendment application.

Additionally, a provision would be added to ensure that the NRC is informed when FSAR changes occur. The SDA holders would be required to submit an updated FSAR within no more than 24 months from the change, if changes have occurred since the last update, ensuring the design documentation remains current and accurate.

While incorporating SDAs into the 10 CFR parts 50 and 53 change processes in §§ 50.59 and 53.1521, respectively, provide flexibility for minor updates, a clearly defined amendment pathway is essential for changes that could affect safety or alter regulatory conclusions. The proposed approach would ensure continued NRC oversight of significant design modifications. The requirement for submitting FSAR changes would be minimized by requiring a submittal only when a change has been made and would provide flexibility to submit the change during the time period within 24 months following the change.

SDA holders would benefit from a well-defined regulatory mechanism to implement necessary design updates. The amendment process would include comprehensive NRC safety evaluation.

D. Conforming Changes to §§ 52.145, 53.1221, and 50.71

To support the changes described in sections A, B, and C under "Parts 50, 52, and 53—Standard Design Approvals," of this document, the NRC proposes conforming revisions to two key regulatory sections: §§ 52.145 and 53.1221. These regulations would be revised to clarify the finality of SDA approvals, ensuring that once approved, the design is not subject to further NRC review, with exceptions; and address how the NRC may request additional information from SDA holders, particularly to confirm that the design remains technically current and consistent with applicable regulations.

The regulations in § 50.71 would be updated to require SDA holders to maintain accurate records of the approved design and any changes made under § 50.59 or § 53.1521, and ensure reporting obligations are consistent with those for other 10 CFR part 52 approvals, such as design certifications and combined licenses.

These updates would ensure regulatory consistency and transparency

across NRC licensing processes. They also would reinforce the accountability of SDA holders in maintaining the integrity and traceability of their approved designs.

SDA holders would be subject to similar recordkeeping and reporting standards as other licensees and applicants under 10 CFR parts 52 and 53. This would support NRC oversight and facilitate future licensing actions that reference the SDA.

10 CFR Parts 52 and 53—Environmental Reviews of Early Site Permits

The current regulations in §§ 52.18 and 53.1149(a), both titled, “Standards for review of applications,” require that the NRC prepare an environmental impact statement as part of its review of an application for an early site permit. The NRC proposes to remove this requirement, thereby providing the NRC with flexibility to appropriately establish the scope of the environmental review in accordance with the applicable provisions of the NRC’s environmental protection regulations in 10 CFR part 51 and recent amendments to NEPA. This proposed change does not necessarily mean that the NRC would not prepare an environmental impact statement for an early site permit; rather, the NRC would assess on a case-by-case basis the level of environmental review required. This could also include the use of a categorical exclusion or an environmental assessment, which would require significantly less resources and time to prepare, for actions that do not have a reasonably foreseeable significant effect.

10 CFR Part 50—Post-TMI Requirements

The NRC is proposing to amend § 50.34(f) to require 10 CFR part 50 applicants to provide information related to addressing lessons learned from the TMI accident in the same manner as currently required for 10 CFR part 52 applicants. The NRC proposes to delete the applicability statement in § 50.34(f) because it is obsolete. Currently, § 50.34(f) states that the regulations therein are only applicable to 10 CFR part 52 applicants and a list of 10 CFR part 50 applicants that at the time of promulgation were applicants but now no longer are. Section 50.34(f)(2)(i) is redundant to simulator fidelity requirements in § 55.46, and therefore, the NRC proposes to delete it. Section 50.34(f)(2)(vi) is redundant to requirements in § 50.46a, “Acceptance criteria for reactor coolant system venting systems,” and would be deleted.

Next, § 50.34(f)(2)(xxv) is redundant to requirements in appendix E,

“Emergency Planning and Preparedness for Production and Utilization Facilities,” to 10 CFR part 50 and would be deleted. The NRC proposes to delete § 50.34(f)(2)(xxiv) because it is redundant to 10 CFR part 50, appendix E, section VI, “Emergency Response Data System.” The regulations in § 50.34(f)(1)(xii), (2)(ix), and (3)(v) are redundant to requirements in § 50.44, “Combustible gas control for nuclear power reactors,” so the NRC proposes to delete them. Section 50.34(f)(3)(vi) requires, for plants that are designed with external hydrogen recombiners, redundant dedicated containment penetrations so that, assuming a single failure, the recombiner systems can be connected to the containment atmosphere. In the “Combustible Gas Control in Containment” final rule (68 FR 54123; September 16, 2003), the NRC eliminated requirements in § 50.44(b)(3) and (c)(3)(ii) for hydrogen recombiners to address design basis accidents. Thus, § 50.34(f)(3)(vi) would also be deleted. Section 50.34(f)(2)(iv) would be edited to delete “console,” to increase flexibility for how safety parameters are to be displayed.

10 CFR Parts 50, 53, and 55—Updates to the Operator Licensing Programs

A. Minimum Number of Manipulations

The NRC is proposing to revise § 55.31(a)(5) to add a provision that, in lieu of the five significant control manipulations an operator license applicant must perform, the facility licensee may determine the minimum number of required control manipulations in accordance with its Commission-approved training program. The current requirement for five significant control manipulations for reactor operator and senior operator applicants is well-established for the existing fleet of power reactors and NPUFs. The NRC also does not have evidence that the current requirements are unnecessary for existing power reactors and NPUFs. However, the NRC expects that five control manipulations may be unnecessary for certain new designs in the future. In that case, licensees could establish a method and/or criteria for determining the appropriate minimum number of manipulations for operator license applicants to perform to gain experience as part of developing their training programs for operator license applicants.

Additionally, the proposed change would allow for additional evolutions performed on the simulation facility to be credited for the minimum required control manipulations. Currently, the

regulation specifies the types of plant evolutions that can “count” for the minimum required control manipulations. These evolutions are applicable to light-water reactors. Section 55.31(a)(5) would be revised to allow for other plant evolutions that affect power or reactivity that are not currently specified there to be credited, which would improve flexibility for plant designs other than light-water reactors.

B. Alternative Examination Standards

The NRC would revise paragraphs (a) and (d) of § 55.40, “Implementation,” to allow the use of criteria other than the criteria in NUREG-1021, “Operator Licensing Examination Standards for Power Reactors,” and NUREG-1478, “Operator Licensing Examiner Standards for Research and Test Reactors,” for examination standards to avoid the NRC having to revise the NUREGs for each new plant design and/or licensees having to submit exemption requests that seek to use a document other than these NUREGs. The NRC expects that different plant designs will result in different tasks for operators at those plants, so that the examinations will be different in scope and content than those for current power reactors and NPUFs. The NRC would still review the structure and content for these examinations, but the proposed rule change would prevent having to have an approved exemption to not use these NUREGs—as currently required by § 55.40.

C. Written Examinations and Operating Tests

The NRC expects that different plant designs (*i.e.*, plants that are not water-cooled reactors) will result in different tasks and duties for the operators at those plants, so that the content of the examinations may be different in scope and content than those for current water-cooled power reactors and NPUFs. Sections 55.41, 55.43, and 55.45 would be amended to allow for other safety-significant topics to be included in the sample for these examinations.

D. Simplification of Simulator Requirements

The NRC proposes to remove the terms “plant-referenced simulator” and “Commission-approved simulator” from 10 CFR part 55 to simplify and clarify requirements that a simulation facility must meet to be used for operating tests, requalification, and/or meeting experience requirements. As long as a simulation facility meets these requirements, it may be used for those purposes; there would be no need to

determine whether the simulation facility is a plant-referenced simulator or if it instead must be approved as a simulation facility by the Commission. The NRC would confirm that a simulation facility complies with regulatory requirements by using existing inspection procedures.

The definition of “simulation facility” in § 53.715(c) would also be amended to add the word “simulator” (*i.e.*, “simulation facility/simulator”) consistent with the proposed changes to 10 CFR part 55, as both terms are used interchangeably.

E. Qualification Examination and Program Periodicity Requirements

The current requirements for licensed operators and facility licensees for requalification are well-established for the existing fleet of power reactors and NPUFs. However, the NRC anticipates that certain requalification program requirements may be unnecessary for certain new designs in the future. In that case, facility licensees could determine the appropriate requirements for requalification programs, including the minimum requalification examination requirements, using the same systems approach to training process that is currently required for Commission-approved requalification programs.

The NRC proposes to amend § 55.59 by deleting paragraphs (a) and (b) and changing paragraph (c) to be paragraphs (a), (b), and (c), so that § 55.59 only contains the program requirements. Section 55.53(h) would be amended to add a new paragraph (h)(1) that would provide the current § 55.53(h) statement and include the word “successfully” between “shall” and “complete.” Proposed § 55.53(h) would also include new paragraphs (h)(2) and (h)(3) to replace §§ 55.59(b) and 55.59(a)(2)(iii). Sections 55.59(a)(2)(i) and (ii) would be moved to new §§ 55.59(c)(4)(i)(A) and (B). Section 55.59(c)(5) would be amended so that records would be maintained until the end of the subsequent requalification program rather than until a license is renewed because the NRC is proposing to eliminate license renewal.

Additionally, § 53.780(c)(1)(i) would be amended by moving the statement requiring a 24-month duration to (ii) and adding “or other duration as approved by the Commission.” Section 53.780(c)(2)(ii)(C) would be amended by adding “or other periodicity as approved by the Commission” as an alternative to the requirement for a periodicity for a complete requalification program examination. Section 53.780(c)(3) would be amended to say that records must be retained

until the end of the subsequent requalification period rather than until a license is renewed because the NRC is proposing to eliminate license renewal. Section 53.730(g)(3) would be amended to require the operator licensing requalification programs required under § 53.780(c) or § 53.815(b) to be in effect within the same timeframes specified in § 50.54(i–1).

F. Requirements for Licensed Medical Examiners

The NRC proposes to amend § 55.21 and § 55.23 to say “a physician or licensed medical examiner” wherever “physician” currently is specified and required. The addition of “or licensed medical examiner” would allow medical professionals, other than physicians, licensed by their state to perform medical exams to conduct the required operator exams. Additionally, a new definition for a “licensed medical examiner” would be added to § 55.4.

Part 53 does not define “physician,” but states that the NRC Form 396 must certify that a physician has conducted the medical examination of the applicant/operator. The NRC Form 396 currently is configured for only an MD or DO to make the certification. Similar changes would be made to § 53.765 and § 53.775 to allow the same flexibilities, with the same definitions added to § 53.020 for clarity and consistency between the two regulatory frameworks.

G. Changes to Treatment of Medical License Conditions

The NRC is proposing several changes in 10 CFR parts 53 and 55 to its medical license conditions requirements that would reduce administrative burden on licensees, facility licensees, and the NRC. These reductions would be accomplished by the following:

a. Creating a new license condition in proposed § 55.53(m) to cover and replace a subset of specific medically related license conditions. Specific license conditions would still be used for other medically related license conditions that would not be in the subset covered by proposed § 55.53(m). The subset that would be covered by proposed § 55.53(m) would be identified on the NRC Form 396.

b. Distinguishing between temporary and permanent medical conditions and clarifying the requirements for how a facility licensee must address temporary conditions to improve clarity and reduce unnecessary correspondence.

H. Changes to Operator License Reporting Requirements

The NRC would delete § 50.74 from 10 CFR part 50. Paragraphs (a) and (b)

of current § 50.74 would be moved to § 55.55, § 50.74(c) would be deleted because it is redundant to § 55.25, and § 55.25 would be amended to replace the reference to § 50.74 with a reference to § 55.5.

Paragraph 53.726(b)(3) would be deleted because it is redundant to § 53.770.

Sections 55.53(g) and 55.59(b) would be amended by adding “via the facility licensee.” Section 55.59(a) and (b) would also be moved to § 55.53(h). Conforming changes for § 55.53(g) would be made to §§ 53.785(h) and 53.810(f).

I. Revision to Training Requirements in § 50.120

The NRC would delete the 18 months prior to fuel load requirement from § 50.120(b)(1), add the phrase “as applicable” to the § 50.120(b)(2) list of categories of plant personnel, and add to § 50.120(b)(3) the following statement that would replace the 18 month timeframe: “The requirement in paragraph (b)(1) of this section must be met with sufficient time to ensure that qualified personnel are available when needed.” These proposed changes would improve clarity by stating more clearly the requirement for qualified personnel to be available when they are needed as opposed to an arbitrary date prior to fuel load, which can shift over time, and to improve efficiency by eliminating the need for future exemptions in cases where certain categories of plant personnel are determined not to be necessary at a plant. The proposed changes would affect all 10 CFR part 50 OL or 10 CFR part 52 COL applicants who submit applications or are granted licenses after implementation of the final rule, if this proposed change is made effective in a final rule.

Section 53.830(b) would also be revised to delete “Prior to initial fuel load (or, for a fueled manufactured reactor, prior to initiating the removal of the features to prevent criticality required under § 53.620(d)(1),” and would instead state, “Each holder of an OL or COL under this part must, with sufficient time to provide trained and qualified personnel to operate the facility, establish, implement, and maintain a training program that demonstrates compliance with the requirements of paragraphs (c) and (d) of this section.”

J. Elimination of Wait Times for Re-applications in § 55.35

The NRC proposes to amend § 55.35(a) to allow operators’ license applicants to file re-applications

regardless of the time elapsed since the previous license denial. The current wait times for submitting applications following a denial are unnecessary as long as the application contains the information already identified in § 55.35(a); the extent of the applicant's additional training since the denial and certification that the applicant is ready for re-examination. Applicants may be ready for re-examination sooner than the wait times specified currently in § 55.35.

K. Operating Tests

The NRC is proposing to amend § 55.40(a) through (d) to allow facility licensees the option of proctoring/ administering and grading the operating tests. The NRC would oversee, to an appropriate extent, the facility licensee's proctoring and grading of the operating tests through the inspection program.

L. Plant Walkthrough Requirements in § 55.45

The NRC is proposing to amend § 55.45(b) to combine the existing requirements in § 55.45(b)(1) through (3) in § 55.45(b)(1) and to add the following statement as a new § 55.45(b)(2): "If a facility is under construction, suitable alternatives may be used in lieu of the plant walkthrough portion of the operating test." NUREG-1021, Section ES-3.7, "Alternatives for In-Plant Job Performance Measures at Plants under Construction," currently provides guidance that would be applicable to this proposed change and is based on experience using "suitable alternatives" to the plant walkthrough portion of the operating test at VEGP Unit 3. Although the proposed amendment to § 55.45(b) is based on experience licensing operators at a new power reactor that is under construction, the proposed amendment to § 55.45(b) would apply also to non-power facilities that are under construction because similar challenges may exist for future non-power facilities that are under construction.

M. Examination Waiver Requirements

Based on recent experience and knowledge of industry operator staffing trends, the NRC proposes to revise the criteria for waiving any or all of the requirements for a written examination and operating test in § 55.47 in the circumstances where a new unit of standard or modular design is built at a site where one or more of the same kind of units are already operating. There are multiple factors that might justify a waiver that are not identified in the current regulation. These edits would provide greater flexibility and avoid the need for exemptions Applicants could

request a waiver and provide supporting justification, and the NRC could then decide whether to approve the waiver on a case-by-case basis. If the proposed changes are made in a final rule, the NRC would place the current § 55.47 criteria in NRC guidance as one way of justifying a waiver request.

The NRC proposes changes to amend § 55.47 by:

- a. Revising paragraph (a)(1);
- b. Moving the content of paragraphs (a)(2) and (3) to (a)(1);
- c. Redesignating paragraphs (b) and (c) as paragraphs (a)(2) and (3), respectively; and
- d. Adding a new paragraph (b) for criteria for standard designs.

Section 53.780(f) would be amended to add the similar provisions for waivers for standard designs.

N. Removing Obsolete Information From § 55.5

The NRC would remove information from § 55.5 that will soon be obsolete or is obsolete, thus improving clarity in the regulations. The specific proposed change would delete reference to "electronic information exchange," or EIE, which the NRC anticipates will be replaced soon.

O. Elimination of License Renewal for 10 CFR Part 55 Operators' Licenses

To remove license terms and license renewal for operators' licenses, the NRC would make the following changes:

- a. Delete § 55.57, "Renewals";
- b. Modify § 55.55(a) to delete "(a)" and the statement that the license expires 6 years after the date of issuance, add requirements from § 50.74 to § 55.55 (to report to/notify the Commission within 30 days of termination of employment of a license holder or when license is no longer needed), and to add a statement that a license expires if the Commission or facility licensee determines that the applicant cannot meet the minimum standards for health;
- c. Delete § 55.55(b);
- d. Delete "53.795" from § 53.120(c)(1) and (2);
- e. Delete "and renewal" from the title of § 53.795 so that it reads, "Expiration of operator and senior operator license";
- f. In § 53.795, delete "(a) Expiration. (1)"; the statement in paragraph (1) that the license expires 6 years after the date of issuance; paragraph (2); and paragraph (b); and
- g. Conforming changes to § 55.27, § 55.5, and § 55.8 (*i.e.*, to delete "renewal" and references to § 55.57).

Since all licenses issued prior to implementation of these proposed changes state that the license will expire

6 years from the effective date of the license unless it is terminated, renewed, or upgraded sooner, licensees would need to request a license amendment to remove that statement prior to the expiration date of the license if they wish to prevent it from expiring on the expiration date. Following receipt of a request for a license amendment to remove the statement regarding expiration of the license 6 years from the effective date, NRC would issue a license without that statement. The changes would remove administrative burdens associated with applications for license renewals, which are less of an administrative burden on facility licensees, operators, and the NRC compared to a one-time request for a license amendment to remove the 6-year expiration term.

P. Generally Licensed Reactor Operators for Self-Reliant Mitigation Facilities

The NRC would add a new subpart I to 10 CFR part 55, with new §§ 55.74 through 55.79, specifically for optional use by facility licensees of SRMFs. The proposed subpart I would be used in lieu of other requirements in 10 CFR part 55. The change would reduce regulatory burden for facility licensees, operators at SRMFs, and the NRC by providing an operator licensing process that is appropriately "right sized" for the reduced role of operators in the safe operation of the facility. Instead of requesting multiple exemptions from 10 CFR parts 50 and 55 licensed operator requirements, the facility licensee could instead provide evidence to show it is a SRMF, and then it could use the provisions in proposed subpart I for a general license for reactor operators.

Because 10 CFR parts 50 and 52 contain staffing requirements for licensed operators and senior operators, these requirements would be amended to be performance-based instead of prescriptive. The proposed language is similar to that in 10 CFR part 53 for staffing requirements. Also, definitions for a GLRO and SRMF would be added to § 50.2. The proposed SRMF definition would state that the Commission would determine a facility is a SRMF if it meets the criteria in §§ 53.800(a)(1)–(5) or their equivalent. External guidance for the equivalent criteria could be developed.

Also, minor editorial conforming changes would be made to 10 CFR part 53, subpart F, § 53.800 through 53.820.

10 CFR Part 75—IAEA Notifications

The NRC would delete § 75.13(c) and retain § 75.13(b)(3). The purpose of the revision is to eliminate redundant

regulatory language and improve regulatory clarity.

*10 CFR Parts 50, 52, 53, 70, and 72—
Record Keeping and Reporting
Requirements*

The NRC proposes to amend its regulations in 10 CFR parts 50, 52, 70, and 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,” to eliminate or modify administrative requirements. This proposal builds on recent rulemaking activities, such as RROAR and the development of the proposed changes to § 50.72 in this proposed rule. The proposed revisions also include additional modifications not considered in other rulemaking efforts as noted.

The proposed modifications would eliminate or modify administrative requirements to reduce unnecessary regulatory burden. The elimination of these requirements would allow the NRC and regulated entities to use available technologies to facilitate necessary exchanges of information. The proposed changes would not alter any requirements related to design or operation of facilities or systems and therefore are of low or no safety significance. Moreover, the proposed revisions would align the 10 CFR parts 50 and 52 requirements with 10 CFR part 53 requirements.

Part 70 provides requirements for submitting effluent reports on a semi-annual basis for each licensee authorized to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, or in a uranium enrichment facility. The NRC is proposing a change to § 70.59, “Effluent monitoring reporting requirements,” to eliminate the regulatory requirement for semi-annual reporting for licensee effluent monitoring programs for processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, or in a uranium enrichment facility. This information would be collected and retained by the licensee and subject to inspection. Effluent reporting would only be required if the annual radiation doses to the public, resulting from the release result in an estimated total effective dose equivalent, or total effective dose, as applicable, of more than 25 mrem per year, or if quantities of radioactive materials released during the reporting periods are significantly above the licensee’s design objectives previously reviewed as part of the licensing action.

However, the NRC is also proposing to add an additional section to § 70.59, noting that the effluent reports would still be required to be submitted for spent fuel reprocessing facilities. Due to the higher safety risk significance of these facilities, annual reporting would still be required.

The proposed changes to § 50.36, “Technical specifications,” would remove notification to the NRC for certain technical specification requirements in paragraphs (c)(1) and (c)(2). The rule also would be modified to remove how the required notifications are to be made in paragraphs (c)(7) and (c)(8). The changes would remove redundant requirements in §§ 50.36, 50.72, and 50.73 that were added to § 50.36 in the revised rule published in the **Federal Register** on May 27, 1988 (53 FR 19241). That rule revision added the references to §§ 50.72 and 50.73 to provide different reporting requirements for power and non-power reactors. This proposed rule would delete the requirements for non-power reactors consistent with the proposed changes to § 50.72 in this proposed rule based on eliminating low-safety significant nonemergency reporting requirements. Non-power reactor non-compliances covered by the notification requirements currently in § 50.36 are unlikely to be of safety significance. Therefore, the rule revision published in May 27, 1988, that added reference to §§ 50.72 and 50.73 is no longer needed. Notification of certain § 50.36 noncompliances could still be required by the proposed § 50.72, depending on whether criteria in § 50.72 are applicable.

Parts 50 and 53 provide requirements for modifying a licensing basis and when these changes require prior NRC approval. Currently, many of these regulations contain a requirement to submit a report of executed changes that a licensee determined did not require prior NRC approval. This proposed rule would remove these reporting requirements. The licensee’s determination that these changes do not require prior approval has been, and will continue to be, subject to NRC oversight through the ROP. The relevant proposed changes would delete the following requirements:

a. Section 50.54(a)(3), which requires that changes to the quality assurance program description that the licensee determines do not reduce the commitments be submitted to the NRC in accordance with the requirements of § 50.71(e).

b. Section 50.55(f)(3) and (f)(4)(i), which require that each construction permit holder and early site permit or

manufacturing license holder under 10 CFR part 52 submit changes to the quality assurance program description that does not reduce the effectiveness within 90 days.

c. Section 50.54(q)(5), which requires that a report of changes to the emergency plan made without prior NRC approval be submitted in accordance with § 50.4, “Written communications,” within 30 days after the change is put in effect.

d. Section 50.59(d)(2), which requires the submittal as specified in § 50.4 or § 52.3, as applicable, of a report of any changes, tests, and experiments, including a summary of the evaluation of each made that a licensee determined did not require a license amendment pursuant to § 50.59(c)(2). The report must be submitted at intervals not to exceed 24 months. For combined licenses, the report must be submitted at intervals not to exceed 6 months during the period from the date of application for a combined license to the date the Commission makes its findings under § 52.103(g).

e. Section 53.1550(c)(2), which requires the licensee to submit, as specified in § 53.040, “Written communications,” a report containing a brief description of any departures and changes, including a summary of the evaluation of each. A report must be submitted at intervals not to exceed 24 months. For COLs, the report must be submitted at intervals not to exceed 6 months during the period from the date of application for a COL to the date the Commission makes its findings under § 53.1452(g).

f. Section 53.1565(d)(1)(i), which requires changes to the quality assurance program description that the licensee determines do not reduce the commitments, be submitted to the NRC in accordance with the requirements of § 53.1545. Additionally, § 53.1565(d)(2) which requires that quality assurance program description that the licensee determines do not reduce the commitments for siting, construction, and manufacturing must be submitted to NRC within 90 days.

g. § 53.1565(d)(3)(v), which requires that changes to the emergency plan made without prior NRC approval be submitted within 30 days after the change is put in effect.

Parts 50 and 53 contain requirements to periodically submit to the NRC information related to financial status and insurance or financial security. This proposed rule would eliminate the submittal of this information. Licensees would still be required to comply with the underlying requirements. The

relevant proposed changes are to delete the following requirements:

a. Section 50.54(w)(3), which requires that licensees report to the NRC on April 1 of each year the current levels of insurance or financial security they maintain and the sources of this insurance or financial security.

b. Section 50.71(b), which requires each licensee and each holder of a construction permit to submit its annual financial report.

c. Section 53.1720(c), which requires that licensees report to the NRC on April 1 of each year the current levels of insurance or financial security they maintain and the sources of this insurance or financial security.

Section 50.55a contains several requirements to submit reports when portions of the American Society of Mechanical Engineers (ASME) Code are exercised as well as the inservice testing plan each interval. This proposed rule would eliminate the submittal of these reports. The provisions that this proposed rule would eliminate are:

a. Section 50.55a(b)(2)(xliii), which requires licenses to submit the analytical evaluation determining the effects of an out-of-limit condition on the structural integrity of the Reactor Coolant System.

b. Section 50.55a(b)(2)(xlviii), which requires applicants or licensees using the 2021 Edition of Section XI of the ASME Code to submit analytical evaluations performed as required by IWB-3132.3 and IWC-3132.3 of Section XI.

c. Section 50.55a(f)(7), which requires Inservice Testing Program Test and Examination Plans (IST Plans) for pumps, valves, and dynamic restraints (snubbers) prepared to meet the requirements of the ASME Operation and Maintenance Code to be submitted to the NRC as specified in § 50.4 within 90 days of their implementation.

Parts 50, 52, and 53 require that licensees periodically provide revisions to the Final Safety Analysis Report (FSAR) for a facility. Licensees may make changes to the FSAR either without prior approval or through the amendment process, depending on the circumstances. Therefore, the FSAR is a document that is being revised throughout the lifetime of a facility. The regulations in §§ 50.71, 52.3, and 53.1545 require licensees to periodically submit the latest version of the FSAR. This proposed rule would eliminate these requirements. These changes would also eliminate certain other submittals, such as reports required by the Technical Specification Bases control program for operating reactors, that are specifically required to be

submitted on a frequency consistent with § 50.71(e). If the NRC requires the current FSAR information for a facility for oversight or a licensing decision, it will obtain that information either through the request for additional information process if required during a licensing process, or through alternate methods if required for oversight. The existing § 50.71 requirements for updating FSARs ties updates to planned outages. This requirement assumes that most maintenance at sites are done during planned refueling outages. The NRC has received multiple exemption requests from this requirement stating that plant modifications are no longer primarily completed during outages and this link is no longer required. Therefore, the proposed modification would no longer tie FSAR updates to refueling outages.

Part 70 requires that licensees periodically provide a brief summary of all changes (not requiring pre-approval under § 70.72, "Facility changes and change process") made to records required by § 70.62(a)(2) (*i.e.*, process safety information, integrated safety analysis, and management measures) and revised integrated safety analysis summary pages. Licensees may make changes to process safety information, integrated safety analysis, and management measures either without prior approval or through the amendment process. Therefore, these documents are being revised throughout the lifetime of a facility. This proposed rule would eliminate the requirement to submit revised integrated safety analysis summary pages in § 70.72. If the NRC requires the current revised integrated safety analysis summary for a facility for oversight or a licensing decision, it will obtain that information either through the request for additional information process, if required during a licensing process, or through alternate methods if required for oversight.

Several changes have also been proposed to § 70.32, "Conditions of licenses," to reduce regulatory burden and provide licensees with additional flexibility in reporting timelines, particularly for programmatic changes that do not reduce the effectiveness of safety and security plans. These changes would extend the timeframes for submitting updates to the NRC without prior Commission approval, while maintaining appropriate oversight and ensuring continued protection of public health and safety.

For the safeguards contingency plan, the reporting period for procedural changes that do not reduce plan effectiveness in § 70.32(g) would be extended from 60 days to 4 months. The

NRC uses these reports to verify the continued safety and security of the facilities and reviews the changes to make sure the plan still complies with the regulations. The submittal of these reports allows the NRC to more efficiently review the changes made to the plan. However, the NRC is extending the intervals of these reports as this information is mainly used to conduct inspections, and NRC inspectors can obtain the report in a timely manner through other means. The NRC is additionally seeking comments on the deletion of these reporting requirements.

The NRC is proposing changes to emergency plan reporting requirements in § 70.32(i) recognizing that such reports are not required for routine oversight activities. Under current regulations, licensees may make changes to their approved emergency plans without prior Commission approval, provided those changes do not decrease the effectiveness of the plan. These changes must be reported to the NRC within 6 months. The proposed revision would remove the requirement for licensees to submit summaries of emergency plan changes that do not reduce plan effectiveness. This change is intended to reduce administrative burden while maintaining regulatory oversight through inspections. The absence of readily available up-to-date emergency plan updates could also affect NRC response and coordination efficiency with offsite response organizations during an incident. However, the NRC considers the impact on the ability of the agency to effectively respond to a fuel cycle facility event to be minimal, due to the nature of potential fuel cycle facility accidents and the ability to obtain these documents after the event, and the NRC safety mission would therefore be maintained under this proposed change.

The regulations under 10 CFR part 72 have some administrative requirements for independent spent fuel storage installations (ISFSIs) co-located with reactor sites that are similar to those found in 10 CFR part 50. In order to be consistent with changes being made to certain administrative requirements in 10 CFR part 50, changes to some reporting requirements found in 10 CFR part 72 would also be proposed. This proposed rule would modify 10 CFR part 72 to remove the submittal of reports required by § 72.44(f) for emergency plan changes and § 72.70(c)(6) for FSAR updates. This proposed rule would eliminate the requirement to submit reports of changes to this document but instead would require that the reports of

changes be maintained as a record. If the NRC should require the most current information on an ISFSI for oversight or licensing purposes, that information would be obtained either through the request for additional information process, if required during a licensing review, or through alternate methods if required for oversight. Conforming changes would also be proposed for § 72.248(c)(1), (2), (3) and (6).

Part 72 contains requirements to periodically submit information related to the financial levels, insurance, and decommissioning funding for ISFSIs. This proposed rule would eliminate the submittal of some of this information. A licensee's continued compliance with the financial requirements as well as insurance and decommissioning funding would continue to be subject to NRC oversight. The relevant proposed changes would be to delete the financial requirements in § 72.80(b), which requires each ISFSI licensee to submit its annual financial report, unless it already submits a Form 10–Q with the Securities and Exchange Commission.

Some of the non-emergency notifications required by § 72.75, “Reporting requirements for specific events and conditions,” specifically in § 72.75 (b), (c) and (d). This proposed rule would eliminate the submittal of some of these notifications. The current reports are seen as duplicative as the information is already provided to NRC inspectors informally and dispositioned accordingly. The relevant proposed change is to delete the following non-emergency notification requirements (these are conforming changes to changes proposed to § 50.72):

- Section 72.75(b)(2), which requires 4-hour reporting of an event or situation related to the health and safety of the public or onsite personnel to the NRC, if a news release or reporting to another Government agency has been made or is planned.

- Section 72.75(c)(3), which requires 8-hour reporting of any event requiring the transport of a radioactively contaminated individual to an offsite medical facility for treatment.

Next, §§ 50.4 and 53.040 describe how certain information is to be submitted to the NRC. To conform with the deletion of reporting requirements in 10 CFR parts 50 and 53, this proposed rule would modify §§ 50.4 and 53.040 to remove specific requirements for submitting reports required by:

- a. Sections 50.54(a)(3), 50.55(f)(3), and 53.1565 related to quality assurance plan changes.

- b. Sections 50.54(q)(5) and 53.1565 for emergency plan changes.

- c. Sections 50.71(e) and 53.1545 for FSAR updates.

- d. In addition, this proposed rule would delete or modify requirements to remove reference to obsolete or unnecessarily prescriptive communication methods. These changes would include:

- e. Section 50.91(a)(6)(i)(B), which requires the use of local media to provide notice of consideration for an exigent amendment (*i.e.*, where sufficient time to provide notice via the **Federal Register** is not available). This proposed rule would eliminate the requirement to use local media. This modification would permit the use of other technologies, such as the NRC website, to provide notice so that notice is more visible to the public.

- f. Section 50.91(b)(3) and (b)(4), which require the NRC to telephone the State official for consultation prior to issuance of an amendment. This proposed rule would modify this requirement to say “contact” instead of “telephone,” which would permit the NRC to use other means, such as through email or other technology, to contact the state office before issuance of an amendment.

The proposed revisions to 10 CFR parts 50 and 52 would align these parts with 10 CFR part 53 requirements.

Miscellaneous Corrections

The NRC is proposing the following updates that are corrective or miscellaneous updates:

- a. Amending § 50.8, “Information collection requirements: OMB approval,” to include the new OMB Control number for § 50.55a, “Codes and standards,”

- b. Changing the term “Website” to “website” in the applicable 10 CFR Parts,

- c. Amending weblinks to include “https” in the applicable 10 CFR Parts,

- d. In § 50.54, updating an incorrect reference to paragraph (i)(1) to the correct paragraph, (i–1), and

- e. Amending § 55.8, “Information collections requirements: OMB approval,” to include § 55.46, “Simulation facilities.”

V. Specific Requests for Comments

The NRC is seeking advice and recommendations from the public on this proposed rule. The NRC is particularly interested in comments and supporting rationale from the public on questions on the following topic areas.

10 CFR Parts 21, 50, and 53—10 CFR Part 21 Clarifications

Question 1: For existing 10 CFR part 70 licensees, does the new definition for

“basic component” add or reduce the number of components that would require commercial grade dedication under the current 10 CFR part 21 rule? Please provide a basis for your response.

Question 2: For new 10 CFR part 70 licensees, does the new definition for “basic component” provide clarity on the extent to which commercial grade dedication activities should be performed? Please provide a basis for your response.

Question 3: For new and existing 10 CFR part 70 licensees, do the rulemaking changes, especially the new definition of “basic component”, add regulatory clarity and reduce burden or introduce unintended consequences such as additional burden and implementation concerns? Can the unintended consequences be mitigated by implementation guidance and outreach efforts? Please provide a basis for your response.

Question 4: The NRC has proposed concurrent rulemakings that could allow for other quality assurance frameworks. Should 10 CFR part 21 be expanded to be more inclusive of those quality assurance frameworks?

Question 5: For new and existing power reactor licensees, do the rulemaking changes, especially the new definition of “dedicating entity”, add regulatory clarity and reduce burden or introduce unintended consequences such as additional burden and implementation concerns? Can the unintended consequences be mitigated by implementation guidance and outreach efforts? Please provide a basis for your response.

10 CFR Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants

Question 6: Does any portion of the proposed update to NUREG–1022, Revision 4, warrant additional clarification to better inform the level of detail expected in nonemergency event reports, to help minimize the burden on reactor operations during event response? Particularly, should any of the discussion in sections 2, 3, or 4, or in section 5 for Licensee Event Reports, be expanded, clarified, updated, or otherwise modified? Please provide a basis for your response.

Question 7: Is any additional guidance needed to minimize uncertainty or promote consistency in reporting, or to address situations that raise doubt as to whether immediate reporting is necessary? This includes situations involving invalid, inadvertent, or anticipated safety system actuations during maintenance activities, particularly those associated

with the reactor protection or emergency core cooling systems. Please provide a basis for your response.

Question 8: Does any portion of the proposed update to NUREG-1022, Revision 4, warrant additional guidance to improve the common understanding of the need for NRC situational awareness and commensurate response to various plant events and conditions or the level of detail required in the reports to support that need? Please provide a basis for your response.

Question 9: Does the proposed rule or draft guidance create conditions that would be contrary to the rule's purpose and objectives? If so, which portions are contrary to the rule's purpose and objectives and why? Are there unintended consequences? If so, what are the unintended consequences, and how should they be addressed? Please provide a basis for your response.

10 CFR Parts 20, 50, 52, and 53—Decommissioning Licensing Enhancements

Question 10: For facility licensees/industry: Are there any potential challenges with gathering necessary information to submit an LTP within 2 years of permanent cessation of operations? The NRC is considering various approaches to mitigate foreseeable challenges with submitting an upfront LTP, including amendments to existing regulations and guidance. For example, what techniques would licensees need to employ to develop adequate site characterization to support the upfront LTP? Please provide a basis for your response.

10 CFR Parts 50, 52, 53, 70, and 72—Backfitting and Issue Finality Provisions

Question 11: The regulations in 10 CFR parts 52 and 53 allow a manufacturing license to reference a standard design certification. Additionally, a construction permit, operating license, or combined license issued under 10 CFR parts 50, 52, or 53 may authorize the construction or use of a manufactured reactor under such a manufacturing license.

Should the NRC revise its regulations in 10 CFR parts 50, 52, or 53 to clarify the applicability of the backfitting and issue finality provision under these circumstances? Please provide the basis for your response and identify the specific matters that should be addressed under each of the relevant backfitting and issue finality regulations.

10 CFR Parts 52 and 53—Notification of Initial Fuel Load

Question 12: Are there any concerns with the reduced frequency of notifications regarding the schedule for initial loading of fuel or the schedule for initiating the removal of the features to prevent criticality for licensees installing fueled manufactured reactors under a 10 CFR part 53 COL? Please provide a basis for your response.

10 CFR Parts 50, 52, and 53—Standard Design Approvals

To support the development of the final rule and ensure stakeholder perspectives are considered, the NRC invites comments on the following targeted questions:

Applicability of § 50.59 to SDA Holders

Question 13: Do stakeholders agree that applying the § 50.59 change control process to SDA holders is appropriate and consistent with the intent of the regulation? Please provide a basis for your response.

Question 14: Are there unique challenges or considerations for SDA holders in implementing § 50.59 compared to licensees? Please provide a basis for your response.

Recordkeeping Burden and Clarity

Question 15: Is the proposed recordkeeping requirement for SDA holders under § 50.71 sufficiently clear and achievable? Please provide a basis for your response.

Question 16: Are there alternative approaches to documenting and retaining design changes that would reduce burden while maintaining transparency? Please provide a basis for your response.

Design Finality and Flexibility

Question 17: Should the NRC consider additional criteria or triggers for reevaluating SDA validity over time? Please provide a basis for your response.

Impact on Referencing Applicants

Question 18: How will the proposed changes affect applicants who reference an SDA in a combined license or design certification application? Please provide a basis for your response.

Guidance Needs

Question 19: Are existing NRC guidance documents (e.g., RG 1.187, RG 1.70) sufficient to support implementation of the proposed changes or are there any specific updates or new guidance that stakeholders would find helpful?

Future Enhancements

Question 20: Should the NRC consider expanding the applicability of § 50.59 to other 10 CFR part 52 licensing instruments (e.g., manufacturing licenses)? Please provide a basis for your response.

10 CFR Parts 50, 53, and 55—Updates to the Operator Licensing Programs

Operating Tests

Question 21: Currently, power reactor facility licensees may prepare, proctor and grade the written examinations required by § 55.41 and § 55.43 and may prepare the operating tests required by § 55.45 (i.e., the dynamic simulator scenarios and the plant walkthrough), subject to certain conditions contained in § 55.40 (b). The NRC proposes to provide power reactor and non-power reactor facility licensees the option of proctoring and grading the operating tests. What benefits and challenges could such flexibility introduce and how could the NRC adapt accordingly? Please provide a basis for your response.

Question 22: For facility licensees/industry: Is the conclusion in the regulatory analysis correct that it would be cost effective for the facility to use examiner staff to administer and grade the operating tests with NRC oversight rather than to have the NRC administer and grade the operating tests, with the costs associated with both options to be reimbursed by the licensee? Specifically, is the conclusion in the regulatory analysis correct that there would be no new costs incurred by facility licensees to utilize the new provisions? Please provide a basis for your response. For facility licensees/industry: Would it be appropriate to conclude that the revised rule would provide additional flexibility for facility licensees with scheduling examinations? Please provide a detailed description of the how the proposed rule would provide additional flexibility.

Plant Walkthrough Requirements in § 55.45

Question 23: The NRC is particularly interested in comments and supporting rationale from the public on the continued relevance of the plant walkthrough as part of the operating test for power reactor applicants and proposed recommendations related to potentially modifying or removing the requirement. If the requirement was modified or deleted for power reactor applicants, the NRC would expect to revise the guidance in NUREG-1021 (e.g., re-evaluate grading for job performance measures, and potentially

increase the number of control room systems and/or administrative job performance measures).

Should the NRC eliminate or amend the plant walkthrough requirement as part of the operating test administered to applicants at power reactors, and if so, what revisions should the NRC make to NUREG-1021? Please provide a basis for your response.

Examination Waiver Requirements

Question 24: As discussed in § 55.47, “Waiver of examination and test requirements,” the NRC may waive any or all of the requirements for a written examination and operating test, if it finds that the applicant has met the criteria in § 55.47(a)(1)–(3). According to § 55.47(a)(1), the NRC must find that the applicant has had extensive actual operating experience at a comparable facility, as determined by the Commission, within 2 years before the date of application. The basis for the original 2-year requirement was that “extended” time (*i.e.*, greater than 2 years) away from licensed duties would negatively impact operator performance.

The NRC expects that there will be situations where the 2-year requirement may not be met, but alternative justification could be provided. Should the NRC proceed with this approach to the 2 years or consider an alternative? Please provide a basis for your response. If the NRC should consider an alternative, please explain the alternative.

Elimination of License Renewal for 10 CFR Part 55 Operators’ Licenses

Question 25: In eliminating renewal, the NRC identified that certain record retention requirements tied to renewal would need to be adjusted. Specifically for § 55.27, medical records would be retained for the entire term of the license for the operator or senior operator rather than just the period of renewal (6 years). It is also the NRC’s understanding that facility licensees already retain medical records for the entire term of the license. For facility licensees/industry would there be an increase in burden on record keeping/record retention?

Operator Staffing Requirements

Question 26: The NRC proposes changes to § 50.54(m) to accommodate the addition of new requirements for generally licensed reactor operators in 10 CFR part 55. The proposed changes would provide an option for facility licensees to submit a staffing plan for NRC approval to be used in lieu of the requirements in § 50.54(m). The NRC is seeking input specifically from facility

licensees on how a transition would occur to an approved staffing plan.

10 CFR Parts 50, 52, and 53—Record Keeping and Reporting Requirements

Question 27: For industry stakeholders: Are there additional reporting, recordkeeping, or administrative requirements in 10 CFR that the NRC should consider for revision or elimination as part of this rulemaking? If so, please identify the specific requirements, explain why they may no longer be necessary or effective, and describe how their removal or modification would support regulatory efficiency without compromising safety, security, or environmental protection.

Question 28: For industry stakeholders: Are there specific reporting requirements that could be improved through the use of alternative, technology-inclusive submission methods (*e.g.*, automated systems, standardized digital forms, or secure online portals)? Please identify specific reporting processes that would benefit from such improvements and describe the potential impact on efficiency, accuracy, or burden reduction.

Question 29: For government agencies, academic institutions, and public interest organizations: The proposed rule includes several changes to reporting requirements related to security plan updates, FSAR updates, quality assurance plan updates, and effluent reporting. How would the elimination of certain reporting requirements and reduced accessibility to related records affect situational awareness for State and local officials, public communication, or research efforts? Please describe any anticipated impacts on your ability to monitor, analyze, or respond to nuclear-related events, including potential costs or limitations to public transparency, academic study, or emergency preparedness.

Question 30: For government agencies, public interest organizations, and industry stakeholders: The NRC is proposing to eliminate some reporting requirements but is electing to retain the requirement to submit summaries of security plan changes and changes in the physical protection plan, and safeguards contingency plan for material in transit made without prior NRC approval. The NRC is seeking comments on the implications of preserving or eliminating these requirements. Does the retention of these requirements aid in public transparency, support state and local official situational awareness, and for the purposes of oversight, policy formulation, and/or emergency response sufficiently justify the associated cost

burden on licensees? In retaining the requirement to report security plan and physical protection plan and, for material in transit, safeguard contingency plan, the NRC considered the potential savings of a change to the requirement, balanced with a potential increase in inspection resources. For example, if reporting were no longer required, inspectors would be required to request the current plans as a part of inspection preparation from licensees prior to conducting the inspection. The NRC considered this to be an overall increase in NRC and licensee resources. Please provide feedback if you disagree with this assessment.

Question 31: For government agencies, public interest organizations, and industry stakeholders: The NRC is proposing to eliminate the requirement for licensees to submit reports of emergency plan changes made without prior NRC approval within 30 days of implementation. The NRC is seeking input on whether the removal of this timely reporting and documentation requirement could affect the ability of offsite response organizations, local governments, and the public to remain informed about modifications that may influence emergency response coordination or protective action strategies. In considering this change, the NRC acknowledges that, in the event of an incident, the absence of readily accessible records of emergency plan changes could hinder communication and delays response efforts. However, due to the unlikely event of an emergency, and the ability to readily receive a copy of the current report, the impact would be minimal. Stakeholders are encouraged to provide feedback on the potential impacts of this proposed change including any concerns related to transparency, situational awareness, and emergency preparedness effectiveness.

Question 32: The proposed rule includes several changes to reporting requirements. Examples of such changes include the elimination of the requirements for periodic submission of Updated Final Safety Analysis Report (UFSAR) and licensee-controlled changes to their security plan. These changes are supported by the experience of the operating fleet in exercising the programs that allow such licensee-controlled changes. Advanced reactor licensees would not only lack this experience but are also likely to encounter more frequent updates early in their operating history. Further, certain advanced reactor licensees may not have resident inspectors resulting in potential challenges to the timely availability of key documents (*e.g.*, the

UFSAR), especially for mission-critical NRC functions such as incident response. What guardrails or information sharing approaches should the NRC consider to mitigate such situations?

VI. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants and fuel facilities. The companies that own these plants do not fall within the scope of the definition of “small entities” set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VII. Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The NRC requests public comment on the draft regulatory analysis. The regulatory analysis is available as indicated in the “Availability of Documents” section of this document. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** caption of this document.

VIII. Backfitting and Issue Finality

This section describes the backfitting and issue finality implications of this proposed rule and the draft guidance documents described in Section XV, “Availability of Guidance,” of this document, as applied to applicants and holders of pertinent NRC approvals. The NRC’s backfitting and issue finality provisions are provided in 10 CFR parts 50, 52, 53, 70, 72, and 76. MD 8.4 describes the Commission’s policies on backfitting and issue finality.

The backfitting provisions relevant to this proposed rule are in §§ 50.109, 53.1390, 70.76, and 72.62. Commercial NPUF licenses issued under § 50.22, nuclear power reactor licenses issued under 10 CFR parts 50, 52, and 54, and certain related NRC approvals issued under 10 CFR parts 50 and 52 are within the scope of § 50.109. Special nuclear materials licenses issued under 10 CFR part 70, subpart H, and ISFSI licenses under 10 CFR part 72 are within the scope of §§ 70.76 and 72.62, respectively. Monitored retrievable storage installations are also within the scope of § 72.62, but no such facilities have been licensed.

There are various issue finality regulations for nuclear power reactor-related approvals under 10 CFR part 52. The issue finality provisions for early site permits and design certifications in §§ 52.39 and 52.63, respectively, are relevant to this proposed rule. The issue finality provisions for combined licenses in § 52.98 and in the design certification rules in the appendices to 10 CFR part 52 are also relevant, in that they identify which matters are within the scope of §§ 50.109 or 52.63 for combined licenses that reference a design certification rule. The issue finality provisions related to the renewal of an early site permit or design certification in §§ 52.31 and 52.59, respectively, only apply to the NRC’s review of an application for renewal and not to the proposed rule changes for this rulemaking. Similarly, the issue finality provisions for SDAs in § 52.145 only apply to the NRC’s review of an application referencing the SDA and not to the proposed rule changes for this rulemaking.

This proposed rule would not result in backfitting as defined in §§ 50.109, 70.76, and 72.62 and would not affect issue finality as provided for in 10 CFR part 52. This proposed rule would not affect the issue finality of manufacturing licenses issued under 10 CFR part 52 because no manufacturing licenses are in effect. This proposed rule would also not result in backfitting or affect issue finality of an approval under 10 CFR part 53 because no NRC approvals have been issued under 10 CFR part 53. The backfitting provisions in § 76.76, “Backfitting,” are also not relevant to this proposed rule because there are no certificates of compliance for gaseous diffusion plants in effect. Therefore, the backfitting and issue finality implications for 10 CFR parts 53 and 76 and for manufacturing licenses under 10 CFR part 52 are not considered further in this assessment.

10 CFR Parts 21, 50, and 53—Part 21 Clarifications

The proposed changes to § 50.55(e) would eliminate duplicative requirements and relocate two requirements to 10 CFR part 21. Eliminating duplicative requirements would not result in a modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. The requirements proposed to be relocated to 10 CFR part 21 would be applicable to the same entities that were subject to those requirements when they were in

§ 50.55(e). Consequently, the relocated requirements would not result in a modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Because these proposed changes would not meet the definition of backfitting as defined in §§ 50.109 and 72.62, the proposed changes would not constitute backfitting and would not affect issue finality under 10 CFR part 52.

The proposed changes to the definitions of “commercial grade item,” “dedication,” and “dedicating entity” in § 21.3 would not impact any entity that has implemented a commercial grade dedication process. Therefore, these proposed changes would not constitute backfitting as defined in §§ 50.109, 70.76, and 72.62, and would not affect issue finality under 10 CFR part 52.

The proposed revision of the definition of “basic component” in § 21.3 would provide clarity for fuel fabrication, fuel conversion, and plutonium processing and fuel fabrication plants and spent fuel processing facilities that are required to develop an integrated safety analysis in accordance with 10 CFR part 70, subpart H. The proposed changes to the definition of “basic component” would reduce the number of components that would be managed under a commercial grade dedication program for such facilities. Components that would no longer meet the definition of a basic component, because they are at a lower-risk level, would not be required to be removed from the licensee’s commercial grade dedication program. Therefore, the proposed change would be a non-mandatory relaxation of requirements for fuel facilities licensed under 10 CFR part 70, subpart H. As explained in MD 8.4, non-mandatory relaxations of regulations generally do not meet the definition of “backfitting.” Thus, the proposed change would not meet the definition of backfitting in § 70.76. There are no backfitting or issue finality implications for fuel facilities licensed under only 10 CFR part 40 because 10 CFR part 40 licenses are not within the scope of any backfitting or issue finality provisions.

The proposed clarification that commercial grade dedication is not applicable to nuclear material users would not have any backfitting or issue finality implications because the licenses for the affected nuclear materials users are not within the scope of any backfitting or issue finality provisions.

The proposed change to the NRC's preferred method of initial notification of a defect or failure to comply under § 21.21(d) from facsimile to email would provide updated information on how to contact the NRC Operations Center. The current regulations in § 21.21 require entities subject to 10 CFR part 21 to have procedures to identify, evaluate, and report defects and failures to comply. Procedures required by § 21.21 can include procedures used to assess procedures required to design, construct, or operate a facility for potential defects and failures to comply. The proposed continued availability of telephone notification would ensure that licensees can comply with § 21.21(d) without adopting the proposed email method. Licensees could continue using the existing processes and procedures and still be in compliance with this proposed rule. This proposed change to the methods to contact the NRC would not meet the definition of "backfitting" in §§ 50.109, 70.76, and 72.62 because the proposed change would provide a voluntary alternative. Additionally, the requirements of § 21.21 are not site characteristics, design parameters, or terms and conditions on an early site permit and they are not certification information under 10 CFR part 52. Therefore, the proposed change to the methods to contact the NRC would not affect issue finality as provided for in 10 CFR part 52.

10 CFR Part 50—Reporting Requirements for Nonemergency Events for Nuclear Power Plants

The NRC is proposing the elimination of certain reporting requirements in § 50.72(b) for nonemergency events at nuclear power plants authorized to operate under 10 CFR parts 50 or 52. The proposed changes would be a nonmandatory relaxation of requirements because affected licensees may continue to voluntarily submit such reports. Therefore, the proposed changes to the reporting requirements would not meet the definition of "backfitting" under § 50.109.

The proposed elimination of certain nonemergency event reporting requirements would not affect the issue finality of a combined license under 10 CFR part 52. The issue finality provisions for combined licenses in § 52.98 provide, in relevant part, that the Commission may not modify, add, or delete any term or condition of a combined license except in accordance with the provisions of § 50.109. As explained previously, eliminating nonemergency reporting requirements would not meet the definition of

"backfitting" in § 50.109. Additionally, the regulations in § 50.72 are not within the scope of matters addressed under other 10 CFR part 52 approvals for which issue finality is provided. For this reason, the proposed eliminations also would not affect the issue finality of a combined license or any other approval under 10 CFR part 52.

The NRC also proposes to provide nuclear power reactor licensees with the option to use technology-inclusive alternatives to the ENS for making a nonemergency event notification to the HOC. Because an alternative reporting method would be voluntary, such that licensees would still be required to submit the event reports but would not be required to use an alternative method of submitting the reports, this proposal would not meet the definition of "backfitting" in § 50.109 or affect the issue finality of a combined license.

10 CFR Parts 20, 50, 52, and 53—Decommissioning Licensing Enhancements

The NRC is proposing several decommissioning licensing enhancements for production and utilization facilities licensed under 10 CFR parts 50, 52, and 53, as applicable. These enhancements would include eliminating or relaxing certain requirements, adding options for licensees, and making clarifications and corrections. The proposed eliminations and relaxations of certain requirements would be either nonmandatory, meaning that licensees would not need to make changes to their current procedures to comply with the revised requirements, or applicable to only the NRC. The proposed provision of voluntary options would not eliminate the current regulatory options and would not be imposed on licensees. The clarifications and corrections would not result in a modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. One set of proposed changes, concerning the financial qualifications standard, would apply to only applicants. Therefore, the proposed decommissioning licensing enhancements would not meet the definition of "backfitting" in § 50.109 and would not affect issue finality as provided for in 10 CFR part 52.

10 CFR Parts 50, 52, and 53—Financial Qualifications and Decommissioning Trust Fund Use

The proposed changes to §§ 50.33, 50.75, 50.82, and 53.1045 would relax

certain requirements related to financial qualifications and decommissioning trust fund use under 10 CFR parts 50, 52, or 53 and would make these requirements consistent across all of these parts of the NRC's regulations. These changes would be nonmandatory relaxations because licensees would not need to make changes to their current practices to comply with the proposed requirements. Therefore, these proposed changes would not meet the definition of "backfitting" in § 50.109 and would not affect issue finality as provided for in 10 CFR part 52.

10 CFR Part 50—Risk Informed Seismic Design

The proposed changes to appendix S to 10 CFR part 50 would provide an option for applicants seeking certain approvals under 10 CFR part 50 or 10 CFR part 52 to establish multiple DBGMs based on the risk-significance and safety functions of SSCs. The proposed change would apply to only future applicants and therefore would not constitute backfitting under 10 CFR part 50 or affect the issue finality of a 10 CFR part 52 approval. Applicants and potential applicants (for licenses, permits, and other regulatory approvals) generally are not within the scope of the backfitting or issue finality regulations. Those regulations include language delineating when those provisions begin; in general, the backfitting and issue finality regulations begin upon the issuance of the license, permit, or other approval. Therefore, the proposed changes to appendix S to 10 CFR part 50 would not meet the definition of "backfitting" in § 50.109 and would not affect issue finality as provided for in 10 CFR part 52.

10 CFR Part 50—Probabilistic Risk Assessment Requirements

The proposed changes to § 50.69 would allow holders of an LWR CP under 10 CFR part 50 and holders of an LWR COL or ML and applicants for an LWR DC under 10 CFR part 52 to utilize the provisions of this regulation. Because § 50.69 is a voluntary, alternative regulation and the proposed changes would only extend its applicability, they would not meet the definition of "backfitting" under § 50.109 or affect issue finality as provided in 10 CFR part 52.

10 CFR Parts 50, 52, 53, 70, and 72—Backfitting and Issue Finality Provisions

The proposed amendments to the backfitting and issue finality provisions would change requirements that apply only to the NRC. Therefore, the proposed amendments to the backfitting

and issue finality provisions would not meet the definitions of “backfitting” in §§ 50.109, 70.76, and 72.62 or affect issue finality for NRC approvals issued under 10 CFR part 52.

10 CFR Parts 52 and 53—Notification of Initial Fuel Load

The proposed changes would relax the notification frequency for updates to the schedule for initial fuel loads for combined licenses for power reactors issued under 10 CFR part 52 or 10 CFR part 53. The proposed changes would be a nonmandatory relaxation of requirements because affected licensees could continue to submit such notifications according to the current schedule requirements and still satisfy this proposed rule. Therefore, the proposed changes to the reporting requirements would not meet the definition of “backfitting” under § 50.109 or affect issue finality as provided for in 10 CFR part 52.

10 CFR Part 52—Requirements for Evaluation of Generic Issues and Operating Experience

This proposed rule would eliminate requirements for certain applications under 10 CFR part 52 to provide information regarding generic issues and operating experience. The proposed change would apply to only future applicants and would not affect matters for which issue finality is provided for existing approvals under 10 CFR part 52.

10 CFR Parts 50, 52, and 53—Standard Design Approvals

This proposed rule would eliminate the expiration date for SDAs and provide processes to allow the holder of an SDA to make changes to the SDA. The elimination of the 15-year expiration date for an SDA would not modify existing SDAs as it would apply to the future issuance of SDAs by the NRC. The proposed change control processes would not meet the definition of “backfitting” because they would be part of an NRC-designed administrative change process that would not be required to design, construct, or operate a facility. The SDA holder would not be required to make changes to the design or its procedures as a result of these proposed rule changes unless the SDA holder would voluntarily choose to implement the proposed change control process. Therefore, these proposed rule changes would not meet the definition of “backfitting” under § 50.109 and would not be within the scope of any issue finality provisions in 10 CFR part 52 because such provisions would apply only to an applicant referencing an SDA

and not to the SDA holder itself. This proposed rule would also require an SDA holder that makes changes to the design to report and retain records of such changes. These proposed requirements would not meet the definition of backfitting because, even if an SDA holder would need to change a procedure to meet these proposed reporting and recordkeeping requirements, that procedure would not be required to design, construct, or operate a facility. These reports would be needed to ensure continued NRC oversight.

10 CFR Parts 52 and 53—Environmental Reviews of Early Site Permits

The proposed amendments would eliminate a requirement for the NRC to prepare an environmental impact statement as part of its review of an application for an early site permit. Because the proposed changes would apply to the NRC, they would not meet the definition of “backfitting” under § 50.109 or affect issue finality as provided for in 10 CFR part 52.

10 CFR Part 50—Post-TMI Requirements

The post-TMI requirements in § 50.34(f) apply to certain applications for power reactor related approvals. The proposed changes to § 50.34(f) would make § 50.34(f) applicable to applications for power reactor construction permits and operating licenses under 10 CFR part 50 and remove license applications that are no longer relevant from the list. The proposed amendments would also delete redundant requirements in § 50.34(f)(1)(xii), (f)(2)(i), (f)(2)(vi), (f)(2)(ix), (f)(2)(xxiv), (f)(2)(xxv), (f)(3)(v) and (f)(3)(vi), and revise (f)(2)(iv) to increase flexibility. The proposed changes to § 50.34(f) would not meet the definition of “backfitting” in § 50.109 and would not affect issue finality as provided for in 10 CFR part 52 because the proposed changes would apply to only applicants for power reactor construction permits and operating licenses under 10 CFR part 50.

10 CFR Parts 50, 53, and 55—Updates to the Operator Licensing Programs

Backfitting and issue finality regulations do not appear in 10 CFR part 55, and part 55 power reactor operator licensees are not within the scope of the backfitting provisions in § 50.109 or the finality provisions in 10 CFR part 52. However, the proposed changes to the operator licensing program requirements in this proposed rule could result in modifications to the procedures or organizations required to operate a facility. Therefore, the NRC

considered the backfitting and issue finality implications of the proposed amendments to the operator licensing programs for facilities licensed under 10 CFR parts 50 and 52.

A. Minimum Number of Manipulations

The proposed amendments would provide voluntary alternatives for facility licensees to address control manipulations for operator license applicants. Furthermore, the proposed changes for operator license applicants and licensed operator training would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to the operator license application provisions regarding control manipulations would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

B. Alternative Exam Standards

The proposed amendments would allow for alternative exam standards for operators while retaining the current exam standards. These proposed changes would provide voluntary alternatives for facility licensees. Furthermore, changes for operator license applicants and licensed operator training would not involve a procedure or organization required to operate a facility. Therefore, the proposed changes to allow for alternative exam standards would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

C. Written Exams and Operating Tests

The proposed amendments would clarify topics on the examination and tests for operator license applicants at non-water-cooled reactors. Currently, no facility licensees of non-water-cooled reactors have developed NRC licensing examinations. The proposed changes would not affect any currently operating or decommissioning reactor facilities. Furthermore, proposed changes to the content of examinations and tests for operator license applicants would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to the operator licensing written examination and test provisions would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

D. Simplification of Simulator Requirements

The proposed amendments would simplify the simulator requirements. The NRC is not proposing any changes to the criteria a simulator must meet to

be used for its intended regulatory purposes. The proposed changes for simulators used for training and examining operator license applicants and licensed operator training would not involve a procedure or organization required to operate a facility. Therefore, the proposed changes to simulator requirements would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

E. Requalification Examination and Program Periodicity Requirements

The proposed amendments would provide voluntary options for facility licensees and operators to address requalification requirements. Furthermore, the proposed changes for requalification would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to requalification requirements would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

F. Requirements for Licensed Medical Examiners

The proposed amendments would provide nonmandatory relaxations of current requirements regarding licensed medical examiners in 10 CFR part 55. Therefore, these proposed changes would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

G. Changes to Treatment of Medical License Conditions

The proposed changes to the treatment of license conditions would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to the treatment of medical license conditions for operators would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

H. Changes to Operator License Reporting Requirements

The proposed amendments would relocate certain operator license reporting requirements and delete redundant reporting requirements. These proposed changes would not result in the underlying requirements changing. The proposed change to § 55.53(g) would not require changes to the procedures or organizations required to operate a facility. These proposed changes would not meet the definition of “backfitting” in § 50.109 or affect

issue finality as provided for in 10 CFR part 52.

I. Revision to Training Requirements in § 50.120

The proposed amendments would revise the timing for when the training requirements in § 50.120 must be met and require only the training and qualification of applicable categories of plant personnel for the facility. These proposed changes would be nonmandatory relaxations because facility licensees that would not have loaded fuel (*i.e.*, would not have previously operated) could establish, implement, and maintain a training program more than 18 months prior to initial fuel load and could provide for a training program for all the currently listed categories of plant personnel. Therefore, the proposed changes to the training requirements in § 50.120 would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

J. Elimination of Wait Times for Re-Applications in § 55.35

The proposed amendments would eliminate waiting times between re-applications for operator licenses. This proposed change would be nonmandatory relaxations. The applicant and facility licensee could wait to submit re-applications consistent with the current wait times. Therefore, the proposed changes to the re-application requirements in § 55.35 would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

K. Operating Tests

The proposed amendments would allow facility licensees to proctor and grade the operating tests required by § 55.45. This proposed change would provide voluntary alternatives because licensees would not be required to proctor and grade operating tests. Furthermore, proposed changes to operating test administration requirements would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to the operating tests would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

L. Plant Walkthrough Requirements in 10 CFR 55.45

A new provision would be added to § 55.45(b) to allow for suitable alternatives to the plant walkthrough portion of an operating test when a

facility is under construction. This proposed change would provide licensees with a voluntary alternative because licensees would not be required to provide alternatives to a plant walkthrough. Editorial changes to § 55.45(b) would also be made that would not modify the current requirements in § 55.45(b). Furthermore, changes to plant walkthrough requirements would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to the operating tests would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

M. Examination Waiver Requirements

The proposed amendments would make editorial changes and add criteria to § 55.47 for the NRC to grant a waiver of examination and operating test requirements at multiunit sites. The proposed changes to the waiver requirements would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52 because these proposed changes would apply to the NRC and would not be imposed on licensees, applicants, or other entities.

N. Removing Obsolete Information From § 55.5

The proposed amendments would remove examples of methods to submit information to the NRC electronically but continue to permit electronic submissions where practicable. Additionally, the proposed amendments would remove NRC contact information from this section and instead refer to the contact information in appendix D to 10 CFR part 20. These changes would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to § 55.5 would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

O. Elimination of License Renewal for 10 CFR Part 55 Operator's Licenses

The proposed amendments would revise the requirements in § 55.55 such that an expiration date would no longer be included on operator licenses issued in the future. This change would not modify the expiration date of current operator licenses. Additionally, the operator license renewal requirements would be eliminated as they would no longer be necessary when the operator license does not expire. The proposed changes to the operator license expiration provisions and the elimination of the license renewal

provisions would not modify procedures or organizations required to operate a facility. Therefore, the proposed changes to § 55.5 would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52.

P. Generally Licensed Reactor Operators for Self-Reliant Mitigation Facilities

There are currently no licensed SRMFs. The proposed changes would provide a new option for prospective applicants, so it would not result in the modification of or addition to the design or organization necessary to operate any existing facilities. Therefore, the proposed changes to § 55.74 through 79 would not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in 10 CFR part 52. The proposed changes to §§ 50.34(b)(6) and 52.79(a)(26) would also not meet the definition of “backfitting” in § 50.109 or affect issue finality as provided for in part 52 because there are currently no licensed SRMFs.

10 CFR Part 75—IAEA Notifications

The proposed amendments would delete § 75.13(c), which is bounded by the requirements of § 75.13(b)(3) and therefore redundant. Therefore, the proposed elimination of § 75.13(c) would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62 or affect issue finality as provided for in 10 CFR part 52 because the proposed change would not impose new or modified requirements on any license or approvals within the scope of these regulations.

10 CFR Parts 50, 52, 53, 70, and 72—Recordkeeping and Reporting Requirements

The proposed amendments would eliminate several recordkeeping and reporting requirements. The elimination of these requirements would be a nonmandatory relaxation, meaning that licensees or other entities subject to these requirements could continue to maintain records and submit reports to the NRC consistent with the current requirements. Therefore, the proposed elimination of recordkeeping and reporting requirements would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62 or affect issue finality as provided for in 10 CFR part 52.

The proposed amendments to § 50.91 would change certain communication requirements that apply only to the NRC and its staff during the review of license amendment requests under 10 CFR part 50. Therefore, the proposed

amendments to § 50.91 do not meet the definitions of “backfitting” in § 50.109 or affect issue finality for NRC approvals issued under 10 CFR part 52.

The proposed amendment to § 70.32(g) would change the reporting requirement timeframe from 60 days to 4 months. The increased timeframe allowed in these requirements would be a nonmandatory relaxation, meaning that licensees or other entities subject to these requirements could continue to maintain records and submit reports to the NRC consistent with the current requirements. Therefore, the proposed change to the reporting requirements in § 70.32(g) would not meet the definition of “backfitting” in § 70.76.

The proposed amendment to § 70.59 would change the reporting requirement from “within 60 days after January 1 and July 1 of each year,” to “within 60 days after January 1 of each year,” for each licensee authorized to possess and use special nuclear material in a spent fuel reprocessing facility. The increased timeframe allowed in these requirements would be a nonmandatory relaxation, meaning that licensees or other entities subject to these requirements could continue to maintain records and submit reports to the NRC consistent with the current requirements. For other facilities, the report would only be required should the annual radiation doses to the public, resulting from the release result in an estimated total effective dose equivalent, or total effective dose, as applicable, of more than 25 mrem per year, or if quantities of radioactive materials released during the reporting periods are significantly above the licensee’s design objectives previously reviewed as part of the licensing action. The change in these requirements would be a nonmandatory relaxation, meaning that licensees or other entities subject to these requirements could continue to maintain records and submit reports to the NRC consistent with the current requirements. Therefore, the proposed changes to the recordkeeping and reporting requirements in § 70.59 would not meet the definition of “backfitting” in § 70.76.

Guidance

The NRC is issuing revisions to four NUREG-series documents for public comment with this proposed rule. NUREG–1022, “Event Reporting Guidelines: 10 CFR 50.72 and 10 CFR 50.73,” provides guidelines that the NRC staff considers acceptable for reactor licensees to use in meeting the requirements of §§ 50.72 and 50.73. If issued in final form, this revision of

NUREG–1022 would not be imposed on licensees and would not require the modification of procedures or organizations required to operate a reactor facility. Therefore, issuance of NUREG–1022 in final form would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62; constitute forward fitting, as that term is defined in MD 8.4; or affect issue finality as provided for in 10 CFR part 52.

The draft revision of NUREG–1409, “Backfitting Guidelines,” would provide guidance for the NRC staff to implement the NRC’s backfitting, forward fitting, and issue finality provisions and policies. This draft NUREG would also provide guidance for external entities to raise backfitting, forward fitting, or issue finality concerns and for affected entities to submit formal appeals per MD 8.4. If issued in final form, this revision of NUREG–1409 would not be imposed on licensees and would not require the modification of procedures or organizations required to operate a reactor facility. Therefore, issuance of NUREG–1409 in final form would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62; constitute forward fitting, as that term is defined in MD 8.4; or affect issue finality as provided for in 10 CFR part 52.

NUREG–1021, “Operator Licensing Examination Standards for Power Reactors,” and NUREG–1478, “Operator Licensing Examiner Standards for Research and Test Reactors,” would be revised to support the implementation of the changes to operator licensing requirements in this proposed rule. Currently, power reactor facility licensees may prepare, proctor, and grade written examinations and may prepare operating tests for operators in accordance with § 55.40. If a power reactor facility licensee chooses this option, they must prepare the examinations and tests in accordance with the criteria in NUREG–1021 in effect 6 months before the examination date and receive written approval of the examinations and tests before they are administered. This proposed rule would allow power reactor licensees to also proctor and grade the operating tests and use other criteria approved by the NRC. In addition, these options would be made available to non-power reactor licensees who could use the criteria in NUREG–1478 or other criteria approved by the NRC. NUREG–1021 and NUREG–1478 would not be imposed on reactor licensees. Additionally, the examinations and tests are prospective in nature as they require prior NRC approval before administration. The issuance of these NUREG revisions in

final form would not modify procedures or organizations required to operate a reactor facility. Therefore, issuance of NUREG-1021 and NUREG-1478 in final form would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62; constitute forward fitting, as that term is defined in MD 8.4; or affect issue finality as provided for in 10 CFR part 52.

The NRC is issuing four draft regulatory guides that, if finalized, would provide guidance on the methods acceptable to the NRC for complying with aspects of this proposed rule. As discussed in the draft regulatory guides, applicants and licensees would not be required to comply with the positions set forth in the draft regulatory guides. Therefore, issuance of the draft regulatory guides in final form would not meet the definition of “backfitting” in §§ 50.109, 70.76, and 72.62; constitute forward fitting, as that term is defined in MD 8.4; or affect issue finality as provided for in 10 CFR part 52.

IX. Cumulative Effects of Regulation

The NRC seeks to minimize potential negative consequences resulting from the cumulative effects of regulation (CER). The NRC believes that the de-regulatory impacts of this rulemaking activity are unlikely to cause implementation challenges for stakeholders. In addition, during the pendency of this rulemaking, the NRC is deprioritizing issuance of regulatory actions that might influence the implementation date for the new rule requirements (e.g., orders, generic communications, license amendment requests, and inspection findings of a generic nature).

To fully understand any potential CER implications that could result from this rulemaking, the NRC is asking the following questions. Response to these questions is voluntary and any input will be considered during development of the final rule.

1. The NRC is proposing an effective date that will be 30 days after the date of publication of a final rule. Does this provide sufficient time to implement the proposed requirements? Please provide a rationale for your response.

2. Are there unintended consequences related to this rulemaking and how should they be addressed? Please provide a rationale for your response.

3. Please comment on the NRC’s cost and benefit estimates in the regulatory analysis that supports this proposed rule.

X. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

XI. National Environmental Policy Act

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission’s regulations in subpart A of 10 CFR part 51, that this proposed rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and an environmental impact statement is not required. The basis for this determination is the implementation of this proposed rule described in this **Federal Register** notice would not have a significant environmental impact. The proposed regulatory changes are administrative in application or are matters of procedure, record keeping and reporting requirements, and provide equivalent levels of safety as existing requirements. This rulemaking would not materially change any regulatory requirements and would result in no new or different environmental effects.

As explained in the environmental assessment, the proposed agency action (i.e., rulemaking) will not have a significant effect on the quality of the human environment. Public comments on the environmental assessment may be submitted to the NRC as indicated under the **ADDRESSES** caption. The environmental assessment is listed under the “Availability of Documents” section.

XII. Paperwork Reduction Act

This proposed rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed rule has been submitted to the Office of Management and Budget (OMB) for review and approval of the information collections.

Type of submission: New.

The title of the information collection: Regulatory Enhancement for Reactor Licensing, Decommissioning, and Operational Oversight.

The form number if applicable: NRC Forms 361, 396, 398, and 536.

How often the collection is required or requested: Reporting frequencies vary.

Some reports, such as defect notifications under 10 CFR part 21, must be submitted promptly following discovery (typically within 60 days, with initial notifications in some cases required within 2 days), while event notifications for nuclear power reactors under § 50.72 are required immediately or within specified hours depending on the event’s significance. Periodic reports include annual effluent monitoring reports for spent fuel reprocessing facilities, 24-month FSAR updates for power reactor licensees, 5-year FSAR updates for non-power production or utilization facilities, and 4-month reporting for changes to safeguards contingency plans. Operator requalification and medical certifications are generally required every 2 years, and some collections are only triggered when certain thresholds are exceeded (e.g., effluent reports if annual public dose exceeds 25 mrem/year). Records retention periods also vary: many records must be kept for the duration of the license, superseded records are typically retained for at least 3 years after a change, and certain procurement, evaluation, and notification records must be maintained for 10 or 15 years depending on the regulation.

Who will be required or asked to respond: Existing and future applicants and licensees under 10 CFR parts 21, 50, 52, 53, 55, 70, and 72.

An estimate of the number of annual responses:

10 CFR part 21: 34 (4 reporting responses + 30 recordkeepers)
 10 CFR part 50: – 794.6 (– 821.1 reporting responses + 26.5 recordkeepers)
 10 CFR part 50.55a: – 9 (– 9 reporting responses)
 10 CFR part 52: – 35.7 (– 35.7 reporting responses)
 10 CFR part 53: – 11.3 (– 16.3 reporting responses + 5 recordkeepers)
 10 CFR part 55: 203.6 (202.6 reporting responses + 1 recordkeeper)
 10 CFR part 70: – 16 (– 24 reporting responses + 8 recordkeepers)
 10 CFR part 72: – 102 (– 118 reporting responses + 16 recordkeepers)
 Form 361: – 244.4 (– 244.4 reporting responses)
 Form 396: – 1,197 (– 598.5 reporting responses + – 598.5 recordkeepers)
 Form 398: – 402 (– 402 reporting responses)
 Form 536: 68 (68 reporting responses)
The estimated number of annual respondents:

10 CFR part 21: 30 respondents
 10 CFR part 50: 119 respondents
 10 CFR part 50.55a: – 9 respondents

10 CFR part 52: 9.33 respondents
 10 CFR part 53: 5 respondents
 10 CFR part 55: 67 respondents
 10 CFR part 70: 8 respondents
 10 CFR part 72: 16 respondents
 Form 361: – 94 respondents
 Form 396: – 133 respondents
 Form 398: – 402 respondents
 Form 536: 68 respondents

An estimate of the total number of hours needed annually to comply with the information collection requirement or request:

10 CFR part 21: 3,160 (160 reporting + 3,000 recordkeeping)
 10 CFR part 50: – 104,514.9 (– 104,465.7 reporting + – 49.2 recordkeeping)
 10 CFR part 50.55a: – 225 (– 225 reporting)
 10 CFR part 52: – 70 (– 70 reporting)
 10 CFR part 53: – 579.6 (– 79.6 reporting + – 500 recordkeeping)
 10 CFR part 55: 2,599 (993 reporting + 1,606 recordkeeping)
 10 CFR part 70: – 64 (– 3,360 reporting + 3,296 recordkeeping)
 10 CFR part 72: – 262 (– 2,072 reporting + 1,810 recordkeeping)
 Form 361: – 122.2 (– 122.2 reporting)
 Form 396: – 748.1 (– 598.5 reporting + – 149.6 recordkeeping)
 Form 398: – 1,005 (– 1,005 reporting)
 Form 536: 5.7 (5.7 reporting)

Abstract: The NRC is proposing to amend its regulations to provide regulatory enhancements for reactor licensing, decommissioning, and operational oversight. The NRC identified potential changes across various parts to 10 CFR, as well as NRC forms. This effort is consistent with, and implements direction in, the recently issued E.O. 14300.

This proposed rule covers a wide range of topics, including the following areas that would result in new or revised changes in recordkeeping and reporting requirements:

- a. Part 21 Clarifications (parts 21, 50, and 53).
- b. Reporting Requirements for Nonemergency Events for Nuclear Power Plants (part 50).
- c. Decommissioning Licensing Enhancements (parts 20, 50, 52, and 53).
- d. Financial Qualifications and Decommissioning Trust Fund Use (parts 50, 52, and 53).
- e. Probabilistic Risk Assessment Requirements (part 50).
- f. Notification of Initial Fuel Load (parts 52 and 53).
- g. Requirements for Evaluation of Generic Issues and Operating Experience (part 52).
- h. Standard Design Approvals (parts 50, 52, and 53).

- i. Updates to the Operator Licensing Programs (parts 50, 53, and 55).
- j. Recordkeeping and Reporting Requirements (parts 50, 52, 53, 70, and 72).

This supporting statement includes burden associated with revised information collection in parts 21, 50, 52, 53, 55, 70, and 72, as well as NRC Forms 361, 396, 398, and 536.

The NRC is seeking public comment on the potential impact of the information collection(s) contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility? Please explain your response.
2. Is the estimate of the burden of the proposed information collection accurate? Please explain your response.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected? Please explain your response.
4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the OMB clearance package and proposed rule are available in the “Availability of Documents” section of this document or may be viewed free of charge by contacting the NRC’s Public Document Room reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. You may obtain information and comment on submissions related to the OMB clearance package by searching on <https://www.regulations.gov> under Docket ID NRC–2025–1138.

You may submit comments on any aspect of these proposed information collection(s), including suggestions for reducing the burden and on the above issues, by the following method:

Federal rulemaking Website: Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–1138.

Submit comments by October 26, 2026.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XIII. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action. Accordingly, the NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More information can be found in Section VII of this document, “Regulatory Analysis.”

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this proposed rule can be found in Section VII of this document, “Regulatory Analysis.”

D. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers

E.O. 14267 requires the NRC to identify anti-competitive regulations for rescission or modification.

The NRC identified § 21.3, specifically the definition for “dedicating entity,” because this regulation has an anticompetitive effect by limiting the pool of potential vendors for SSCs. Specifically, this proposed rule would eliminate unnecessary restrictions (*i.e.*, removing the reference to “nuclear power plants licensed under Part 50” and deleting the description of who can perform the dedication) that would limit vendor participation in supplying SSCs.

The NRC identified § 50.33 because this regulation has an anticompetitive effect by creating barriers to entry that are not consistent for all applicants. The financial qualification requirements in 10 CFR part 53 contain a less restrictive qualification standard of “appears to be financially qualified,” and § 50.33 would be updated to include this less restrictive standard.

The NRC identified § 50.54 because this regulation has an anticompetitive effect by raising barriers to entry. Specifically, paragraphs (m) and (j) of this section are being proposed to update the operator licensing requirements to include generally licensed reactor operators in addition to operator and senior operator.

The NRC identified the compliance backfitting provisions in 10 CFR parts 50, 52, 53, 70, and 72 as having an anticompetitive effect. Specifically, due to the lack of specific criteria in the compliance backfitting provisions, the compliance justifications are susceptible to less objective application and, therefore, are less predictable and may create some regulatory uncertainty for entities when making long-term financial decisions regarding, for example, new facility construction or major upgrades. Such uncertainty may create a barrier to competition and result in higher regulatory burdens for new market entrants than imposed on legacy participants. Therefore, in response to E.O. 14267, the NRC is proposing to eliminate the compliance backfitting provisions from its rules.

The NRC identified § 55.4 because the definition of “physician” in this regulation creates a barrier to market participation by limiting the pool of eligible employees to work in this role. The NRC has included a new definition, “licensed medical examiner,” and has referenced this new definition as an alternative to physician throughout 10 CFR parts 53 and 55.

The proposed modifications of the regulations support the objectives of E.O. 14267 by removing regulatory requirements that could create

“unnecessary barriers to entry for new market entrants” or other applicable reason from E.O. 14267.

E. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, “Zero-Based Regulatory Budgeting to Unleash American Energy,” requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPAct); (2) not statutorily required; and (3) not part of the NRC’s permitting regime. The NRC determined that the regulatory changes proposed in this rule are part of the NRC’s regulatory permitting scheme authorized by the AEA, ERA, or NWPAct. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

XIV. Compatibility of Agreement State Regulations

On the basis of the “Agreement State Program Policy Statement” approved by the Commission on October 2, 2017, and published in the **Federal Register** (82

FR 46840; October 6, 2017, and 82 FR 48535; October 18, 2017), NRC program elements can be placed into six categories (A, B, C, D, NRC, or health and safety) to form the basis for evaluating and classifying the program elements. Under the Policy Statement, Compatibility Category NRC are those program elements that address areas of regulation that cannot be relinquished to the Agreement States under the AEA, or provisions of 10 CFR. The NRC maintains regulatory authority over these program elements and the Agreement States must not adopt these NRC program elements.

Although this rulemaking proposes changes to 10 CFR parts 20 and 70, the specific changes to those regulations, or sections of regulations, are designated Category NRC and, therefore, this rulemaking is not a matter of compatibility. However, an Agreement State may inform its licensees of these NRC requirements through a mechanism under the State’s administrative procedure laws, as long as the State adopts these provisions solely for the purposes of notification, and does not exercise any regulatory authority as a result.

For completeness, a table showing the relevant regulations and the categories is below.

ADEQUACY AND COMPATIBILITY TABLE

Section	Change	Subject	Adequacy or compatibility	
			Existing	New
20.1401	Amend	General provisions and scope	C, except portions of the provision are designated as NRC.*	C, except portions of the provision are designated as NRC.*
70.32(g), (i)	Amend	Conditions of licenses	NRC	NRC.
70.59	Amend	Effluent monitoring reporting requirements.	NRC	NRC.
70.72	Amend	Facility changes and change process.	NRC	NRC.
70.76	Amend	Backfitting	NRC	NRC.

* Portions of these provisions are designated Compatibility Category NRC as they address areas reserved to the NRC (e.g., 10 CFR parts 50, 51, 52, 54, 60, 63, 72, and 76). See 72 FR 49464. This rulemaking is proposing to revise § 20.1401 to add a cross-reference to proposed § 52.111. This additional cross-reference is an area reserved to the NRC and, as such, the change is not a matter of compatibility.

XV. Availability of Guidance

The NRC is issuing for comment eight revised draft guidance documents to support the implementation of the proposed requirements in this rulemaking. You may obtain information and comment submissions related to the draft guidance by searching on <https://www.regulations.gov> under Docket ID NRC–2025–1138. You may submit comments on these draft guidance documents by the methods outlined in the **ADDRESSES** section of this document.

1. Draft NUREG–1021, Revision 13, Operator Licensing Examination Standards for Power Reactors, Draft Report
2. Draft NUREG–1022, Revision 4, Event Report Guidelines: 10 CFR 50.72 and 10 CFR 50.73, Draft Report
3. Draft NUREG–1409, Revision 1, Backfitting Guidelines
4. Draft NUREG–1478, Revision 3, Operator Licensing Examiner Standards for Research and Test Reactors
5. DG–1469 (Draft RG 1.134, Revision 5), Medical Assessment of Licensed

- Operators or Applicants for Operator Licenses at Nuclear Power Plants
6. DG–1470 (Draft RG 1.149, Revision 5), Nuclear Power Plant Simulation Facilities For Use in Operator Training, License Examinations, and Applicant Experience Requirements⁵

⁵ The NRC issued DG–1384 (draft RG 1.149, Revision 5) for comment on April 15, 2026 (91 FR 20184), which included draft revisions to RG 1.149, Revision 4. The draft revisions in DG–1470 reflect the proposed changes in DG–1384 in addition to proposed revisions related to this rulemaking. The

Continued

7. DG–1471 (Draft RG 1.208, Revision 2), A Performance-Based Approach to Define the Site-Specific Earthquake Ground Motion	8. DG–1476 (Draft RG 1.159 Revision 4), Assuring the Availability of Funds for Decommissioning Nuclear Reactors	XVI. Availability of Documents The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.
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Document	ADAMS accession No./web link/ Federal Register citation
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Proposed Rule Package Documents

Proposed Rule, Regulatory Analysis, September 2026	ML26191A071
Proposed Rule, Environmental Analysis, September 2026	ML26191A072
Proposed Rule, Unofficial Redline Strikeout, September 2026	ML26191A073

Executive Orders

E.O. 12866, Regulatory Planning and Review, September 30, 1993	58 FR 51735
E.O. 14215, Ensuring Accountability for All Agencies, February 18, 2025	90 FR 10447
E.O. 14154, Unleashing American Energy, January 20, 2025	90 FR 8353
E.O. 14192, Unleashing Prosperity Through Deregulation, January 31, 2025	90 FR 9065
E.O. 14267, Reducing Anti-Competitive Regulatory Barriers, April 9, 2025	90 FR 1629
E.O. 14270, Zero-Based Regulatory Budgeting to Unleash American Energy, April 9, 2025	90 FR 15643
E.O. 14300, Ordering the Reform of the Nuclear Regulatory Commission, May 23, 2025	90 FR 22587

10 CFR Part 21 Clarifications

Final Rule, Reports to the Commission Concerning Defects and Noncompliance June 6, 1977 .. NUREG–0302, Revision 1, “Remarks Presented (Questions/Answers Discussed) at Public Re- gional Meetings to Discuss Regulations (10 CFR Part 21) for Reporting of Defects and Non- compliance,” July 1977.	42 FR 28891 ML062080399
Final Rule, Amendments Regarding Basic Component, October 19, 1978	43 FR 48621
Final Rule, Criteria and Procedures for the Reporting of Defects and Conditions of Construction Permits, July 31, 1991.	56 FR 36081
Final Rule, Procurement of Commercial Grade Items by Nuclear Power Plant Licensees, Sep- tember 19, 1995.	60FR48369
OIG–10–A–20, Audit of NRC’s Vendor Inspection Program, September 28, 2010	ML102710583
OIG–11–A–08, Audit of NRC’s Implementation of 10 CFR Part 21, Reporting of Defects and Noncompliance, March 23, 2011.	ML110820426
Final Regulatory Basis to Clarify 10 CFR Part 21, Reporting of Defects and Noncompliance, August 2015.	ML15152A457
Proposed Rule, Modernizing Materials Licensing, June 24, 2026	91 FR 38214
Proposed Rule, Modernizing Reactor Licensing, Safety Oversight, and Siting Practices, July 16, 2026.	91 FR 44560
SECY–16–0009, Recommendations Resulting from the Integrated Prioritization and Re-Base- lining of Agency Activities, January 31, 2016.	ML16028A189 (package).
Final Rule, Critical Mass of Special Nuclear Material, September 19, 2000	65 FR 56211
Direct Final Rule, The Sunset Rule, December 3, 2025	90 FR 55621

10 CFR Part 50—Reporting Requirements for Nonemergency Events

NRC’s Principles of Good Regulation	https://www.nrc.gov/about-nrc/values.html .
NUREG/KM–0016, “Be riskSMART: Guidance for Integrating Risk Insights into NRC Deci- sions,” March 31, 2021.	ML21071A238
Final Rule, Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites, October 25, 2000.	65 FR 63769
Final Rule, Minor Modifications to Nuclear Power Reactor Event Reporting Requirements, Sep- tember 10, 1992.	57 FR 41378
Final Rule, Immediate Notification Requirements of Significant Events at Operating Nuclear Power Reactors, August 29, 1983.	48 FR 39039
Proposed Rule, Immediate Notification Requirement for Operating Nuclear Reactors, December 21, 1981.	46 FR 61894
Final Rule, Immediate Reporting of Significant Events at Operating Nuclear Power Reactors, February 29, 1980.	45 FR 13434
Final Rule, Licensee Event Report System, July 26, 1983	48 FR 33850
Federal Emergency Management Agency’s (FEMA) Radiological Emergency Preparedness Program Manual, December 2023.	https://www.fema.gov/emergency-managers/ practitioners/hazardous-response-capabili- ties/radiological/rep-program-manual .
NUREG–1022, Revision 3, “Event Report Guidelines: 10 CFR 50.72 and 50.73,” Supplement 2, Draft Guidance, October 2024.	ML24102A280
NUREG–1022, Revision 3, “Event Report Guidelines: 10 CFR 50.72 and 50.73,” January 31, 2013.	89 FR 80268 ML13032A220

Document	ADAMS accession No./web link/ Federal Register citation
Memorandum of Understanding Between the Department of Homeland Security/Federal Emergency Management Agency and Nuclear Regulatory Commission Regarding Radiological Emergency Response, Planning, and Preparedness, December 7, 2015.	ML15344A371
Regulatory Guide 1.101, Revision 3, "Emergency Response Planning for Nuclear Power Reactors," August 1992.	ML003740302
NESP-007, Revision 2, "Methodology for Development of Emergency Action Levels," January 1992.	ML041120174
Inspection Manual Chapter 1601, "Communication and Coordination Protocol for Determining the Status of Offsite Emergency Preparedness," June 29, 2018.	ML18093A372
NEI 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," July 2014.	ML14197A206
Proposed Rule, Annotated Comments Submissions on the Regulatory Basis, Reporting Requirements for Nonemergency Events at Nuclear Power Plants, June 2024.	ML25343A325
Reporting Requirements for Nonemergency Events—Regulatory Basis Documents	
Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants, November 9, 2022.	ML22108A004, 87 FR 67571
Summary of Public Meeting to Discuss the Proposed Rulemaking on Reporting Requirements for Nonemergency Events at Nuclear Power Plants, November 4, 2021.	ML21341B452
Summary of Public Meeting to Discuss the Proposed Rulemaking on Reporting Requirements for Nonemergency Events at Nuclear Power Plants, March 2, 2022.	ML21350A033
Comment Extension: Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants, December 27, 2022.	87 FR 79258
Elimination of Immediate Notification Requirements for Nonemergency Events; Petition for rulemaking; consideration in the rulemaking process, August 12, 2021.	86 FR 44290
PRM-50-116, Notice of Docketing and Request for Comment: Elimination of Immediate Notification Requirements for Non-Emergency Events, November 20, 2018.	83 FR 58509
Petition for Rulemaking PRM-50-116, Submitted by the Nuclear Energy Institute, August 2, 2018.	ML18247A204
SECY-20-0109, "Petition for Rulemaking and Rulemaking Plan on Immediate Notification Requirements for Nonemergency Events (PRM-50-116; NRC-2018-0201)," November 30, 2020.	ML20073G004
SRM-SECY-20-0109, "Petition for Rulemaking and Rulemaking Plan on Immediate Notification Requirements for Nonemergency Events," July 28, 2021.	ML21209A947
Regulatory Guide 1.101, Revision 6, "Emergency Response Planning for Nuclear Power Reactors," June 1, 2021.	ML21111A090
Decommissioning Licensing Enhancements	
Final Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, August 28, 2007	72 FR 49517
Proposed Rule, Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants, July 3, 2003.	68 FR 40026
Proposed Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, March 13, 2006.	71 FR 12782
Final Rule, Decommissioning of Nuclear Power Reactors, July 29, 1996	61 FR 39278
SECY-24-0011, Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning, Final Rule, January 31, 2024.	ML23258A205
Final Rule, Decommissioning of Nuclear Power Reactors, July 29, 1996	61 FR 39301
Financial Qualifications and Decommissioning Trust Fund Use	
SRM-SECY-18-0026, Proposed Rule: Financial Qualifications Requirements for Reactor Licensing, July 14, 2022.	ML22195A097
Interim Staff Guidance, Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal, August 5, 2024.	89 FR 63447
Graded Approach for Seismic	
DG-4036 (RG 4.29, Revision 0), Graded Approach to Site Characterization for New Nuclear Applications, July 2026.	ML25272A272
Proposed Rule, Modernizing Reactor Licensing, Safety Oversight, and Siting Practices, July 16, 2026.	91 FR 44560
Proposed Rule, Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles (10 CFR Part 57), May 01, 2026.	91 FR 23628
Final Rule, Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Power Plants (10 CFR Part 53), March 30, 2026.	91 FR 15696
Probabilistic Risk Assessment Requirements	
Final Policy Statement, Use of Probabilistic Methods in Nuclear Regulatory Activities, August 16, 1995.	60 FR 42622
Final Rule, Mitigation of Beyond-Design-Basis Events, August 9, 2019	84 FR 39684

Document	ADAMS accession No./web link/ Federal Register citation
SRM-SECY-18-0106, "Staff Requirements—SECY-18-0106—Consideration in the Rule-making Process of Issue Raised in Petition for Rulemaking on Applicability of Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Plants (PRM-50-110) (NRC-2015-0028)," September 10, 2020.	ML20254A358
Backfitting and Issue Finality	
SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66)," June 6, 2022.	ML21159A055 (package).
SRM-SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66)," November 20, 2024.	ML24326A003
COMKR-90-1, "Principles of Good Regulation," April 6, 1990	ML15083A026
Final Rule, "Backfitting of Production and Utilization Facilities; Construction Permits and Operating Licenses," March 31, 1970.	35 FR 5317
Final Rule, "Revision of Backfitting Process for Power Reactors," September 20, 1985	50 FR 38097
Final Rule, "Revision of Backfitting Process for Power Reactors," June 6, 1988	53 FR 20603
Notification of Interpretation, "Commercial Non-Power Production or Utilization Facilities," January 20, 2026.	91 FR 2287
SRM-COMSECY-16-0020, "Revision of Guidance Concerning Consideration of Cost and Applicability of Compliance Exception to Backfit Rule," November 29, 2016.	ML16334A462
Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests," September 20, 2019.	ML18093B087
Final Rule, "Licenses, Certifications, and Approvals for Nuclear Power Plants," August 28, 2007.	72 FR 49352
Final Rule, Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Power Plants (10 CFR Part 53), March 30, 2026.	91 FR 15696
Requirements for Evaluation of Generic Issues and Operating Experience	
NUREG-0933, Supplement 35, A Prioritization of Generic Safety Issues	https://www.nrc.gov/sr0933/index.html .
RG 1.206, Revision 0, Combined License Applications for Nuclear Power Plants, June 2007	https://www.nrc.gov/reading-rm/doc-collections/reg-guides/power-reactors/rg/01-206/index .
NUREG-0800, Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition.	ML070810350 https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/index .
Policy Statement, Policy Statement on Severe reactor Accidents Regarding Future Designs and Existing Plants, August 8, 1985.	50 FR 32138
Policy Statement, Nuclear Power Plant Standardization, September 15, 1987	52 FR 34884
Final Rule, Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors, April 18, 1989.	54 FR 15372
Final Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, August 28, 2007	72 FR 49352
SECY-15-0002: Proposed Updates of Licensing Policies, Rules, and Guidance for Future New Reactor Applications, January 8, 2015.	ML13277A420 (package).
Standard Review Plan and Advanced Reactor Content of Application Project	https://www.nrc.gov/reactors/new-reactors/advanced/modernizing/guidance/advanced-reactor-content-of-application-project.html .
Policy Statement, Policy Statement on the Regulation of Advanced Reactors, October 14, 2008	73 FR 60612
Management Directive, MD 8.18, NRC Generic Communication Program, December 9, 2015 ...	ML18073A213
DANU-ISG-2022-01, Review of Risk-Informed, Technology-Inclusive Advanced Reactor Applications-Roadmap, March 2024.	ML23277A139
RG 1.254, Technology-Inclusive Identification of Licensing Events for Commercial Nuclear Power Plants, March 2026.	ML25232A005
Post-TMI Requirements	
SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66)," June 6, 2022.	ML21159A055 (package).
SRM-SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66)," November 20, 2024.	ML24326A003
Final Rule, Combustible Gas Control in Containment, September 16, 2003	68 FR 54123
Updates to the Operator Licensing Programs	
Regulatory Basis for Comment: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing, January 15, 2021.	ML20149K680
NEI Letter, Comment (01) of James E. Slider on Behalf of The Nuclear Energy Institute on PR-Chap 1—Retrospective Review of Administrative Requirements, May 6, 2020.	ML20128J340
NEI Letter, NEI—Industry Recommendations on Accelerating NRC Reform, July 31, 2025	ML25212A197 (package).
"NuScale Control Room Staffing Plan," TR-0420-69456, Revision 1	ML21231A286
Final Rule, Initial Licensed Operator Examination Requirements, April 23, 1999	64 FR 19868
SECY-96-206, Rulemaking Plan for Amendments to 10 CFR part 55 to Change Licensed Operator Examination Requirements, September 25, 1996.	ML20134C900

Document	ADAMS accession No./web link/ Federal Register citation
SRM–SECY–96–206, Staff Requirements—Rulemaking Plan for Amendments to 10 CFR part 55 to Change Licensed Operator Examination Requirements, December 17, 1996.	ML20132C429
NUREG–1021, Revision 12, Operator Licensing Examination Standards for Power Reactors: Final Report, September 8, 2022.	ML21256A276
Grant of Exemption; Approval of Alternative, Vogtle Electric Generating Plant Unit 3; Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG Power SPVP, LLC., and the City of Dalton, Georgia, June 30, 2016.	81 FR 42745
Grant of Exemption; Approval of Alternative, South Carolina Electric & Gas Company and South Carolina Public Service Authority; Virgil C. Summer Nuclear Station Unit 2, August 22, 2016.	81 FR 56704
SECY–22–0052, “Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150-AI66),” June 6, 2022.	ML21159A055 (package).
Final Rule, Non-Power Production or Utilization Facility License Renewal, December 30, 2024	89 FR 106234
Final Rule, Operators’ Licenses and Conforming Amendments, March 25, 1987	52 FR 9453
Draft Regulatory Guide, Nuclear Power Plant Simulation Facilities for Use in Operator Training, Licensing Examinations, and Applicant Experience Requirements, April 15, 2026.	91 FR 20184
Record Keeping and Reporting Requirements	
Request for Comment, Retrospective Review of Administrative Requirements, February 4, 2020	85 FR 6103
SRM–COMSECY–18–0027, Staff Requirements—COMSECY–1–0027—Evaluation Criteria for Retrospective Review of Administrative Regulations, October 8, 2019.	ML19281C697
SECY–21–0056, Evaluation of Stakeholder Input on Retrospective Review of Administrative Requirements, June 1, 2021.	ML21013A026 (package).
Letter to Margaret Doane re: NRC’s Retrospective Review of Administrative Requirements, September 8, 2021.	ML21256A149
SECY–21–0110, Rulemaking Plans to Implement the Results of the Retrospective Review of Administrative Requirements Evaluation, December 20, 2021.	ML21124A116
SECY–20–0109, Petition for Rulemaking and Rulemaking Plan on Immediate Notification Requirements for Nonemergency Events, November 30, 2020.	ML20073G004 (package).
Final Rule, Retention Periods for Records, May 27, 1988	53 FR 19241
Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,” September 20, 2019.	ML18093B087
Information Collection Documents	
OMB Clearance Documents—Proposed Rule—Regulatory Enhancements for Reactor Licensing, Decommissioning, and Operational Oversight.	ML25343A308 (package).
OMB Supporting Statement—Regulatory Enhancements for Reactor Licensing, Decommissioning, and Operational Oversight, [Month XX, 2026].	ML25343A313
Burden Tables—Regulatory Enhancements for Reactor Licensing, Decommissioning, and Operational Oversight, [Month XX, 2026].	ML25343A314
NRC Form 361, Reactor Plant Event Notification Worksheet	ML26030A084
NRC Form 396, Certification of Medical Examination by Facility Licensee	ML26030A085
NRC Form 398, Personal Qualification Statement—Licensee	ML26030A087
NRC Form 536, Operator Licensing Examination Data	ML26030A088
Guidance Documents	
Draft NUREG–1021, Revision 13, Operator Licensing Examination Standards for Power Reactors, September 2026.	ML25272A166
Draft NUREG–1022, Revision 4, Event Report Guidelines: 10 CFR 50.72 and 10 CFR 50.73; Draft Report, September 2026.	ML25340A004
Draft NUREG–1409, Revision 1, Backfitting Guidelines, September 2026	ML25272A164
Draft NUREG–1478, Revision 3, Operator Licensing Examiner Standards for Research and Test Reactors, September 2026.	ML25345A409
DG 1469 (RG 1.134 Revision 5), Medical Assessment of Licensed Operators or Applicants for Operator Licenses at Nuclear Power Plants, September 2026.	ML25293A464
DG 1470 (RG 1.149, Revision 5), Nuclear Power Plant Simulation Facilities For Use in Operator Training, License Examinations, and Applicant Experience Requirements, September 2026.	ML25297A172
DG 1471 (RG 1.208 Revision 2), A Performance-Based Approach to Define the Site-Specific Earthquake Ground Motion, September 2026.	ML25349B314
DG 1476 (RG 1.159 Revision 4), Assuring the Availability of Funds for Decommissioning Nuclear Reactors, September 2026.	ML25344A146
Compatibility of Agreement State Regulations	
Revision to Policy Statement, Agreement State Program Policy Statement, October 6, 2017	82 FR 46840
Revision to Policy Statement; Correction, Agreement State Program Policy Statement, October 18, 2017.	82 FR 48535
Final Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, August 28, 2007	72 FR 49464

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List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalties, Fusion, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Inspection, Issue finality, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited

work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties, Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures, Treaties.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to amend 10 CFR parts 20, 21, 50, 52, 53, 55, 70, 72, and 75.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161, 170H, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2210h, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

§ 20.1401 [Amended]

■ 2. In § 20.1401, in paragraphs (a) and (c), remove the references “§ 50.83 or § 53.1080” and add in its place the references “§ 50.83, § 52.111, or § 53.1080”.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

■ 3. The authority citation for part 21 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

■ 4. In § 21.2:

■ a. Add new paragraph (a)(5);

■ b. Remove and reserve paragraph (b); and

■ c. Remove paragraph (e).

The addition reads as follows:

§ 21.2 Scope.

(a) * * *

(5) Each individual, corporation, partnership, or other entity doing business within the United States, and each director and responsible officer of such an organization, licensed to construct a facility under either a construction permit issued under § 50.23 or § 53.1333 of this chapter or a combined license under part 52 or part 53 of this chapter (for the period of construction until the date that the Commission makes the finding under § 52.103(g) or § 53.1452(g) of this chapter), or to manufacture a facility under part 52 or part 53 of this chapter, or holding an early site permit under part 52 or part 53 of this chapter.

* * * * *

■ 5. In § 21.3:

■ a. In the definition for “*Basic component*”, revise paragraph (1)(i) introductory text, redesignate paragraph (ii) as paragraph (iii), add new paragraph (ii), add the phrase “or appendix T to part 50” to newly redesignated paragraph (1)(iii), remove the reference “70,” in paragraph (3), and add new paragraphs (5) through (7);

■ b. In the definition for “*Commercial grade item*”, add the reference “52,” in numerical order in paragraph (1) and remove the reference “30,” from paragraph (2); and

■ c. Revise the definitions for “*Dedicating entity*”, “*Dedication*”, and “*Notification*”.

The revisions read as follows:

§ 21.3 Definitions.

* * * * *

Basic component.

(1)

(i) When applied to nuclear power plants licensed under part 50 or part 52 of this chapter, basic component means a structure, system, or component (SSC), or part thereof, that affects its safety function necessary to assure:

(A) The integrity of the reactor coolant pressure boundary;

(B) The capability to shut down the reactor and maintain it in a safe-shutdown condition; or

(C) The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to those referred to in § 50.34(a)(1), § 50.67(b)(2), or § 100.11 of this chapter, as applicable.

(ii) When applied to nuclear power plants licensed under part 53 of this chapter, basic component means an SSC, or part thereof, that affects its safety function necessary to assure compliance with the safety criteria in § 53.210 of this chapter.

(iii) Basic components are items designed and manufactured under a quality assurance program complying with appendix B to part 50 or appendix T to part 50 of this chapter, or commercial grade items which have successfully completed the dedication process.

* * * * *

(3) When applied to other facilities and other activities licensed under part 30, 40, 50 (other than nuclear power plants), 60, 61, 63, 70 (other than facilities required to comply with 10 CFR part 70, subpart H), 71, or 72 of this chapter, basic component means an SSC, or part thereof, that affects its safety function, that is directly procured by the licensee of a facility or activity subject to the regulations in this part, and in which a defect or failure to comply with any applicable regulation in this chapter, order, or license issued by the Commission could create a substantial safety hazard.

* * * * *

(5) When applied to 10 CFR part 70 licensees and other licensees, except for licensees of plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities, that are required, for example, by a license condition, to develop an integrated safety analysis (ISA), or equivalent, in accordance with 10 CFR part 70, subpart H, basic component means an SSC, or part thereof, that affects its safety function, that meets all of the following criteria:

(i) Is directly procured by the licensee; and

(ii) Is designated as an item relied on for safety (IROFS) in accordance with

§ 70.61, or similar item designated by a requirement, for example, a license condition; and

(iii) Is the sole engineered IROFS preventing or mitigating an accident sequence that exceeds the performance requirements of § 70.61(b), (c), and (d) or as designated by a requirement, for example, a license condition.

(6) When applied to other types of facilities or portions of such facilities for which construction permits are issued under § 50.23, basic component means a structure, system, or component, or part thereof that is directly procured by the construction permit holder for the facility subject to the regulations of this part and in which a defect or failure to comply with any applicable regulation in this chapter, order, or license issued by the Commission could create a substantial safety hazard.

(7) When applied to licensees of plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities that are required by 10 CFR part 70, or by license condition, to develop an ISA, or equivalent, in accordance with 10 CFR part 70, subpart H, basic component means an SSC, or part thereof, that affects its safety function, that meets all of the following criteria:

(i) Is directly procured by the licensee; and

(ii) Is designated as an IROFS in accordance with § 70.61, or similar item designated by a requirement, for example, a license condition; and

(iii) Either:

(A) Is the sole engineered IROFS preventing or mitigating an accident sequence that exceeds the performance requirements of § 70.61(b), (c), and (d) or designated by a requirement, for example, a license condition; or

(B) Is an engineered IROFS credited for preventing or mitigating a high-consequence accident sequence resulting from the release of fission products and transuranics to individuals located beyond the controlled area boundary.

* * * * *

Dedicating entity.

(1) For nuclear power plants licensed pursuant to 10 CFR part 50, 52, or 53, dedicating entity means an organization with a 10 CFR part 50, appendix B or appendix T compliant quality assurance program that performs, pursuant to part 21 of this chapter, the dedication process.

(2) When applied to 10 CFR part 70 and other licensees, except for licensees of plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities, that are required,

for example, by a license condition, to develop an ISA, or equivalent, in accordance with 10 CFR part 70, subpart H, dedicating entity means any organization that performs dedication with a quality assurance program compliant with the licensee's approved management measures or configuration management program.

(3) When applied to licensees of plutonium processing and fuel fabrication plants or spent fuel reprocessing facilities licensed pursuant to 10 CFR part 70, dedicating entity means an organization with a 10 CFR part 50, appendix B or appendix T compliant quality assurance program that performs, pursuant to part 21 of this chapter, the dedication process.

Dedication.

(1) When applied to nuclear power plants licensed pursuant to 10 CFR part 50, 52, or 53, dedication is an acceptance process undertaken to provide reasonable assurance that a commercial grade item to be used as a basic component will perform its intended safety function and, in this respect, is deemed equivalent to an item designed and manufactured under a 10 CFR part 50, appendix B or appendix T, quality assurance program. This assurance is achieved by identifying the critical characteristics of the item and verifying their acceptability by inspections, tests, or analyses performed by the purchaser or dedicating entity after delivery, supplemented as necessary by one or more of the following: commercial grade surveys; product inspection or witness at holdpoints at the manufacturer's facility; and analysis of historical records for acceptable performance. In all cases, the dedication process must be conducted in accordance with the applicable provisions of 10 CFR part 50, appendix B or appendix T. The process is considered complete when the item is designated for use as a basic component.

(2) When applied to facilities and activities licensed pursuant to 10 CFR part 40, 50 (other than nuclear power plants), 60, 61, 63, 70, 71, or 72, dedication occurs after receipt when that item is designated for use as a basic component.

* * * * *

Notification means communication to the NRC Headquarters Operations Center or written transmittal of information to the NRC Document Control Desk.

* * * * *

■ 6. Revise and republish § 21.21 to read as follows:

§ 21.21 Notification of failure to comply or existence of a defect and its evaluation.

(a) Each individual, corporation, partnership, dedicating entity, or other entity subject to the regulations in this part shall adopt appropriate procedures to—

(1) Evaluate deviations and failures to comply to identify defects and failures to comply associated with substantial safety hazards as soon as practicable, and, except as provided in paragraph (a)(2) of this section, in all cases within 60 days of discovery, in order to identify a reportable defect or failure to comply that could create a substantial safety hazard, were it to remain uncorrected.

(2) Ensure that if an evaluation of an identified deviation or failure to comply potentially associated with a substantial safety hazard cannot be completed within 60 days from discovery of the deviation or failure to comply, an interim report is prepared and submitted to the Commission through a director or responsible officer or designated person as discussed in § 21.21(d)(5). The interim report should describe the deviation or failure to comply that is being evaluated and should also state when the evaluation will be completed. This interim report must be submitted in writing within 60 days of discovery of the deviation or failure to comply to the NRC at the email address specified in paragraph (d)(4)(i) of this section.

(3) Ensure that a director or responsible officer subject to the regulations of this part is informed as soon as practicable, and, in all cases, within the 5 working days after completion of the evaluation described in paragraphs (a)(1) or (a)(2) of this section if the manufacture, construction, or operation of a facility or activity, a basic component supplied for such facility or activity, or the design certification or design approval under part 52 or part 53 of this chapter—

(i) Fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission or standard design approval under part 52 or part 53 of this chapter, relating to a substantial safety hazard, or

(ii) Contains a defect, or

(iii) For each individual, corporation, partnership, or other entity holding a construction permit issued under 10 CFR 50.23 or 53.1333 or a combined license (until the Commission makes the finding under 10 CFR 52.103(g) or 53.1452(g)) or a manufacturing license under 10 CFR part 52 or part 53, undergoes any significant breakdown in any portion of the quality assurance program conducted under the

requirements of appendix B to 10 CFR part 50 which could have produced a defect in a basic component. These breakdowns in the quality assurance program are reportable regardless of whether the breakdown actually resulted in a defect in a design approved and released for construction, installation, or manufacture.

(b) If the deviation or failure to comply is discovered by a supplier of basic components, or services associated with basic components, and the supplier determines that it does not have the capability to perform the evaluation to determine if a defect exists, then the supplier must inform the purchasers or affected licensees within 5 working days of this determination so that the purchasers or affected licensees may evaluate the deviation or failure to comply, pursuant to § 21.21(a).

(c) A dedicating entity is responsible for—

(1) Identifying and evaluating deviations and reporting defects and failures to comply associated with substantial safety hazards for dedicated items; and

(2) Maintaining auditable records for the dedication process.

(d)

(1) A director or responsible officer subject to the regulations of this part or a person designated under § 21.21(d)(5) must notify the Commission when he or she obtains information reasonably indicating—

(i) A failure to comply or a defect affecting the manufacture, construction, or operation of a facility or an activity within the United States that is subject to the licensing requirements under parts 30, 40, 50, 52, 53, 60, 61, 63, 70, 71, or 72 of this chapter and that is within his or her organization's responsibility; or

(ii) A failure to comply or a defect affecting a basic component that is within his or her organization's responsibility and is supplied for a facility or an activity within the United States that is subject to the licensing, design certification, or approval requirements under parts 30, 40, 50, 52, 53, 60, 61, 63, 70, 71, or 72 of this chapter; or

(iii) That the quality assurance program of the holder of a construction permit issued under 10 CFR 50.23 or 53.1333 or a combined license (until the Commission makes the finding under 10 CFR 52.103(g) or 53.1452(g)) or a manufacturing license under 10 CFR part 52 or part 53 has undergone any significant breakdown discussed in paragraph (a)(3)(iii) of this section.

(2) The notification requirements of paragraph (d)(1) of this section apply to all defects and failures to comply associated with a substantial safety hazard regardless of whether extensive evaluation, redesign, or repair is required to conform to the criteria and bases stated in the safety analysis report, construction permit, combined license, or manufacturing license.

(3) The notification to NRC of a failure to comply or of a defect under paragraph (d)(1) of this section and the evaluation of a failure to comply or a defect under paragraphs (a)(1) and (a)(2) of this section, are not required if the director or responsible officer has actual knowledge that the Commission has been notified in writing of the defect or the failure to comply.

(4) Notification required by paragraph (d)(1) of this section must be made as follows—

(i) Initial notification by email, which is the preferred method of notification, to the NRC Headquarters Operations Center at *hoo.hoc@nrc.gov* or by telephone to the NRC Headquarters Operations Center at (301) 816-5100 within 2 days following receipt of information by the director or responsible corporate officer under paragraph (a)(1) of this section, on the identification of a defect or a failure to comply. Verification that the email has been received should be made by calling the NRC Headquarters Operations Center.

(ii) Written notification to the NRC at the address specified in § 21.5 within 30 days following receipt of information by the director or responsible corporate officer under paragraph (a)(3) of this section, on the identification of a defect or a failure to comply.

(5) The written report required by this paragraph shall include, but need not be limited to, the following information, to the extent known:

(i) Name and address of the individual or individuals informing the Commission.

(ii) Identification of the facility, the activity, or the basic component supplied for such facility or such activity within the United States which fails to comply or contains a defect.

(iii) Identification of the firm constructing the facility or supplying the basic component which fails to comply or contains a defect.

(iv) Nature of the defect or failure to comply and the safety hazard which is created or could be created by such defect or failure to comply.

(v) The date on which the information of such defect or failure to comply was obtained.

(vi) In the case of a basic component which contains a defect or fails to comply, the number and location of these components in use at, supplied for, being supplied for, or may be supplied for, manufactured, or being manufactured for one or more facilities or activities subject to the regulations in this part.

(vii) The corrective action which has been, is being, or will be taken; the name of the individual or organization responsible for the action; and the length of time that has been or will be taken to complete the action.

(viii) Any advice related to the defect or failure to comply about the facility, activity, or basic component that has been, is being, or will be given to purchasers or licensees.

(ix) In the case of an early site permit, the entities to whom an early site permit was transferred.

(6) The director or responsible officer may authorize an individual to provide the notification required by this paragraph, provided that, this shall not relieve the director or responsible officer of his or her responsibility under this paragraph.

(e) Individuals subject to this part may be required by the Commission to supply additional information related to a defect or failure to comply. Commission action to obtain additional information may be based on reports of defects from other reporting entities.

■ 7. In § 21.51:

■ a. Redesignate paragraph (b) to paragraph (c); and

■ b. Add new paragraph (b).

The addition reads as follows.

§ 21.51 Maintenance and inspection of records.

(a) * * *

(b) The holder of a construction permit issued under 10 CFR 50.23 or 53.1333 or a combined license (until the Commission makes the finding under 10 CFR 52.103(g) or 53.1452(g)) or a manufacturing license under 10 CFR part 52 or part 53 must prepare and maintain records necessary to accomplish the purposes of this section, specifically—

(1) Retain procurement documents, which define the requirements that facilities or basic components must meet in order to be considered acceptable, for the lifetime of the facility or basic component.

(2) Retain records of evaluations of all deviations and failures to comply under § 21.21(a)(1) for the longest of:

(i) Ten (10) years from the date of the evaluation;

(ii) Five (5) years from the date that an early site permit is referenced in an application for a combined license; or

(iii) Five (5) years from the date of delivery of a manufactured reactor.

(3) Retain records of all interim reports to the Commission made under § 21.21(a)(2), or notifications to the Commission made under § 21.21(d)(1) for the minimum time periods stated in § 21.51(b)(2).

(4) Suppliers of basic components must retain records of:

(i) All notifications sent to affected licensees or purchasers under § 21.21(c) for a minimum of ten (10) years following the date of the notification; and

(ii) The facilities or other purchasers to whom basic components or associated services were supplied for a minimum of fifteen (15) years from the delivery of the basic component or associated services.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 8. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

■ 9. In § 50.2:

■ a. Add in alphabetical order the definitions for “*Generally licensed reactor operator*” and “*Self-reliant-mitigation facility*”; and

■ b. Delete the definitions for “*Basic component*”, “*Construction or constructing*”, “*Defect*”, “*Deviation*”, “*Director*”, “*Discovery*”, “*Evaluation*”, “*Procurement document*”, “*Responsible officer*”, and “*Substantial safety hazard*”.

The additions read as follows:

§ 50.2 Definitions.

* * * * *

Generally licensed reactor operator means any individual licensed under the provisions of subpart I of part 55 of this chapter to manipulate the controls of a self-reliant-mitigation facility and to direct the licensed activities of generally licensed reactor operators.

* * * * *

Self-reliant-mitigation facility means a facility whose design demonstrates compliance with the criteria in

paragraphs (a)(1) through (a)(5) of section § 53.800 of this chapter, or their equivalent, as determined by the Commission as part of its approval of an operating license issued under part 50 of this chapter or a combined license issued under part 52 of this chapter for that facility, or as part of its approval of another requested licensing action. A self-reliant-mitigation facility is of a class, based upon the similarity of operating and technical characteristics of the plants in the class, such that its facility licensee may comply with the requirements in subpart I of part 55 of this chapter.

* * * * *

§ 50.4 [Amended]

■ 10. In § 50.4, remove and reserve paragraphs (b)(5)(ii), (b)(6) and (b)(7)(i).

■ 11. In § 50.8:

■ a. In paragraph (b), remove the references “50.55a,” and “50.74,”;

■ b. In paragraph (c)(3), remove the phrase “control numbers” and add in its place the phrase “control number”; and

■ c. Add new paragraph (d).

The addition reads as follows:

§ 50.8 Information collection requirements: OMB approval.

* * * * *

(d) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the OMB for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The NRC 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. OMB has approved the information collection requirements contained in § 50.55a of this part under control number 3150–0264.

■ 12. In § 50.33, revise paragraphs (f)(1) and (2) to read as follows:

§ 50.33 Contents of applications; general information.

* * * * *

(f) * * *

(1) If the application is for a construction permit, the applicant shall submit information that demonstrates that the applicant appears to be financially qualified to cover estimated construction costs and related fuel cycle costs, including estimates of the total construction costs and related fuel cycle costs of the facility, a financial capacity plan, and any source(s) of funds available at the time of application to cover these costs. If available funding at the time of application is 50 percent or less, the applicant should include proposed license condition(s) to

facilitate verification that funding is available prior to the start of construction.

(2) If the application is for an operating license, the applicant shall submit information that demonstrates that the applicant appears to be financially qualified to cover estimated operation costs for the period of the license. The applicant shall submit estimates for total annual operating costs for each of the first 5 years of operation of the facility and a financial capacity plan and indicate any source(s) of funds available at the time of application to cover these costs. If available funding at the time of application is 50 percent or less, the applicant should include proposed license condition(s) to facilitate verification that funding is available prior to the start of operations. An applicant seeking to renew or extend the term of an operating license need not submit the financial information that is required in an application for an initial license.

■ 13. In § 50.34:

- a. Add new paragraphs (b)(6)(i)(A) and (B);
- b. In paragraph (b)(8), remove the reference “§ 55.59” and add in its place the reference phrase “§ 55.59 or § 55.78, as applicable.”;
- c. Revise paragraph (f) introductory text and paragraph (f)(1) introductory text;
- d. Remove paragraph (f)(1)(xii);
- e. Remove and reserve paragraph (f)(2)(i);
- f. In paragraph (f)(2)(iv), remove the phrase “console”; and
- g. Remove and reserve paragraphs (f)(2)(vi), (f)(2)(ix), (f)(2)(xxiv), (f)(2)(xxv), (f)(3)(v), and (f)(3)(vi).

The additions and revisions read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

- (b) * * *
- (6) * * *
- (i) * * *

(A) This may include a facility staffing plan for Commission review and approval to be used in lieu of the requirements in paragraphs 50.54(m)(1) and (2). This facility staffing plan must include the following:

(1) A description of how the proposed numbers, positions, and qualifications of operators and senior operators across all modes of plant operations will be sufficient to ensure that plant safety functions will be maintained. This description must be supported by human factors engineering analyses and assessments.

(2) A description of how the positions and responsibilities of personnel contained within the plan will adequately satisfy necessary support functions within areas such as plant operations, equipment surveillance and maintenance, radiological protection, chemistry control, fire brigades, engineering, security, and emergency response.

(B) Applicants for operating licenses for self-reliant-mitigation facilities with generally licensed reactor operators must include a facility staffing plan for Commission review and approval. This facility staffing plan must include a description of how generally licensed reactor operator staffing is sufficient to continually monitor the operations of fueled reactors and to maintain a continuity of responsibility for facility operations at all times during the operating phase, as well as the information required by paragraph (b)(6)(i)(A)(2) of this section.

* * * * *

(f) *Additional TMI-related requirements.* Each applicant for a design certification, design approval, combined license, or manufacturing license under part 52 of this chapter and each applicant for a power reactor construction permit or power reactor operating license under this part must demonstrate compliance with the technically relevant portions of the requirements in paragraphs (f)(1) through (f)(3) of this section.

(1) To satisfy the following requirements, the application shall provide sufficient information to describe the nature of the studies, how they are to be conducted, estimated submittal dates, and a program to ensure that the results of these studies are factored into the final design of the facility.^[5] The studies must be submitted as part of the final safety analysis report.

* * * * *

^[5]Alphanumeric designations correspond to the related action plan items in NUREG 0718 and NUREG-0660, “NRC Action Plan Developed as a Result of the TMI-2 Accident.” They are provided herein for information only.

* * * * *

■ 14. In § 50.36:

- a. Revise paragraphs (c)(1)(i)(A), (c)(1)(ii), and (c)(2)(i); and
 - b. Remove paragraphs (c)(7) and (c)(8).
- The revisions read as follows:

§ 50.36 Technical specifications.

* * * * *

- (c) * * *
- (1) * * *

(i)(A) Safety limits for nuclear reactors are limits upon important process

variables that are found to be necessary to reasonably protect the integrity of certain physical barriers that guard against the uncontrolled release of radioactivity. If any safety limit is exceeded, the reactor must be shut down. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. Operation must not be resumed until authorized by the Commission. The licensee shall retain the record of the results of each review until the Commission terminates the license for the reactor, except for nuclear power reactors licensed under § 50.21(b) or § 50.22 of this part. For these reactors, the licensee shall retain the records of the review for a period of 3 years following the review.

* * * * *

(ii)(A) Limiting safety system settings for nuclear reactors are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting must be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded. If, during operation, it is determined that the automatic safety system does not function as required, the licensee shall take appropriate action, which may include shutting down the reactor. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the reactor except for nuclear power reactors licensed under § 50.21(b) or § 50.22 of this part. For these reactors, the licensee shall retain the records of the review for a period of 3 years following the review.

(B) Limiting control settings for fuel reprocessing plants are settings for automatic alarm or protective devices related to those variables having significant safety functions. Where a limiting control setting is specified for a variable on which a safety limit has been placed, the setting must be so chosen that protective action, either automatic or manual, will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic alarm or protective devices do not function as required, the licensee shall take appropriate action to maintain the variables within the limiting

control-setting values and to repair promptly the automatic devices or to shut down the affected part of the process and, if required, to shut down the entire process for repair of automatic devices. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the plant.

* * * * *

(2) * * *

(i) Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specifications until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specifications until the condition can be met. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. The licensee shall retain the record of the results of each review until the Commission terminates the license for the nuclear reactor or the fuel reprocessing plant. In the case of nuclear power reactors licensed under § 50.21(b) or § 50.22, the licensee shall retain records associated with the review for a period of 3 years following the review or as required by the technical specifications. For events which do not require a Licensee Event Report, the licensee shall retain each record as required by the technical specifications.

* * * * *

§ 50.46 [Amended]

■ 15. In § 50.46, paragraph (a)(3)(ii), remove the references “§§ 50.55(e), 50.72, and 50.73” and add in its place the references “part 21 of this chapter, § 50.72, and § 50.73”.

■ 16. In § 50.54:

■ a. Revise and republish the § 50.54 introductory text;

■ b. Revise paragraphs (a)(3), (i), (i–1), (j), and (m) introductory text;

■ c. In paragraph (m)(2) introductory text, remove the date “, by January 1, 1984”;

■ d. Revise paragraph (m)(3);

■ e. In paragraph (o), remove the reference “52.110(a)(1)” and in its place add the reference “52.110(a)”;

■ f. In paragraph (p)(2) introductory text, remove the phrase “2 months” and in its place add the phrase “6 months”;

■ g. Revise paragraph (q)(5);

■ h. Remove and reserve paragraph (w)(3);

■ i. In paragraph (x), remove the phrase “contained in a license issued under this part” and in its place add the phrase “contained in a license issued under this part or part 52”;

■ j. Revise paragraph (y); and

■ k. Revise paragraph (ff).

The revisions read as follows:

§ 50.54 Conditions of licenses.

The following paragraphs of this section, with the exception of paragraphs (r) and (gg), and the applicable requirements of 10 CFR 50.55a, are conditions in every nuclear power reactor operating license issued under this part. The following paragraphs with the exception of paragraph (r), (s), and (u) of this section are conditions in every combined license issued under part 52 of this chapter, provided, however, that paragraphs (i) introductory text, (i–1), (j), (k), (l), (m), (n), (w), (x), (y), (z), and (hh) of this section are only applicable after the Commission makes the finding under § 52.103(g) of this chapter. Paragraphs (k), (l), and (m)(1) and (2) are not applicable to self-reliant-mitigation facilities with generally licensed reactor operators, and paragraph (m)(3) applies only to self-reliant-mitigation facilities with generally licensed reactor operators. Paragraphs (m)(2)(iv) and (m)(3)(ii) are not applicable to core alterations performed as part of refueling operations while a facility that is capable of online refueling is operating at power.

(a)(1) * * *

(3) Each licensee described in paragraph (a)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be retained as a record. In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, punctuation, or editorial items, the

following changes are not considered to be reductions in commitment:

* * * * *

(i) Except as provided in § 55.13 of this chapter, the licensee may not permit the manipulation of the controls of any facility by anyone who is not a licensed operator or senior operator or generally licensed reactor operator, as appropriate, as provided in part 55 of this chapter.

(i–1) Within 3 months after either the issuance of an operating license or the date that the Commission makes the finding under § 52.103(g) of this chapter for a combined license, as applicable, the licensee shall have in effect an operator requalification program. The operator requalification program must, as a minimum, meet the requirements of § 55.59 or § 55.78, as applicable, of this chapter. Notwithstanding the provisions of § 50.59, the licensee may not, except as specifically authorized by the Commission, decrease the scope of an approved operator requalification program.

(j) Apparatus and mechanisms other than controls, the operation of which may affect the reactivity or power level of a reactor, must be manipulated only with the knowledge and consent of an operator or senior operator present at the controls, except for self-reliant-mitigation facilities with generally licensed reactor operators, for which apparatus and mechanisms other than controls, the operation of which may affect the reactivity or power level of a reactor, must be manipulated only while plant conditions are being monitored by a generally licensed reactor operator.

* * * * *

(m) In lieu of the requirements in paragraphs (1) and (2)(i)–(iii), licensees may maintain the staffing complement described under the approved facility staffing plan, as described in § 50.34(b)(6) or § 52.79(a)(26), and must meet paragraph (2)(iv). The licensee may not, except as specifically authorized by the Commission, change the minimum staffing of operators in an approved staffing plan as described in § 50.34(b)(6) or § 52.79(a)(26).

* * * * *

(3) Licensees of self-reliant-mitigation facilities with generally licensed reactor operators shall meet the following requirements:

(i) Maintain the staffing complement described under the approved facility staffing plan. The licensee may not, except as specifically authorized by the Commission, change the minimum staffing of generally licensed reactor operators in an approved staffing plan.

(ii) Have present during alteration of the core of a nuclear power unit (including fuel loading or transfer) a person holding a generally licensed reactor operator license to directly supervise the activity and, during this time, the facility licensee must not assign other duties to this person.

* * * * *

(q) * * *

(5) The licensee shall retain a record of each change to the emergency plan made without prior NRC approval for a period of 3 years from the date of the change.

* * * * *

(y) Licensee action permitted by paragraph (x) of this section shall be approved, as a minimum, by a licensed senior operator, or, at a nuclear power reactor facility for which the certifications required under § 50.82(a)(1) or § 52.110(a) have been submitted, by either a licensed senior operator or a certified fuel handler, or a generally licensed reactor operator, as appropriate, prior to taking the action.

* * * * *

(ff) For licensees of nuclear power plants that have implemented the earthquake engineering criteria in appendix S to this part, plant shutdown is required as provided in paragraph IV(a)(3) of appendix S to this part. Prior to resuming operations, the licensee shall demonstrate to the Commission that those features necessary for continued operation without undue risk to the health and safety of the public or necessary to maintain the licensing basis were either not functionally damaged or have been repaired.

* * * * *

■ 17. In § 50.55:

■ a. Remove and reserve paragraph (e); and

■ b. Revise paragraphs (f)(3) and (f)(4)(i).

The revisions read as follows:

§ 50.55 Conditions of construction permit, early site permits, combined licenses, and manufacturing licenses.

* * * * *

(f) * * *

(3) After March 11, 1983, each construction permit holder described in paragraph (f)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be retained as a record. Changes to the quality assurance program

description that do reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

* * * * *

(4) * * *

(i) Each holder described in paragraph (f)(4) of this section may make a change to a previously accepted quality assurance program description included or referenced in the safety analysis report, if the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be retained as a record. Changes to the quality assurance program description that reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

* * * * *

§ 50.55a [Amended]

■ 18. In § 50.55a:

■ a. Remove and reserve paragraphs (b)(2)(xliii) and (b)(2)(xlviii); and

■ b. Remove paragraph (f)(7).

■ 19. In § 50.59:

■ a. Revise paragraphs (b), (c)(1) introductory text, (c)(1)(i), (c)(2) introductory text, (c)(3), and (d)(3); and

■ b. Remove and reserve paragraph (d)(2).

The revisions read as follows:

§ 50.59 Changes, tests, and experiments.

* * * * *

(b) This section applies to each holder of an operating license issued under this part, or a standard design approval issued under part 52 of this chapter, or a combined license issued under part 52 of this chapter, including the holder of a license authorizing the operation of a nuclear power reactor that has submitted the certification of permanent cessation of operations required under § 50.82(a)(1) or § 52.110(a), a reactor licensee whose license has been amended to allow possession of nuclear fuel but not operation of the facility, or a non-power production or utilization facility that has permanently ceased operations.

(c)(1) A licensee or a holder of a standard design approval may make changes in the facility as described in the final safety analysis report (as updated), make changes in the procedures as described in the final safety analysis report (as updated), and conduct tests or experiments not described in the final safety analysis report (as updated) without obtaining an amendment pursuant to § 50.90 or § 52.145 only if:

(i) An amendment to the technical specifications incorporated in the license or included in the standard design is not required, and

* * * * *

(2) A licensee or a holder of a standard design approval shall obtain an amendment pursuant to § 50.90 or § 52.145 prior to implementing a proposed change, test, or experiment if the change, test, or experiment would:

* * * * *

(3) In implementing this paragraph, the FSAR (as updated) is considered to include FSAR changes resulting from evaluations performed pursuant to this section and analyses performed pursuant to § 50.90 or § 52.145 since the last update of the final safety analysis report pursuant to § 50.71.

* * * * *

(d) * * *

(3) The records of changes in the facility must be maintained until the termination of an operating license issued under this part, the termination of a combined license or a standard design approval issued under part 52 of this chapter, or the termination of a license issued under 10 CFR part 54, whichever is later. Records of changes in procedures and records of tests and experiments must be maintained for a period of 5 years.

■ 20. In § 50.69:

■ a. Revise and republish the introductory text to paragraph (b)(1); and

■ b. Remove and reserve paragraph (b)(1)(iv).

The revision reads as follows:

§ 50.69 Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.

* * * * *

(b) * * *

(1) This section describes alternative requirements for the SSCs of a light-water reactor plant. Holders of an operating license or construction permit under this part, a combined license or manufacturing license under part 52 of this chapter, or a renewed license under part 54 of this chapter may voluntarily comply with the requirements in this section. Compliance with the requirements in this section may be proposed when applying for a standard design certification or approval, manufacturing license, or combined license under part 52 of this chapter and when applying for a construction permit or operating license under this part. For RISC-3 and RISC-4 SSCs, the requirements in this section are an alternative to compliance with the following:

* * * * *

■ 21. In § 50.71:

- a. Revise paragraphs (a), (e) introductory text, (e)(3)(i), (iii), and (iv), and (e)(4)(i) and (ii);
- b. Remove and reserve paragraphs (b) and (e)(1) and (2);
- c. In paragraph (e)(5), remove the word “replacement” and in its place add the word “update”;
- d. In paragraph (f), remove the word “submittal” and in its place add the word “update”; and
- e. In paragraph (h)(2), remove the reference “§ 52.110(a)” and in its place add the reference “§ 52.110(a)(1)”;

The revisions read as follows:

§ 50.71 Maintenance of records, making of reports.

* * * * *

(a) Each licensee, including each holder of a construction permit, early site permit, or standard design approval, shall maintain all records and make all reports, in connection with the activity, as may be required by the conditions of the license or permit or by the regulations, and orders of the Commission in effectuating the purposes of the Act, including Section 105 of the Act, and the Energy Reorganization Act of 1974, as amended. Reports must be submitted in accordance with § 50.4 or 10 CFR 52.3, as applicable.

* * * * *

(e) Each person licensed to operate a nuclear power reactor, or non-power production or utilization facility, under the provisions of § 50.21 or § 50.22, and each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e)(3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, if there have been changes during that period, to assure that the information included in the report contains the latest information developed. This update shall contain all the changes necessary to reflect information and analyses submitted to the Commission by the applicant or licensee or prepared by the applicant or licensee pursuant to Commission requirement since the submittal of the original FSAR, or as appropriate, the last update to the FSAR under this section. The update shall include the effects^[1] of all changes made in the facility or procedures as described in the FSAR; all safety analyses and evaluations performed by the applicant or licensee either in support of approved license amendments or in support of conclusions that changes did not require a license amendment in accordance

with § 50.59(c)(2) or, in the case of a license that references a certified design, in accordance with § 52.98(c) of this chapter; and all analyses of new safety issues performed by or on behalf of the applicant or licensee at Commission request. The updated information shall be appropriately located within the update to the FSAR.

* * * * *

(3)(i) For nuclear power reactor licensees, the original FSAR shall be updated within 24 months of the date of issuance of the operating license and shall bring the FSAR up to date as of a maximum of 6 months prior to the date of the update.

* * * * *

(iii) During the period from the docketing of an application for a combined license under subpart C of part 52 of this chapter until the Commission makes the finding under § 52.103(g) of this chapter, the FSAR must be updated at least annually.

(iv) Holders of non-power production or utilization facility licenses issued after January 29, 2025, shall update the original FSAR within 5 years of the date of issuance of the operating license, bringing the FSAR up to date as of a maximum of 6 months prior to the date of the update.

(4)(i) For nuclear power licensees, subsequent updates must be made at least at intervals that do not exceed 24 months. The updates must reflect all changes up to a maximum of 6 months prior to the date of the update. For nuclear power reactor facilities that have submitted the certifications required by § 50.82(a)(1), subsequent updates must be made at least every 24 months.

(ii) Non-power production or utilization facility licensees shall update their FSAR no more than 5 years from the date of the updated FSAR required by § 50.71(e)(3)(iv) or by order and shall make subsequent updates no more than 5 years from the date of the previous update. Each update must bring the FSAR up to date as of a maximum of 6 months prior to the date of the update.

(5) Each update page shall include both a change indicator for the area changed, e.g., a bold line vertically drawn in the margin adjacent to the portion actually changed, and a page change identification (date of change or change number or both).

* * * * *

^[1] Effects of changes include appropriate revisions of descriptions in the FSAR such that the FSAR (as updated) is complete and accurate.

■ 22. In § 50.72:

- a. In paragraphs (a)(1) introductory text, (a)(2) through (5), (b)(1), (b)(2) introductory text, (b)(3), and (c) introductory text, remove the phrase “shall” and add in its place the phrase “must”;
- b. In paragraphs (a)(1) introductory text and (c)(3), remove the phrase “NRC” and add in its place the phrase “NRC Headquarters”;
- c. In paragraph (c) introductory text, remove the phrase “the telephone”;
- d. Add new paragraph (a)(6);
- e. Remove and reserve paragraphs (b)(2)(iv)(A), (b)(2)(xi), and (b)(3)(iv) through (xi);
- f. In footnote 1, remove the number “50.36,”; and
- g. Remove footnote 4.

The addition reads as follows:

§ 50.72 Immediate notification requirements for operating nuclear power reactors.

(a) * * *

(6) In lieu of submitting a report required under paragraph (b)(2) or (b)(3) of this section through the Emergency Notification System, the licensee may submit the report using other methods, provided that the licensee submits the report to the NRC Headquarters Operations Center within the required timeframe and confirms receipt of the report by the NRC.

* * * * *

§ 50.73 [Amended]

■ 23. In § 50.73:

- a. In paragraph (b)(2)(ii)(F)(3), remove the phrase “http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.” and add in its places the phrase “https://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.”; and
- b. Remove and reserve paragraph (c).

§ 50.74 [Removed and Reserved]

- 24. Remove and reserve § 50.74.
- 25. In § 50.75, revise paragraphs (h)(1)(iv) and (h)(2) as follows:

§ 50.75 Reporting and recordkeeping for decommissioning planning.

* * * * *

(h) * * *

(1) * * *

(iv) Except for withdrawals being made for decommissioning planning or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, no disbursement or payment may be made from the trust, escrow account, Government fund, or other account used

to segregate and manage the funds until written notice of the intention to make a disbursement or payment has been given to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 60 working days before the date of the intended disbursement or payment. The disbursement or payment from the trust, escrow account, Government fund or other account may be made following the 60-working day notice period if the person responsible for managing the trust, escrow account, Government fund, or other account does not receive written notice of objection from the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period. Until final decommissioning has been completed, disbursements or payments from the trust, escrow account, Government fund, or other account used to segregate and manage the funds, other than for payment of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, are restricted to transfer to another financial assurance method acceptable under paragraph (e) of this section or decommissioning expenses, including decommissioning planning, that meet the criteria of § 50.82(a)(8)(i) or § 52.110(h)(1)(i). Until the certifications required under § 50.82(a)(1) or § 52.110(a) have been submitted and 30 days after the NRC has received the site-specific decommissioning cost estimate required by § 50.82(a)(4) or § 52.110(d)(1), 3 percent of the generic amount specific in § 50.75 may be used for decommissioning planning. After decommissioning has begun and withdrawals from the decommissioning fund are made under § 50.82(a)(8) or § 52.110(h)(1), no further notification need be made to the NRC.

(2) Licensees that are “electric utilities” under § 50.2 or § 52.1 that use prepayment or an external sinking fund to provide financial assurance shall include a provision in the terms of the trust, escrow account, Government fund, or other account used to segregate and manage funds that except for withdrawals being made for decommissioning planning or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, no

disbursement or payment may be made from the trust, escrow account, Government fund, or other account used to segregate and manage the funds until written notice of the intention to make a disbursement or payment has been given to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 60 working days before the date of the intended disbursement or payment. The disbursement or payment from the trust, escrow account, Government fund or other account may be made following the 60-working day notice period if the person responsible for managing the trust, escrow account, Government fund, or other account does not receive written notice of objection from the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period. Until final decommissioning has been completed, disbursements or payments from the trust, escrow account, Government fund, or other account used to segregate and manage the funds, other than for payment of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, are restricted to transfer to another financial assurance method acceptable under paragraph (e) of this section or decommissioning expenses, including decommissioning planning, that meet the criteria of § 50.82(a)(8)(i) or § 52.110(h)(1)(i). Until the certifications required under § 50.82(a)(1) or § 52.110(a) have been submitted and 30 days after the NRC has received the site-specific decommissioning cost estimate required by § 50.82(a)(4) or § 52.110(d)(1), 3 percent of the generic amount specified in § 50.75 may be used for decommissioning planning. After decommissioning has begun and withdrawals from the decommissioning fund are made under § 50.82(a)(8) or § 52.110(h)(1), no further notification need be made to the NRC.

* * * * *

■ 26. Revise and republish § 50.82 to read as follows:

§ 50.82 Termination of license.

Power reactor licensees under this part must use the decommissioning framework in paragraph (a) of this section. For power reactor licensees who, before August 20, 1997, either submitted a decommissioning plan for approval or possess an approved decommissioning plan, the plan is considered to be the post-shutdown

decommissioning activities report (PSDAR) submittal required under paragraph (a)(4) of this section and the provisions of this section apply accordingly. For power reactor licensees whose decommissioning plan approval activities have been relegated to notice of opportunity for a hearing under subpart G of 10 CFR part 2, any orders arising from proceedings under subpart G of 10 CFR part 2 shall continue and remain in effect absent any orders from the Commission. Non-power production or utilization facility licensees under this part must use the decommissioning framework in paragraph (b) of this section.

(a)(1)(i) When a licensee has determined to permanently cease operations the licensee shall, within 30 days, submit a written certification to the NRC, consistent with the requirements of § 50.4(b)(8);

(ii) Once fuel has been permanently removed from the reactor vessel, the licensee shall submit a written certification to the NRC that meets the requirements of § 50.4(b)(9); and

(iii) For licensees whose licenses have been permanently modified to allow possession but not operation of the facility, before August 28, 1996, the certifications required in paragraphs (a)(1)(i) through (ii) of this section shall be deemed to have been submitted.

(2) Upon docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, or when a final legally effective order to permanently cease operations has come into effect, the 10 CFR part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

(3) Decommissioning will be completed within 60 years of permanent cessation of operations. Completion of decommissioning beyond 60 years will be approved by the Commission only when necessary to protect public health and safety. Factors that will be considered by the Commission in evaluating an alternative that provides for completion of decommissioning beyond 60 years of permanent cessation of operations include unavailability of waste disposal capacity and other site-specific factors affecting the licensee's capability to carry out decommissioning, including presence of other nuclear facilities at the site.

(4)(i) Prior to or within 2 years following permanent cessation of operations, the licensee must submit to the NRC either a license termination plan in accordance with paragraph (a)(9) of this section or a PSDAR, and a copy to the affected State(s). The PSDAR

must contain a description of the planned decommissioning activities along with a schedule for their accomplishment, a discussion that provides the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued environmental impact statements, and a site-specific decommissioning cost estimate (DCE), including the projected cost of managing irradiated fuel.

(ii) The NRC shall schedule a public meeting, which may be in the vicinity of the licensee's facility, upon receipt of the PSDAR.

(5) Licensees shall not perform any major decommissioning activities, as defined in § 50.2, until 30 days after the NRC has received the licensee's submittal required by paragraph (a)(4) of this section and until certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel, as required under § 50.82(a)(1), have been submitted.

(6) Licensees shall not perform any decommissioning activities that—

(i) Foreclose release of the site for possible unrestricted use;

(ii) Result in significant environmental impacts not previously reviewed; or

(iii) Result in there no longer being reasonable assurance that adequate funds will be available for decommissioning.

(7) In taking actions permitted under § 50.59 following submittal of the PSDAR or a license termination plan in accordance with paragraph (a)(4) of this section, the licensee shall notify the NRC, in writing and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the submittal, including changes that increase the decommissioning cost by more than 20 percent from the previously provided DCE.

(8)(i) Decommissioning trust funds may be used by licensees if—

(A) The withdrawals are for expenses for legitimate decommissioning activities consistent with the definition of decommissioning in § 50.2;

(B) The expenditure would not reduce the value of the decommissioning trust below an amount necessary to place and maintain the reactor in a safe storage condition if unforeseen conditions or expenses arise; and

(C) The withdrawals would not inhibit the ability of the licensee to complete funding of any shortfalls in the decommissioning trust needed to

ensure the availability of funds to ultimately release the site and terminate the license.

(ii) [Reserved]

(iii) [Reserved]

(iv) For decommissioning activities that delay completion of decommissioning by including a period of storage or surveillance, the licensee shall provide a means of adjusting cost estimates and associated funding levels over the storage or surveillance period.

(v) After the submittal required by paragraph (a)(4) of this section, and until the licensee has completed its final radiation survey and demonstrated that residual radioactivity has been reduced to a level that permits termination of its license, the licensee must annually submit to the NRC, by March 31, a financial assurance status report. The report must include the following information, current through the end of the previous calendar year:

(A) The amount spent on decommissioning, both cumulative and over the previous calendar year, the remaining balance of any decommissioning funds, and the amount provided by other financial assurance methods being relied upon;

(B) An estimate of the costs to complete decommissioning, reflecting any difference between actual and estimated costs for work performed during the year, and the decommissioning criteria upon which the estimate is based;

(C) Any modifications occurring to a licensee's current method of providing financial assurance since the last submitted report; and

(D) Any material changes to trust agreements or financial assurance contracts.

(vi) If the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2 percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning, the financial assurance status report must include additional financial assurance to cover the estimated cost of completion.

(vii) After the submittal required by paragraph (a)(4) of this section, the licensee must annually submit to the NRC, by March 31, a report on the status of its funding for managing irradiated fuel. The report must include the following information, current through the end of the previous calendar year:

(A) The amount of funds accumulated to cover the cost of managing the irradiated fuel;

(B) The projected cost of managing irradiated fuel until title to the fuel and possession of the fuel is transferred to the Secretary of Energy; and

(C) If the funds accumulated do not cover the projected cost, a plan to obtain additional funds to cover the cost.

(9) Power reactor licensees under this part must submit an application for termination of license. The application for termination of license must be accompanied or preceded by a license termination plan to be submitted for NRC approval.

(i) The license termination plan must be a supplement to the FSAR or equivalent and must be submitted at least 2 years before termination of the license date.

(ii) The license termination plan must include—

(A) A site characterization;

(B) Identification of remaining dismantlement activities;

(C) Plans for site remediation;

(D) Detailed plans for the final radiation survey;

(E) A description of the end use of the site, if restricted;

(F) An updated site-specific estimate of remaining decommissioning costs;

(G) A supplement to the environmental report, pursuant to § 51.53, describing any new information or significant environmental change associated with the licensee's proposed termination activities; and

(H) Identification of parts, if any, of the facility or site that were released for use before approval of the license termination plan.

(iii) The NRC shall notice receipt of the license termination plan and make the license termination plan available for public comment. The NRC shall also schedule a public meeting, which may be in the vicinity of the licensee's facility, upon receipt of the license termination plan. The NRC shall publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, which is readily accessible to individuals in the vicinity of the site, announcing the date, time and location of the meeting, along with a brief description of the purpose of the meeting.

(10) If the license termination plan demonstrates that the remainder of decommissioning activities will be performed in accordance with the regulations in this chapter, will not be inimical to the common defense and security or to the health and safety of the public, and will not have a significant effect on the quality of the environment and after notice to interested persons, the Commission

shall approve the plan, by license amendment, subject to such conditions and limitations as it deems appropriate and necessary and authorize implementation of the license termination plan.

(11) The Commission shall terminate the license if it determines that—

(i) The remaining dismantlement has been performed in accordance with the approved license termination plan, and

(ii) The final radiation survey and associated documentation, including an assessment of dose contributions associated with parts released for use before approval of the license termination plan, demonstrate that the facility and site have met the criteria for decommissioning in 10 CFR part 20, subpart E.

(b)(1) A licensee that permanently ceases operations must make application for license termination within 2 years following permanent cessation of operations, and for testing facilities licensed under § 50.21(c) or facilities licensed under § 50.22, in no case later than 1 year prior to expiration of the operating license. Each application for termination of a license must be accompanied or preceded by a proposed decommissioning plan. The contents of the decommissioning plan are specified in paragraph (b)(4) of this section.

(2) For decommissioning plans in which the major dismantlement activities are delayed by first placing the facility in storage, planning for these delayed activities may be less detailed. Updated detailed plans must be submitted and approved prior to the start of these activities.

(3) For decommissioning plans that delay completion of decommissioning by including a period of storage or surveillance, the licensee shall provide that—

(i) Funds needed to complete decommissioning be placed into an account segregated from the licensee's assets and outside the licensee's administrative control during the storage or surveillance period, or a surety method or fund statement of intent be maintained in accordance with the criteria of § 50.75(e); and

(ii) Means be included for adjusting cost estimates and associated funding levels over the storage or surveillance period.

(4) The proposed decommissioning plan must include—

(i) The choice of the alternative for decommissioning with a description of activities involved. An alternative is acceptable if it provides for completion of decommissioning without significant delay. Consideration will be given to an

alternative which provides for delayed completion of decommissioning only when necessary to protect the public health and safety. Factors to be considered in evaluating an alternative which provides for delayed completion of decommissioning include unavailability of waste disposal capacity and other site-specific factors affecting the licensee's capability to carry out decommissioning, including the presence of other nuclear facilities at the site.

(ii) A description of the controls and limits on procedures and equipment to protect occupational and public health and safety;

(iii) A description of the planned final radiation survey;

(iv) An updated cost estimate for the chosen alternative for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and plan for assuring the availability of adequate funds for completion of decommissioning; and

(v) A description of technical specifications, quality assurance provisions and physical security plan provisions in place during decommissioning.

(5) If the decommissioning plan demonstrates that the decommissioning will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public, and after notice to interested persons, the Commission will approve, by amendment, the plan subject to such conditions and limitations as it deems appropriate and necessary. The approved decommissioning plan will be a supplement to the Safety Analysis report or equivalent.

(6) The Commission will terminate the license if it determines that—

(i) The decommissioning has been performed in accordance with the approved decommissioning plan, and

(ii) The terminal radiation survey and associated documentation demonstrate that the facility and site are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E.

(c) The collection period for any shortfall of funds will be determined, upon application by the licensee, on a case-by-case basis taking into account the specific financial situation of each holder of the following licenses:

(1) A non-power production or utilization facility licensed under § 50.21(a) or (c), other than a testing facility, that has permanently ceased operations.

(2) A facility licensed under § 50.21(b) or § 50.22, or a testing facility, that has permanently ceased operation before the expiration of its license.

■ 27. In § 50.83, revise paragraphs (a) introductory text and (f) to read as follows:

§ 50.83 Release of part of a power reactor facility or site for unrestricted use.

* * * * *

(a) Prior written NRC approval is required to release part of a facility or site for unrestricted use at any time before receiving approval of a license termination plan. Section 50.75 specifies recordkeeping requirements associated with partial release. Nuclear power reactor licensees under this part seeking NRC approval shall—

* * * * *

(f) The NRC shall notice receipt of the release approval request or license amendment application and make the approval request or license amendment application available for public comment. Before acting on an approval request or license amendment application submitted in accordance with this section, the NRC shall conduct a public meeting, which may be in the vicinity of the licensee's facility for the purpose of obtaining public comments on the proposed release of part of the facility or site. The NRC shall publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, which is readily accessible to individuals in the vicinity of the site, announcing the date, time, and location of the meeting, along with a brief description of the purpose of the meeting.

■ 28. In § 50.91:

■ a. Revise paragraphs (a)(6)(i)(B) and (a)(6)(iii); and

■ b. In paragraphs (b)(3) and (4), remove the word “telephone” and in its place add the word “contact”.

The revisions read as follows:

§ 50.91 Notice for public comment; State consultation.

* * * * *

(a) * * *

(6) * * *

(i) * * *

(B) Will provide reasonable notice to the public of the licensee's amendment and of its proposed determination as described in paragraph (a)(2) of this section;

* * * * *

(iii) When it has provided reasonable notice to the public under paragraph (a)(6)(i)(B) of this section, may inform the licensee of the public's comments, as necessary and appropriate;

* * * * *

■ 29. Revise and republish § 50.109 to read as follows:

§ 50.109 Backfitting

(a) Applicability

(1) This section applies after the date of issuance of the following approvals:

(i) A construction permit for a nuclear power reactor facility under this part;

(ii) An operating license for a nuclear power reactor facility under this part;

(iii) A standard design approval for a nuclear power reactor under subpart E of part 52 of this chapter;

(iv) A combined license for a nuclear power reactor under subpart C of part 52 of this chapter;

(v) A construction permit for a non-power production or utilization facility under § 50.22;

(vi) An operating license for a non-power production or utilization facility under § 50.22;

(vii) A limited work authorization under § 50.10 for a nuclear power reactor facility licensed or to be licensed under 10 CFR part 50 or part 52; or

(viii) A limited work authorization under § 50.10 for a non-power production or utilization facility licensed or to be licensed under § 50.22.

(2) This section applies to matters within the scope of the approvals listed in paragraph (a)(1) of this section, including renewed, amended, or revised approvals, except as follows—

(i) The provisions in § 52.63 of this chapter apply with respect to the design matters resolved in a standard design certification rule under part 52 of this chapter, provided however, that if any specific backfitting limitations are included in a referenced design certification rule, then those limitations govern.

(ii) The provisions of § 52.171 of this chapter apply with respect to matters resolved in the manufacturing license proceeding.

(b)(1) Backfitting is defined as the modification of or addition to systems, structures, components, or design of a facility; or the design approval for a facility; or the procedures or organization required to design, construct or operate a facility; any of which would be required by a new or amended provision in the Commission's regulations or the imposition of a regulatory staff position interpreting the Commission's regulations that is either new or different from a previously applicable staff position after the date of applicability listed in paragraph (a) of this section.

(2) Except as provided in paragraph (b)(4) of this section, the Commission will require a systematic and documented analysis pursuant to

paragraph (c) of this section for backfits that it seeks to impose.

(3) Except as provided in paragraph (b)(4) of this section, the Commission will require the backfitting of a facility only when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection.

(4) The provisions of paragraphs (b)(2) and (b)(3) of this section are inapplicable and, therefore, backfit analysis is not required and the standards in paragraph (b)(3) of this section do not apply where the Commission or staff, as appropriate, finds and declares, with appropriate documented evaluation for its finding, either:

(i) That regulatory action is necessary for reasonable assurance of adequate protection of the health and safety of the public and is in accord with the common defense and security; or

(ii) That the regulatory action involves defining or redefining what level of protection of the public health and safety or common defense and security should be regarded as adequate.

(5) The Commission will always require the backfitting of a facility if it determines that such regulatory action is necessary for reasonable assurance of adequate protection of the health and safety of the public and is in accord with the common defense and security.

(6) The documented evaluation required by paragraph (b)(4) of this section must include a statement of the objectives of and reasons for the modification and the basis for invoking the exception. If immediately effective regulatory action is required, then the documented evaluation may follow rather than precede the regulatory action.

(7) If there are two or more ways to reach a level of protection that is adequate, then ordinarily the applicant or licensee is free to choose the way that best suits its purposes. However, should it be necessary or appropriate for the Commission to prescribe a specific way to achieve adequate protection, then cost may be a factor in selecting the way, provided that the objective of adequate protection is met.

(c) In reaching the determination required by paragraph (b)(3) of this section, the Commission will consider how the backfit should be scheduled in light of other ongoing regulatory activities at the facility and, in addition,

will consider information available concerning any of the following factors as may be appropriate and any other information relevant and material to the proposed backfit:

(1) Statement of the specific objectives that the proposed backfit is designed to achieve;

(2) General description of the activity that would be required by the licensee, holder of the standard design approval, or applicant in order to complete the backfit;

(3) Potential change in the risk to the public from the accidental off-site release of radioactive material;

(4) Potential impact on radiological exposure of facility employees;

(5) Installation and continuing costs associated with the backfit, including the cost of facility downtime or the cost of construction delay;

(6) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements;

(7) The estimated resource burden on the NRC associated with the proposed backfit and the availability of such resources;

(8) The potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed backfit;

(9) Whether the proposed backfit is interim or final and, if interim, the justification for imposing the proposed backfit on an interim basis.

(d) No licensing action will be withheld during the pendency of backfit analyses required by the Commission's rules.

(e) The Executive Director for Operations will be responsible for implementation of this section, and all analyses required by this section must be approved by the Executive Director for Operations or his designee.

■ 30. § 50.120:

■ a. In paragraph (b)(1)(i), remove the phrase “, by 18 months prior to fuel load,”;

■ b. Revise paragraph (b)(1)(ii) and (b)(3); and

■ c. In paragraph (b)(2) introductory text, remove the phrase “plant personnel” and in its place add the phrase “plant personnel, as applicable to the facility”.

The revisions read as follow:

§ 50.120 Training and qualification of nuclear power plant personnel.

* * * * *

(b) * * *

(1) * * *

(ii) Each holder of a combined license shall establish, implement, and

maintain a training program that meets the requirements of paragraphs (b)(2) and (b)(3) of this section, as described in the final safety analysis report.

* * * * *

(3) The training program must incorporate the instructional requirements necessary to provide qualified personnel to operate and maintain the facility in a safe manner in all modes of operation. The requirement in paragraph (b)(1) of this section must be met with sufficient time to ensure that qualified personnel are available when needed to perform work that must be performed by qualified personnel. The training program must be developed to be in compliance with the facility license, including all technical specifications and applicable regulations. The training program must be periodically evaluated and revised as appropriate to reflect industry experience as well as changes to the facility, procedures, regulations, and quality assurance requirements. The training program must be periodically reviewed by licensee management for effectiveness. Sufficient records must be maintained by the licensee to maintain program integrity and kept available for NRC inspection to verify the adequacy of the program.

■ 31. Revise and republish appendix S to part 50.

Appendix S to Part 50—Earthquake Engineering Criteria for Nuclear Power Plants

General Information

This appendix applies to applicants for a construction permit or operating license under part 50, or a design certification, combined license, design approval, or manufacturing license under part 52 of this chapter. Paragraphs IV.a.1.i, IV.a.1.ii, IV.4.b, and IV.4.c of this appendix apply to applicants for an early site permit under part 52.

I. Introduction

(a) Each applicant for a construction permit, operating license, design certification, combined license, design approval, or manufacturing license is required by §§ 50.34(a)(12), 50.34(b)(10), or 10 CFR 52.47, 52.79, 52.137, or 52.157, and General Design Criterion 2 of appendix A to this part, to design nuclear power plant structures, systems, and components important to safety to withstand the effects of natural phenomena, such as earthquakes, without loss of capability to perform their safety functions. Also, as specified in § 50.54(ff), nuclear power plants that have implemented the earthquake engineering criteria described herein must shut down if the criteria in paragraph IV(a)(3) of this appendix are exceeded.

(b) These criteria implement General Design Criterion 2 insofar as it requires

structures, systems, and components important to safety to withstand the effects of earthquakes.

II. Scope

The evaluations described in this appendix are within the scope of investigations permitted by § 50.10(a).

III. Definitions

As used in these criteria:

Combined license means a combined construction permit and operating license with conditions for a nuclear power facility issued under subpart C of part 52 of this chapter.

Design approval means an NRC staff approval, issued under subpart E of part 52 of this chapter, of a final standard design for a nuclear power reactor of the type described in 10 CFR 50.22.

Design-basis ground motions (DBGMs) are the vibratory ground motions for which certain structures, systems, and components must be designed to remain functional. This term is used in the place of the safe-shutdown earthquake ground motion when there are multiple vibratory ground motions used for structures, systems, and components at the site, equivalent to defining multiple safe-shutdown earthquake ground motions.

Design certification means a Commission approval, issued under subpart B of part 52 of this chapter, of a standard design for a nuclear power facility.

Manufacturing license means a license, issued under subpart F of part 52 of this chapter, authorizing the manufacture of nuclear power reactors but not their installation into facilities located at the sites on which the facilities are to be operated.

Operating basis earthquake ground motion (OBE) is the vibratory ground motion for which those features of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public are designed to remain functional. The OBE is only associated with plant shutdown and inspection unless specifically selected by the applicant as a design input.

Response spectrum is a plot of the maximum responses (acceleration, velocity, or displacement) of idealized single-degree-of-freedom oscillators as a function of the natural frequencies of the oscillators for a given damping value. The response spectrum is calculated for a specified vibratory motion input at the oscillators' supports.

Safe-shutdown earthquake ground motion (SSE) is the vibratory ground motion for which certain structures, systems, and components must be designed to remain functional.

Structures, systems, and components (SSCs) required to withstand the effects of the SSE, DBGMs, or surface deformation are determined based on their risk-significance and the safety functions that they are required to perform during and after the vibratory ground motions. These generally include SSCs necessary to assure:

- (1) The integrity of the reactor coolant boundary;
- (2) The capability to shut down the reactor and maintain it in a safe-shutdown condition; or

(3) The capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposures comparable to the guideline exposures of § 50.34(a)(1).

Surface deformation is distortion of geologic strata at or near the ground surface by the processes of folding or faulting as a result of various earth forces. Tectonic surface deformation is associated with earthquake processes.

IV. Application to Engineering Design

The following are pursuant to the seismic and geologic design basis requirements of part 100 of this chapter:

(a) *Vibratory Ground Motions.*

(1) *Safe Shutdown Earthquake and Design-Basis Ground Motions.*

(i) The SSE or DBGMs must be derived from the site ground motion response spectra developed in accordance with part 100 of this chapter at the free ground surface and must take into consideration the risk-significance of SSCs and their safety functions. In view of the limited data available on vibratory ground motions of strong earthquakes, it is acceptable that the design response spectra be smoothed spectra. In addition, the horizontal component of the SSE or DBGMs in the free-field at the foundation level of the structures must be an appropriate response spectrum that is determined based on the risk-significance of SSCs and their safety functions.

(ii) The nuclear power plant must be designed so that, if the SSE or DBGMs occur(s), certain SSCs will remain functional and within applicable stress, strain, and deformation limits. In addition to seismic loads, applicable concurrent normal operating, functional, and accident-induced loads must be taken into account in the design of these certain SSCs. The design of the nuclear power plant must also take into account the possible effects of the SSE or DBGMs on the facility foundations by ground disruption, such as fissuring, lateral spreads, differential settlement, liquefaction, and landsliding.

(iii) The required safety functions of SSCs must be assured during and after the vibratory ground motion associated with the SSE or DBGMs through design, testing, or qualification methods.

(iv) The evaluation should consider, if applicable, soil-structure interaction effects and the expected duration of vibratory motion. It is permissible to design for inelastic behavior in some of these certain SSCs during the SSE or DBGMs and under the postulated concurrent loads, provided the necessary safety functions are maintained.

(2) *Operating Basis Earthquake Ground Motion.*

(i) The OBE must be characterized by response spectra. The value of the OBE must be set to one of the following choices:

(A) One-third or less of the SSE or minimum DBGM design response spectra. The requirements associated with this OBE in paragraph (a)(2)(i)(B)(I) can be satisfied without the applicant performing explicit response or design analyses, or

(B) A value greater than one-third of the SSE or minimum DBGM design response spectra. Analysis and design must be

performed to demonstrate that the requirements associated with this OBE in Paragraph (a)(2)(i)(B)(I) are satisfied. The design must take into account soil-structure interaction effects and the duration of vibratory ground motion.

(J) When subjected to the effects of the OBE in combination with normal operating loads, all SSCs of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public must remain functional and within applicable stress, strain, and deformation limits.

(3) *Required Plant Shutdown.* If vibratory ground motion exceeding that of the OBE or if significant plant damage occurs, the licensee must shut down the nuclear power plant. If SSCs necessary for the safe shutdown of the nuclear power plant are not available after the occurrence of the OBE, the licensee must consult with the Commission and must propose a plan for the timely, safe shutdown of the nuclear power plant. Prior to resuming operations, the licensee must demonstrate to the Commission that those features necessary for continued operation without undue risk to the health and safety of the public or necessary to maintain the licensing basis were either not functionally damaged or have been repaired.

(4) *Required Seismic Instrumentation.* Suitable instrumentation must be provided so that the seismic response of nuclear power plant features important to safety can be evaluated promptly after an earthquake.

(b) *Surface Deformation.* The potential for surface deformation must be taken into account in the design of the nuclear power plant by providing reasonable assurance that in the event of deformation, certain SSCs will remain functional. In addition to surface deformation induced loads, the design of safety features must take into account seismic loads and applicable concurrent functional and accident-induced loads. The design provisions for surface deformation must be based on its postulated occurrence in any direction and azimuth and under any part of the nuclear power plant, unless evidence indicates this assumption is not appropriate, and must take into account the estimated rate at which the surface deformation may occur.

(c) *Seismically Induced Floods and Water Waves and Other Design Conditions.* Seismically induced floods and water waves from either locally or distantly generated seismic activity and other design conditions determined pursuant to part 100 of this chapter must be taken into account in the design of the nuclear power plant so as to prevent undue risk to the health and safety of the public.

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

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

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202,

206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 33. In § 52.1, add in alphabetical order the definitions “*Generally licensed reactor operator*” and “*Self-reliant-mitigation facility*”.

§ 52.1 Definitions

* * * * *

Generally licensed reactor operator has the same meaning as that presented in 10 CFR 50.2.

* * * * *

Self-reliant-mitigation facility has the same meaning as that presented in 10 CFR 50.2.

* * * * *

§ 52.3 [Amended]

■ 34. In § 52.3:

■ a. In paragraph (a), remove the phrase “, for example, via Electronic Information Exchange, email, or CD-ROM”;

■ b. In paragraph (a), remove the phrase “NRC’s Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by email to MSHD.Resource@nrc.gov” and in its place add the phrase “NRC’s website at <https://www.nrc.gov/site-help/e-submittals.html>; by email to MSHD.Resource@nrc.gov”;

■ c. Remove and reserve paragraphs (b)(5)(ii) and (b)(6); and

■ d. In paragraph (b)(9), remove the reference “§ 52.110(a)(1)” and add in its place the reference “§ 52.110(a)(2)”.

■ 35. Revise § 52.18 to read as follows:

§ 52.18 Standards for review of applications.

Applications filed under this subpart will be reviewed according to the applicable standards set out in 10 CFR part 50 and its appendices, 10 CFR part 100, and the applicable provisions of 10 CFR part 51. The Commission shall determine, after consultation with Federal Emergency Management Agency, as applicable, whether the information required of the applicant by § 52.17(b)(1) shows that there is not a significant impediment to the development of emergency plans that cannot be mitigated or eliminated by measures proposed by the applicant, whether any major features of emergency plans submitted by the applicant under § 52.17(b)(2)(i) are acceptable in accordance with either the requirements in § 50.160 of this chapter, or the requirements in appendix E to part 50 of this chapter and § 50.47(b) of this chapter, and whether any emergency plans submitted by the applicant under § 52.17(b)(2)(ii) provide reasonable assurance that adequate protective measures can and will be

taken in the event of a radiological emergency.

§ 52.31 [Amended]

■ 36. In § 52.31:

■ a. In paragraph (a)(2)(i), remove the phrase “security;” and add in its place the phrase “security; or”;

■ b. Remove paragraph (a)(2)(ii); and

■ c. Redesignate paragraph (a)(2)(iii) as paragraph (a)(2)(ii).

§ 52.39 [Amended]

■ 37. In § 52.39:

■ a. Remove paragraph (a)(1)(i); and

■ b. Redesignate paragraphs (a)(1)(ii) through (iv) as paragraphs (a)(1)(i) through (iii).

§ 52.47 [Amended]

■ 38. In § 52.47, remove and reserve paragraphs (a)(21) and (22).

§ 52.59 [Amended]

■ 39. In § 52.59:

■ a. In paragraph (b)(1), remove the phrase “and security;” and add in its place “and security; or”;

■ b. Remove paragraph (b)(2); and

■ c. Redesignate paragraph (b)(3) as paragraph (b)(2).

■ 40. In § 52.63:

■ a. Revise paragraphs (a)(1) introductory text and (a)(4);

■ b. Remove paragraphs (a)(1)(i) and (a)(4)(i) and (ii);

■ c. Redesignate paragraphs (a)(1)(ii) through (vii) as paragraphs (a)(1)(i) through (vi);

■ d. In redesignated paragraph (a)(1)(ii), remove the phrase “maintains protection to” and in its place add the phrase “maintains reasonable assurance of adequate protection of”; and

■ e. In paragraph (a)(2)(i), remove the reference “§ 52.63(a)(1)(ii)” and in its place add the reference “52.63(a)(1)(i)”.

The revisions read as follows:

§ 52.63 Finality of standard design certifications.

(a)(1) While a standard design certification rule is in effect under §§ 52.55 or 52.61, the Commission may not modify, rescind, or impose new requirements on the certification information, whether on its own motion, or in response to a petition from any person, unless the Commission determines in a rulemaking that the change:

* * * * *

(4) While a design certification rule is in effect under § 52.55 or § 52.61, the Commission may not impose new requirements by plant-specific order on any part of the design of a specific plant referencing the design certification rule if that part was approved in the design certification, unless a modification is

necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

■ 41. In § 52.79:

■ a. Remove and reserve paragraphs (a)(20) and (a)(37);

■ b. Add new paragraphs (a)(26)(i) and (ii); and

■ c. In (a)(34), remove the phrase “of this chapter” and add in its place the phrase “or § 55.78, as applicable, of this chapter”.

The additions read as follows:

§ 52.79 Contents of applications; technical information in final safety analysis report.

(a) * * *

(26) * * *

(i) This may include a facility staffing plan for Commission review and approval to be used in lieu of the requirements in paragraphs 50.54(m)(1) and (2). This facility staffing plan must include the following:

(A) A description of how the proposed numbers, positions, and qualifications of operators and senior operators across all modes of plant operations will be sufficient to ensure that plant safety functions will be maintained. This description must be supported by human factors engineering analyses and assessments.

(B) A description of how the positions and responsibilities of personnel contained within the plan will adequately satisfy necessary support functions within areas such as plant operations, equipment surveillance and maintenance, radiological protection, chemistry control, fire brigades, engineering, security, and emergency response.

(ii) Applicants for combined licenses for self-reliant-mitigation facilities with generally licensed reactor operators must include a facility staffing plan for Commission review and approval. This facility staffing plan must include a description of how generally licensed reactor operator staffing is sufficient to continually monitor the operations of fueled reactors and to maintain a continuity of responsibility for facility operations at all times during the operating phase, as well as the information required by paragraph (a)(26)(i)(B) of this section.

* * * * *

§ 52.103 [Amended]

■ 42. In § 52.103, remove the first sentence of paragraph (a) and add in its place the sentences “The licensee shall notify the NRC of its scheduled date for initial loading of fuel no later than 270 days before the scheduled date. If the

scheduled date for initial loading of fuel is subsequently revised, the licensee shall notify the NRC of the update to its schedule within 30 days of revising the schedule.”

■ 43. In § 52.110:

■ a. Add new introductory text;

■ b. Revise and republish paragraph (d);

■ c. Revise paragraphs (e), (g), (i) introductory text, and (i)(3); and

■ d. Remove and reserve paragraphs (h)(2) and (h)(3).

The revisions and addition read as follows:

§ 52.110 Termination of license.

For each holder of a COL under this part—

* * * * *

(d)(1) Prior to or within 2 years following permanent cessation of operations, the licensee must submit to the NRC either a license termination plan in accordance with paragraph (i) of this section or a post-shutdown decommissioning activities report (PSDAR), and a copy to the affected State(s). The PSDAR must contain a description of the planned decommissioning activities along with a schedule for their accomplishment, a discussion that provides the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued environmental impact statements, and a site-specific decommissioning cost estimate, including the projected cost of managing irradiated fuel.

(2) The NRC shall schedule a public meeting, which may be in the vicinity of the licensee’s facility, upon receipt of the PSDAR.

(e) Licensees shall not perform any major decommissioning activities, as defined in § 50.2 of this chapter, until 30 days after the NRC has received the licensee’s submittal required by paragraph (d) of this section and until certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel, as required under § 52.110(a), have been submitted.

* * * * *

(g) In taking actions permitted under § 50.59 of this chapter following submittal of the PSDAR or license termination plan in accordance with paragraph (d) of this section, the licensee shall notify the NRC in writing and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the submittal, including changes that

significantly increase the decommissioning cost.

* * * * *

(i) Power reactor licensees under this part must submit an application for termination of license. The application for termination of license must be accompanied or preceded by a license termination plan to be submitted for NRC approval.

(3) The NRC shall notice receipt of the license termination plan and make the license termination plan available for public comment. The NRC shall also schedule a public meeting, which may be in the vicinity of the licensee’s facility, upon receipt of the license termination plan. The NRC shall publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, which is readily accessible to individuals in the vicinity of the site, announcing the date, time and location of the meeting, along with a brief description of the purpose of the meeting.

* * * * *

■ 44. In part 52, subpart C, add new § 52.111 in sequential order. The addition reads as follows:

§ 52.111 Release of part of a power reactor facility or site for unrestricted use.

(a) Prior written NRC approval is required to release part of a facility or site for unrestricted use at any time before receiving approval of a license termination plan. Section 50.75 specifies recordkeeping requirements associated with partial release. Holders of an operating license or combined operating license under this part seeking NRC approval shall—

(1) Evaluate the effect of releasing the property to ensure that—

(i) The dose to individual members of the public does not exceed the limits and standards of 10 CFR part 20, subpart D;

(ii) There is no reduction in the effectiveness of emergency planning or physical security;

(iii) Effluent releases remain within license conditions;

(iv) The environmental monitoring program and offsite dose calculation manual are revised to account for the changes;

(v) The siting criteria of 10 CFR part 100 continue to be met; and

(vi) All other applicable statutory and regulatory requirements continue to be met.

(2) Perform a historical site assessment of the part of the facility or site to be released; and

(3) Perform surveys adequate to demonstrate compliance with the

radiological criteria for unrestricted use specified in 10 CFR 20.1402 for impacted areas.

(b) For release of non-impacted areas, the licensee may submit a written request for NRC approval of the release if a license amendment is not otherwise required. The request submittal must include—

(1) The results of the evaluations performed in accordance with paragraphs (a)(1) and (a)(2) of this section;

(2) A description of the part of the facility or site to be released;

(3) The schedule for release of the property;

(4) The results of the evaluations performed in accordance with 10 CFR 50.59; and

(5) A discussion that provides the reasons for concluding that the environmental impacts associated with the licensee's proposed release of the property will be bounded by appropriate previously issued environmental impact statements.

(c) After receiving an approval request from the licensee for the release of a non-impacted area, the NRC shall—

(1) Determine whether the licensee has adequately evaluated the effect of releasing the property as required by paragraph (a)(1) of this section;

(2) Determine whether the licensee's classification of any release areas as non-impacted is adequately justified; and

(3) Upon determining that the licensee's submittal is adequate, inform the licensee in writing that the release is approved.

(d) For release of impacted areas, the licensee shall submit an application for amendment of its license for the release of the property. The application must include—

(1) The information specified in paragraphs (b)(1) through (b)(3) of this section;

(2) The methods used for and results obtained from the radiation surveys required to demonstrate compliance with the radiological criteria for unrestricted use specified in 10 CFR 20.1402; and

(3) A supplement to the environmental report, under § 51.53, describing any new information or significant environmental change associated with the licensee's proposed release of the property.

(e) After receiving a license amendment application from the licensee for the release of an impacted area, the NRC shall—

(1) Determine whether the licensee has adequately evaluated the effect of releasing the property as required by paragraph (a)(1) of this section;

(2) Determine whether the licensee's classification of any release areas as non-impacted is adequately justified;

(3) Determine whether the licensee's radiation survey for an impacted area is adequate; and

(4) Upon determining that the licensee's submittal is adequate, approve the licensee's amendment application.

(f) The NRC shall notice receipt of the release approval request or license amendment application and make the approval request or license amendment application available for public comment. Before acting on an approval request or license amendment application submitted in accordance with this section, the NRC shall conduct a public meeting, which may be in the vicinity of the licensee's facility, for the purpose of obtaining public comments on the proposed release of part of the facility or site. The NRC shall publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, which is readily accessible to individuals in the vicinity of the site, announcing the date, time, and location of the meeting, along with a brief description of the purpose of the meeting.

§ 52.137 [Amended]

■ 45. In § 52.137, remove and reserve paragraphs (a)(21) and (22).

■ 46. In § 52.145:

■ a. Remove the phrase “An approved design” from paragraph (a) and add in its place the phrase “An approved design (as updated)”; and

■ b. Add new paragraphs (d), (e), and (f).
The additions read as follows:

§ 52.145 Finality of standard design approvals; information requests.

* * * * *

(d) Amendment of an approved standard design. Whenever a holder of a standard design approval under this part desires to amend the standard design, application for an amendment must be filed with the NRC, as specified in § 52.3 of this chapter, fully describing the changes desired, and following as far as applicable, the form prescribed for original applications.

(e) Updating Final Safety Analysis Reports. Each holder of a standard design approval under this part must submit an update of the FSAR every 24 months or more frequently as necessary to facilitate dependent COL or CP applications, if there have been changes during that period. The submittal must include the effects of all changes on the content of the FSAR and safety analyses and evaluations performed by the holder either in support of approved

standard design amendments or in support of conclusions that changes did not require an amendment in accordance with 10 CFR 50.59(c)(2).

(f) An applicant for an ML, CP, OL, or COL who has filed an application referencing a standard design approval issued under this part must update the information to include any changes to the facility or procedures made under § 50.59 or § 52.145(d).

■ 47. Revise § 52.147 to read as follows:

§ 52.147 Duration of design approval.

A standard design approval issued under this subpart will be issued with no fixed expiration date.

§ 52.157 [Amended]

■ 48. In § 52.157, remove and reserve paragraphs (f)(28) and (29).

■ 49. In § 52.171:

■ a. Revise paragraph (a)(1);

■ b. Add new paragraphs (a)(1)(i) and (ii); and

■ c. In paragraph (b)(2), remove the phrase “, and that the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the departure”.

The revision and additions read as follows:

§ 52.171 Finality of manufacturing licenses; information requests.

(a)(1) The Commission may not modify, rescind, or impose new requirements on the design or manufacturing of a nuclear power reactor under a manufacturing license, unless the Commission determines that the change—

(i) Is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security; or

(ii) Reduces unnecessary regulatory burden and maintains reasonable assurance of adequate protection of the public health and safety and the common defense and security.

* * * * *

§ 52.179 [Amended]

■ 50. In § 52.179:

■ a. In paragraph (b)(1), remove the phrase “security;” and add in its place the phrase “security; or”;

■ b. Remove paragraph (b)(2); and

■ c. Redesignate paragraph (b)(3) as (b)(2).

■ 51. In appendix A to part 52, section VIII, “Processes for Changes and Departures,”

■ a. In B, “Tier 2 Information,” revise paragraph 3 introductory text; and

■ b. In B, “Tier 2 Information,” remove paragraphs 3.a. and 3.b.

The revision reads as follows:

Appendix A to Part 52—Design Certification Rule for the U.S. Advanced Boiling Water Reactor

* * * * *

VIII. Processes for Changes and Departures

* * * * *

B. Tier 2 Information

* * * * *

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless a modification is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

■ 52. In appendix D to part 52, section VIII, “Processes for Changes and Departures,”

■ a. In B, “Tier 2 information,” revise paragraph 3 introductory text; and

■ b. In B, “Tier 2 information,” remove paragraphs 3.a. and 3.b.

The revision reads as follows:

Appendix D to Part 52—Design Certification Rule for the AP1000 Design

* * * * *

VIII. Processes for Changes and Departures

* * * * *

B. Tier 2 information

* * * * *

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless a modification is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

■ 53. In appendix E to part 52, section VIII, “Processes for Changes and Departures,”

■ a. In B, “Tier 2 information,” revise paragraph 3 introductory text; and

■ b. In B, “Tier 2 information,” remove paragraphs 3.a. and 3.b.

The revision reads as follows:

Appendix E to Part 52—Design Certification Rule for the ESBWR Design

* * * * *

VIII. Processes for Changes and Departures

* * * * *

B. Tier 2 information

* * * * *

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless a modification is necessary for reasonable

assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

■ 54. In appendix F to part 52, section VIII, “Processes for Changes and Departures,”

■ a. In B, “Tier 2 Information,” revise paragraph 3 introductory text; and

■ b. In B, “Tier 2 Information,” remove paragraphs 3.a. and 3.b.

The revision reads as follows:

Appendix F to Part 52—Design Certification Rule for the APR1400 Design

* * * * *

VIII. Processes for Changes and Departures

* * * * *

B. Tier 2 Information

* * * * *

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless a modification is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

■ 55. In appendix G to part 52, section VIII, “Processes for Changes and Departures,”

■ a. In B “Tier 2 Information,” revise paragraph 3 introductory text; and

■ b. In B, “Tier 2 Information,” remove paragraphs 3.a. and 3.b.

The revision reads as follows:

Appendix G to Part 52—Design Certification Rule for NuScale

* * * * *

VIII. Processes for Changes and Departures

* * * * *

B. Tier 2 Information

* * * * *

3. The Commission may not require new requirements on Tier 2 information by plant-specific order, while this appendix is in effect under § 52.55 or § 52.61, unless a modification is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

* * * * *

PART 53—RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR COMMERCIAL NUCLEAR PLANTS

■ 56. The authority citation for part 53 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231,

2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115–439, 132 Stat. 5571.

■ 57. In § 53.020, add in alphabetical order the definitions “*Licensed medical examiner*” and “*Physician*”.

§ 53.020 Definitions.

* * * * *

Licensed medical examiner means an individual, other than a physician, licensed by a State or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to independently conduct medical examinations for the purpose of determining an individual’s medical condition and general health.

* * * * *

Physician means an individual licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

* * * * *

§ 53.040 [Amended]

■ 58. In 53.040:

■ a. In paragraph (b)(5)(i), remove the phrase “plan;” and add in its place the phrase “plan; and”; and

■ b. Remove and reserve paragraphs (b)(5)(ii), (b)(6), and (b)(7).

§ 53.120 [Amended]

■ 59. In § 53.120:

■ a. In paragraph (c), remove the phrase “control numbers” and in its place add the phrase “control number”; and

■ b. In paragraph (c)(1) and (2), remove the phrase “and 53.795;” and

■ c. In paragraph (c)(1), remove the phrase “53.780” and in its place add the phrase “and 53.780”.

§ 53.605 [Removed and Reserved]

■ 60. Remove and reserve § 53.605.

§ 53.725 [Amended]

■ 61. In § 53.725:

■ a. In paragraph (c), remove the phrase “*Simulation facility* means” and add in its place the phrase “*Simulation facility* or *simulator* means”; and

■ b. In paragraphs (c)(2), (4), (7), and (11), remove the phrase “controls” and add in its place the phrase “the controls”.

■ 62. Revise and republish § 53.726 to read as follows:

§ 53.726 Communications.

An applicant or licensee or facility licensee must submit any

communication or report required by the regulations contained within §§ 53.725 through 53.830 and must submit any application filed under these regulations to the Commission.

■ 63. In § 53.730, revise and republish paragraph (g)(3) to read as follows:

§ 53.730 Defining, fulfilling, and maintaining the role of personnel to ensuring safe operations.

* * * * *

(g) * * *

(3) The operator licensing requalification programs required under § 53.780(c) or § 53.815(b) must be in effect within 3 months after either the issuance of an operating license or the date that the Commission makes the finding under 53.1452(g) for a combined license, as applicable.

§ 53.735 [Amended]

■ 64. In § 53.735, remove the phrase “generally licensed reactor operator license there,” and add in its place the phrase “generally licensed reactor operator license.”

■ 65. In § 53.765, revise paragraphs (a) and (b)(1) as follows:

§ 53.765 Medical requirements.

(a) An applicant for an operator or senior operator license must have a medical examination by a physician or licensed medical examiner. An operator or senior operator must have a medical examination by a physician or licensed medical examiner every 2 years.

(b) * * *

(1) NRC Form 396 must certify that a physician or licensed medical examiner has conducted the medical examination of the applicant as required in paragraph (a) of this section.

* * * * *

■ 66. Revise and republish § 53.770 to read as follows:

§ 53.770 Incapacitation because of disability or illness.

(a) If, during the term of the operator or senior operator license, the licensee develops a permanent physical or mental medical condition that causes the licensee to fail to demonstrate compliance with the requirements of § 53.775(b)(1)(i), the facility licensee shall determine whether one or more license conditions will accommodate the medical condition. If, based on the recommendation of the examining physician or licensed medical examiner, one or more of the license conditions identified on NRC Form 396 that are designated as covered by § 53.785(l) will accommodate the medical condition, then the license may continue unchanged based on the condition of the license under § 53.785(l) of this part.

If, based on the recommendation of the examining physician or licensed medical examiner, one or more license conditions that are not identified on NRC Form 396 as covered by § 53.785(l) will accommodate the medical condition, then the facility licensee shall provide medical certification on NRC Form 396 to the Commission (as described in § 53.765(b)) within 30 days of learning of the medical condition. Any required changes to existing specific license conditions accommodating medical conditions must be requested of the Commission.

(b) If, during the term of the license, the licensee develops a temporary physical or mental medical condition that causes the licensee to fail to meet the requirements of § 53.775(b)(1)(i), the facility licensee shall document the medical condition consistent with § 53.765(c) and take the appropriate actions to accommodate the medical condition.

■ 67. In § 53.775, revise paragraph (b)(2) to read as follows:

§ 53.775 Applications for operators and senior operators.

* * * * *

(b) * * *

(2) Conditional license. If an applicant's general medical condition does not demonstrate compliance with the minimum standards under § 53.775(b)(1)(i), the Commission may approve the application and include conditions in the license to accommodate the medical condition. If in an applicant's NRC Form 396, the applicant requests, based on the recommendation of the examining physician or licensed medical examiner, one or more of the license conditions identified on NRC Form 396 that are designated as covered by § 53.785(l), then the Commission may issue the license based on the condition of the license under § 53.785(l) of this part. If in an applicant's NRC Form 396, the applicant requests a license condition other than one of the license conditions identified on NRC Form 396 that are designated as covered by § 53.785(l), then the Commission will consider the recommendations and supporting evidence of the facility licensee and of the examining physician or licensed medical examiner in arriving at its decision and any license that is issued may have a specific license condition to accommodate the medical condition.

* * * * *

■ 68. In § 53.780:

■ a. Revise paragraphs (c)(1)(i) and (ii), (c)(2)(ii)(C), (c)(3), and (f); and

■ b. In paragraph (d), remove the phrase “equitable and”.

The revisions read as follows:

§ 53.780 Training, examination, and proficiency program.

* * * * *

(c) * * *

(1) * * *

(i) The program must ensure that operators and senior operators at the facility maintain the knowledge, skills, and abilities necessary to protect the public health and maintain those plant safety functions specific to the facility design.

(ii) The program must be approved by the Commission prior to its use for continuing training, as described under § 53.730(g). The program must be conducted for a continuous period not to exceed 24 months in duration or other duration approved by the Commission. The approved operator licensing requalification program is subject to the requirements of § 53.1565.

(2) * * *

(ii) * * *

(C) The facility licensee must ensure that each operator and senior operator is administered a complete requalification examination on a periodicity not to exceed 24 months or other periodicity approved by the Commission. Additionally, the facility licensee must ensure that any licensed operator or senior licensed operator who either demonstrates unsatisfactory performance on, or fails to complete, this biennial requalification examination is removed from the performance of licensed operator and senior licensed operator duties until any necessary remedial training has been completed and a retake examination has been passed.

* * * * *

(3) The facility licensee must maintain operator licensing requalification program records documenting the participation of each operator and senior operator in the requalification program. The records must contain copies of examinations administered, the answers given by the operator or senior operator, documentation of the grading of examinations, and documentation of any additional training administered in areas in which an operator or senior operator exhibited deficiencies. The facility licensee must retain these records until the end of the subsequent requalification program.

* * * * *

(f) *Waiver of examination requirement.*

(1) On application, the Commission may waive any or all of the requirements for an initial licensing examination if it finds that the applicant

has demonstrated the required knowledge, skills, and abilities to safely operate the plant, and is capable of continuing to do so. The Commission may make such a finding based on demonstration of the following:

- (i) Recent operating experience at a comparable facility;
- (ii) Proof of the applicant's past competent and safe performance; and
- (iii) Proof of the applicant's current qualifications.

(2) On application, the Commission may waive any or all of the requirements for a written examination and operating test for a licensee who applies for a license to operate one or more subsequent units at a multiunit site, licensed collectively or individually, if it finds that:

- (i) The subsequent unit(s) is/are approved to be, or was/were constructed to, the same standard design or modular design, as defined in § 53.020 of this chapter, as the unit(s) on which the applicant is already licensed, or the subsequent unit(s) is/are otherwise essentially identical to the unit(s) on which the applicant is already licensed; and

- (ii) The applicant has been sufficiently trained on the differences between the units.

* * * * *

■ 69. In § 53.785:

- a. Revise paragraph (h); and
- b. Add new paragraph (l).

The revision and addition read as follows:

§ 53.785 Conditions of operator and senior operator licenses.

* * * * *

(h) The licensee must notify the Commission via the facility licensee within 30 days about a conviction for a felony.

* * * * *

(l) The licensee must comply with all license conditions identified on NRC Form 396 that are designated as covered by § 53.785(l) and that are necessary for the licensee to meet the requirements of § 53.775(b)(1)(i) of this part.

■ 70. Revise and republish § 53.795 and the section heading to read as follows:

§ 53.795 Expiration of operator and senior operator licenses.

Each operator license and senior operator license expires upon termination of employment with the facility licensee or upon determination by the facility licensee that the licensed individual no longer needs to maintain a license. An operator license or senior operator license also expires upon the Commission's or the facility licensee's determination that a licensed

individual's permanent physical or mental medical condition does not meet the minimum standards under § 53.775(b)(1)(i) and that the medical condition cannot be accommodated. The facility licensee shall notify the Commission, as described in § 53.040 of this part, within 30 days of any of these occurrences.

§ 53.810 [Amended]

■ 71. In § 53.810, in paragraph (g), remove the phrase the "the Commission" and add in its place the phrase "the Commission via the facility licensee".

§ 53.815 [Amended]

■ 72. In § 53.815:

- a. In paragraph (a), remove the phrase "each licensee" and add in its place the phrase "each facility licensee";
- b. In paragraph (b)(3)(vi), remove the phrase "their use" and add in its place the phrase "its use";
- c. In paragraph (d), remove the phrase "equitable and "; and
- d. In paragraph (e)(2)(v), remove the phrase "with § 53.815(d)" and add in its place the phrase "with paragraph (d) of this section".

§ 53.820 [Amended]

■ 73. In § 53.820, remove the phrase "individual basis" and add in its place the phrase "individual operator basis".

■ 74. In § 53.830, revise paragraph (b) as follows:

§ 53.830 Training and qualification of commercial nuclear personnel.

* * * * *

(b) Each holder of an OL or COL under this part must, with sufficient time to provide trained and qualified personnel to operate the facility, establish, implement, and maintain a training program that demonstrates compliance with the requirements of paragraphs (c) and (d) of this section.

* * * * *

■ 75. In § 53.1045:

- a. Remove and reserve paragraph (a)(2); and
- b. Revise paragraphs (b)(4) and (c).

The revision reads as follows:

§ 53.1045 Limitations on the use of decommissioning trust funds.

* * * * *

(b) * * *

(4) Except for withdrawals being made for decommissioning planning or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, no disbursement or payment may be made

from the trust, escrow account, Government fund, or other account used to segregate and manage the funds until written notice of the intention to make a disbursement or payment has been given to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 60 working days before the date of the intended disbursement or payment. The disbursement or payment from the trust, escrow account, Government fund or other account may be made following the 60-working day notice period if the person responsible for managing the trust, escrow account, Government fund, or other account does not receive written notice of objection from the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period. Until final decommissioning has been completed, disbursements or payments from the trust, escrow account, Government fund, or other account used to segregate and manage the funds, other than for payment of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, are restricted to transfer to another financial assurance method acceptable under § 53.1040 or decommissioning expenses, including decommissioning planning, that meet the criteria of § 53.1045(a)(1)(i). Until the certifications required under § 53.1070(a)(1) and § 53.1070(a)(3) have been submitted and 30 days after the NRC has received the site-specific decommissioning cost estimate required by § 53.1070(d), 3 percent of the generic amount specific in § 53.1020 may be used for decommissioning planning. After decommissioning has begun and withdrawals from the decommissioning fund are made under paragraph (a) of this section, no further notification need be made to the NRC.

(c) Licensees that are "electric utilities" under § 53.020 that use prepayment or an external sinking fund to provide financial assurance must include a provision in the terms of the trust, escrow account, Government fund, or other account used to segregate and manage funds that except for withdrawals being made for decommissioning planning or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection

with the operation of the fund, no disbursement or payment may be made from the trust, escrow account, Government fund, or other account used to segregate and manage the funds until written notice of the intention to make a disbursement or payment has been given the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 60 working days before the date of the intended disbursement or payment. The disbursement or payment from the trust, escrow account, Government fund or other account may be made following the 60-working day notice period if the person responsible for managing the trust, escrow account, Government fund, or other account does not receive written notice of objection from the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period. Until final decommissioning has been completed, disbursements or payments from the trust, escrow account, Government fund, or other account used to segregate and manage the funds, other than for payment of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, are restricted to transfer to another financial assurance method acceptable under § 53.1040 or decommissioning expenses, including decommissioning planning, that meet the criteria of § 53.1045(a)(1)(i). Until the certifications required under § 53.1070(a)(1) and § 53.1070(a)(3) have been submitted and 30 days after the NRC has received the site-specific decommissioning cost estimate required by § 53.1070(d), 3 percent of the generic amount specified in § 53.1020 may be used for decommissioning planning. After decommissioning has begun and withdrawals from the decommissioning fund are made under paragraph (a) of this section, no further notification need be made to the NRC.

* * * * *

§ 53.1060 [Amended]

■ 76. § 53.1060:

■ a. Remove and reserve paragraph (e); and

■ b. In the introductory text of paragraphs (g) and (h), remove the reference “paragraph (e) of this section” and add in its place the reference “§ 53.1070(d)”.

■ 77. In § 53.1070, revise paragraphs (d)(1) and (2), (e), (g), and (i)(3) to read as follows:

§ 53.1070 Termination of license.

* * * * *

(d)(1) Prior to or within 2 years following permanent cessation of operations, the licensee must submit to the NRC either a license termination plan in accordance with § 53.1070(i) or a post-shutdown decommissioning activities report (PSDAR), and a copy to the affected State(s). The PSDAR must contain a description of the planned decommissioning activities along with a schedule for their accomplishment, a discussion that provides the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities will be bounded by appropriate previously issued environmental impact statements, and a site-specific DCE, including the projected cost of managing irradiated fuel.

(2) The NRC shall schedule a public meeting, which may be in the vicinity of the licensee's facility, upon receipt of the PSDAR.

(e) Licensees must not perform any major decommissioning activities, as defined in § 53.020, until 30 days after the NRC has received the licensee's submittal required by paragraph (d) of this section and until certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel, as required under paragraph (a) of this section, have been submitted.

* * * * *

(g) In taking actions permitted under § 53.1540 following submittal of the PSDAR or license termination plan in accordance with paragraph (d) of this section, the licensee must notify the NRC in writing, and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the submittal, including changes that increase the decommissioning cost by more than 20 percent from the previously provided DCE.

* * * * *

(i) * * *

(3) The NRC must notice receipt of the license termination plan and make the license termination plan available for public comment. The NRC must also schedule a public meeting, which may be in the vicinity of the licensee's facility, upon receipt of the license termination plan. The NRC must publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, that is readily accessible to individuals in the vicinity of the site, announcing the

date, time, and location of the meeting, along with a brief description of the purpose of the meeting.

* * * * *

■ 78. In § 53.1080, revise paragraph (f) to read as follows:

§ 53.1080 Release of part of a commercial nuclear plant or site for unrestricted use.

* * * * *

(f) The NRC must notice receipt of the release approval request or license amendment application and make the approval request or license amendment application available for public comment. Before acting on an approval request or license amendment application submitted in accordance with this section, the NRC must conduct a public meeting, which may be in the vicinity of the licensee's facility for the purpose of obtaining public comments on the proposed release of part of the commercial nuclear plant or site. The NRC must publish a notice in the **Federal Register** and in a forum, such as local newspapers or municipal websites, which is readily accessible to individuals in the vicinity of the site, announcing the date, time, and location of the meeting, along with a brief description of the purpose of the meeting.

■ 79. In § 53.1149, revise paragraph (a) to read as follows:

§ 53.1149 Review of applications.

(a) Standards for review of applications. Applications filed under this part will be reviewed according to the applicable standards set out in this part and the applicable provisions of 10 CFR part 51. The Commission must determine, after consultation with FEMA, as applicable, whether the information required of the applicant by § 53.1146(b)(1) shows that there is no significant impediment to the development of emergency plans that cannot be mitigated or eliminated by measures proposed by the applicant, whether any major features of emergency plans submitted by the applicant under § 53.1146(b)(2)(i) are acceptable under either § 50.160 or appendix E to part 50 and § 50.47(b) of this chapter, and whether any emergency plans submitted by the applicant under § 53.1146(b)(2)(ii) provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

* * * * *

§ 53.1176 [Amended]

■ 80. In § 53.1176:

- a. In paragraph (a)(2)(i), remove the phrase “security;” and add in its place the phrase “security; or”;
- b. Remove paragraph (a)(2)(ii); and
- c. Redesignate paragraph (a)(2)(iii) as paragraph (a)(2)(ii).

§ 53.1188 [Amended]

- 81. In § 53.1188:
 - a. Remove paragraph (a)(1)(i); and
 - b. Redesignate paragraphs (a)(1)(ii) through (iv) as paragraphs (a)(1)(i) through (iii).
- 82. In § 53.1218, revise paragraph (b) to read as follows:

§ 53.1218 Staff approval of design.

* * * * *

(b) A standard design approval issued under this section will be issued with no fixed expiration date.

- 83. In § 53.1221:
 - a. In paragraph (a), remove the phrase “An approved design” and add in its place the phrase “An approved design (as updated)”;
 - b. Add new paragraphs (e), (f), and (g). The additions read as follows:

§ 53.1221 Finality of standard design approvals; information requests.

* * * * *

(e) Updating of a standard design.

(1) The holder of an SDA may make changes to the facility or procedures as described in the Final Safety Analysis Report (FSAR) associated with the SDA and maintain the finality afforded under this section if the change meets the criteria in § 53.1550(a)(2) and does not require a change to proposed technical specifications provided under § 53.1209(b)(2). If needed, applications for amending an SDA must be submitted and processed in the same manner as the original application under § 53.1200.

(2) An applicant for an ML, CP, OL, or COL who has filed an application referencing a standard design approval issued under this part must update the information that was provided under § 53.1209 to include any changes to the facility or procedures made under paragraph (e)(1) of this section.

(f) *Record keeping.* An SDA holder must maintain all records and make all reports, in connection with the activity, as may be required by the conditions of the approval or by the regulations and orders of the Commission in effectuating the purposes of the Act and the Energy Reorganization Act of 1974, as amended. Reports must be submitted in accordance with § 53.040.

(g) *Updating Final Safety Analysis Reports.* Each holder of an SDA under this part must submit an update of the FSAR every 24 months or more frequently as necessary to facilitate

dependent COL or CP applications, if there have been changes during that period. The submittal must include the effects of all changes on the content of the FSAR and safety analyses and evaluations performed by the holder either in support of approved amendments or in support of conclusions that changes did not require an amendment under this section.

§ 53.1257 [Amended]

- 84. In § 53.1257:
 - a. In paragraph (a)(1), remove the phrase “security;” and add in its place the phrase “security; or”
 - b. Remove paragraph (b)(2); and
 - c. Redesignate paragraph (b)(3) as paragraph (b)(2).
- 85. Revise and republish § 53.1263 to read as follows:

§ 53.1263 Finality of standard design certifications.

(a)
(1) While a standard design certification rule is in effect under § 53.1251 or § 53.1260, the Commission may not modify, rescind, or impose new requirements on the certification information, whether on its own motion, or in response to a petition from any person, unless the Commission determines in a rulemaking that the change—

(i) Is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security;

(ii) Reduces unnecessary regulatory burden and maintains reasonable assurance of adequate protection of public health and safety and the common defense and security;

(iii) Provides the detailed design information to be verified under those ITAAC that are directed at certification information (*i.e.*, design acceptance criteria);

(iv) Is necessary to correct material errors in the certification information;

(v) Substantially increases overall safety, reliability, or security of facility design, construction, or operation, and the direct and indirect costs of implementation of the rule change are justified in view of this increased safety, reliability, or security; or

(vi) Contributes to increased standardization of the certification information.

(2)
(i) In a rulemaking under § 53.1263(a)(1), except for § 53.1263(a)(1)(i), the Commission will give consideration to whether the benefits justify the costs for plants that are already licensed or for which an application for a permit or license is under consideration.

(ii) The rulemaking procedures for changes under § 53.1263(a)(1) must provide for notice and opportunity for public comment.

(3) Any modification the NRC imposes on a design certification rule under paragraph (a)(1) of this section will be applied to all plants referencing the certified design, except those to which the modification has been rendered technically irrelevant by action taken under paragraphs (a)(4) or (b) of this section.

(4) The Commission may not impose new requirements by plant-specific order on any part of the design of a specific plant referencing the design certification rule if that part was approved in the design certification while a design certification rule is in effect under § 53.1251 or § 53.1260, unless a modification is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security.

(5) Except as provided in § 2.335 of this chapter, in making the findings required for issuance of a COL, CP, OL, or ML, or for any hearing under § 53.1452, the Commission must treat as resolved those matters resolved in connection with the issuance or renewal of a design certification rule.

(b) An applicant who references a design certification rule may request an exemption from one or more elements of the certification information. The Commission may grant such a request only if it determines that the exemption will comply with the requirements of § 53.080. In addition to the factors listed in § 53.080, the Commission must consider whether the special circumstances that § 53.080 requires to be present outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption. The granting of an exemption on request of an applicant is subject to litigation in the same manner as other issues in the OL or COL hearing.

(c) The Commission will require, before granting a CP, COL, OL, or ML that references a design certification rule, that information normally contained in engineering documents, such as analyses, drawings, procurement specifications, or construction and installation specifications, be completed and available for audit if the more detailed information is necessary for the Commission to verify the information in the application and make its safety determination, including the determination that the application is consistent with the certification

information. This information may be acquired by appropriate arrangements with the design certification applicant.

■ 86. In § 53.1288:

- a. Revise paragraph (a)(1); and
- b. Add new paragraphs (a)(1)(i) and (ii) and (a)(4).

The revision and additions read as follows:

§ 53.1288 Finality of manufacturing licenses.

(a) * * *

(1) The Commission may not modify, rescind, or impose new requirements on the design of a manufactured reactor, or the requirements for the manufacture of a manufactured reactor, unless the Commission determines that the change—

(i) Is necessary for reasonable assurance of adequate protection of the public health and safety or the common defense and security; or

(ii) Reduces unnecessary regulatory burden and maintains reasonable assurance of adequate protection of the public health and safety and the common defense and security.

* * * * *

(4) Notwithstanding any provision in § 70.60 of this chapter, each 10 CFR part 70 license authorizing the possession and loading of fresh fuel in a manufactured reactor, which must comply with subpart H to part 70 as described in § 53.620(d), is within the scope of the backfitting provisions in § 70.76 of this chapter. However, the features to prevent criticality in a manufactured reactor that are specified in the ML are within the scope of paragraph (a)(1) of this section.

* * * * *

§ 53.1295 [Amended]

■ 87. In § 53.1295:

- a. In paragraph (b)(2)(i), remove the phrase “security;” and add in its place the phrase “security; or”;
 - b. Remove paragraph (b)(2)(ii); and
 - c. Redesignate paragraph (b)(2)(iii) as paragraph (b)(2)(ii).
- 88. In § 53.1452, revise paragraph (a) and footnote 1 to read as follows:

§ 53.1452 Operation under a combined license.

(a) The licensee must notify the NRC of its scheduled date for initial loading of fuel no later than 270 days before the scheduled date. If the scheduled date for initial loading of fuel is subsequently revised, the licensee shall notify the NRC of the update to its schedule within 30 days of revising the schedule.^[1] Not less than 180 days before the date scheduled for initial loading of fuel into a plant by a licensee

that has been issued a COL under this part, the Commission must publish notice of intended operation in the **Federal Register**.^[2] The notice must provide that any person whose interest may be affected by operation of the plant may, within 60 days, request that the Commission hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria in the COL, except that a hearing must not be granted for those ITAAC that the Commission found were met under § 53.1440(a)(2).

* * * * *

^[1] For licensees installing fueled manufactured reactors under a COL, the COL holder must instead notify the NRC of its scheduled date for initiating the removal of the features to prevent criticality required under § 53.620(d)(1) no later than 270 days before the scheduled date and must notify the NRC within 30 days of making a revision to the schedule.

^[2] For licensees installing fueled manufactured reactors under a COL, the Commission must instead publish notice of intended operation in the **Federal Register** not less than 180 days before the date scheduled for initiating the removal of the features to prevent criticality required under § 53.620(d)(1).

■ 89. In § 53.1505, revise paragraph (a) to read as follows:

§ 53.1505 Changes to licensing-basis information requiring prior NRC approval.

(a) Sections 53.1510 through 53.1520 provide the process for a licensee to request and the NRC to issue amendments to licenses, including any conditions contained therein, technical specifications or other attachments to a license, and any orders issued by the NRC modifying a license. Sections 53.1521, 53.1525, and 53.1530 govern proposed changes to a commercial nuclear plant referencing a standard design approval (SDA), certified design, or manufacturing license (ML).

* * * * *

■ 90. In § 53.1515, revise paragraphs (a)(5)(i)(B) and (a)(5)(iii) to read as follows:

§ 53.1515 Public notices; State consultation.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(B) Will provide reasonable notice to the public of the licensee’s amendment and of its proposed determination as described in paragraph (a)(1) of this section;

* * * * *

(iii) When it has provided reasonable notice to the public under paragraph

(a)(5)(i)(B) of this section, may inform the licensee of the public’s comments, as necessary and appropriate;

* * * * *

■ 91. In § 53.1545:

■ a. Revise paragraphs (a), (c), and (e); and

■ b. Remove and reserve paragraph (b).
The revision reads as follows:

§ 53.1545 Updating Final Safety Analysis Reports.

(a) Each holder of an OL or COL under this part for which the Commission has made the finding under § 53.1452(g) must update the FSAR originally submitted as part of the application for the license every 24 months or more frequently, if there have been changes during that period, to assure that the information included in the report contains the latest information developed. The update must include the effects on the content of the FSAR of—

* * * * *

(c) Each applicant for or holder of a COL under this part for which the Commission has not made the finding under § 53.1452(g) must update the FSAR at least annually. Combined license applicants who have requested the NRC to suspend its review of the COL application and COL holders who have informed the NRC that they do not plan to pursue construction need not update the FSAR. If a COL applicant requests that the NRC resume its review, or a COL holder notifies the NRC that the COL holder plans to commence or resume construction, then the COL applicant or holder must submit to the NRC an update to its FSAR within 90 days of the request or notification, as applicable.

* * * * *

(e) Each holder of an ML under this part must submit an update of the FSAR every 24 months or more frequently as necessary to facilitate dependent COL or CP applications, if there have been changes during that period. The submittal must include the effects of all changes on the content of the FSAR as described in paragraphs (a)(1), (a)(3) through (a)(5), and (b) of this section and safety analyses and evaluations performed by the holder either in support of approved license amendments or in support of conclusions that changes did not require a license amendment under § 53.1530.

§ 53.1550 [Amended]

■ 92. Remove and reserve paragraph (c)(2).

§ 53.1560 [Amended]

■ 93. In § 53.1560:

■ a. In the last sentence of paragraph (a) introductory text, remove the phrase “The submittals must” and add in its place “The update must”; and

■ b. Remove and reserve paragraph (b).

■ 94. In § 53.1565:

■ a. In paragraph (b) remove the phrase “submittal of”; and

■ b. Revise paragraphs (d)(1)(i), (d)(2), and (d)(3)(v).

The revision reads as follows:

§ 53.1565 Evaluating changes to programs included in licensing-basis information.

* * * * *

(d) * * *

(1) * * *

(i) Each holder under this part of an OL or COL, after the Commission makes the finding under § 53.1452(g), may make a change to a previously accepted quality assurance program (QAP) description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. Changes to the QAP description that do not reduce the commitments must be retained as a record. In addition to QAP changes involving administrative improvements and clarifications, spelling corrections, punctuation, or editorial items, the following changes are not considered to be reductions in commitment:

* * * * *

(2) Quality assurance program—siting, construction, and manufacturing. Each holder of an LWA, early site permit, CP, ML, or COL, before the Commission makes the finding under § 53.1452(g) of this chapter, under this part may make a change to a previously accepted QAP description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the QAP description that do not reduce the commitments must be retained as a record. Changes to the QAP description that reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

* * * * *

(3) * * *

(v) The licensee must retain a record of each change to the emergency plan made without prior NRC approval for a period of 3 years from the date of the change.

* * * * *

■ 95. Revise and republish § 53.1590 as follows:

§ 53.1590 Backfitting.

(a) *Applicability.*

(1) This section applies after the date of issuance of the following approvals for a commercial nuclear plant under this part:

(i) A construction permit;

(ii) An operating license;

(iii) A standard design approval;

(iv) A combined license; or

(v) A limited work authorization.

(2) This section applies to matters within the scope of the NRC approvals listed in paragraph (a)(1) of this section, including renewed, amended, or revised approvals, except as follows—

(i) The provisions in § 53.1263 apply with respect to the design matters resolved in a standard design certification rule under this part, provided however, that if any specific backfitting limitations are included in a referenced design certification rule, then those limitations govern.

(ii) The provisions of § 53.1288 apply with respect to matters resolved in a manufacturing license proceeding under this part.

(b)

(1) Backfitting means the modification of or addition to systems, structures, components, or design of a facility; or the design approval for a facility; or the procedures or organization required to design, construct or operate a facility; any of which would be required by a new or amended provision in the Commission's regulations or the imposition of a regulatory staff position interpreting the Commission's regulations that is either new or different from a previously applicable staff position after the date of applicability listed in paragraph (a) of this section.

(2) Except as provided in paragraph (b)(4) of this section, the Commission will require a systematic and documented analysis pursuant to paragraph (c) of this section for backfits that it seeks to impose.

(3) Except as provided in paragraph (b)(4) of this section, the Commission will require the backfitting of a facility only when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection.

(4) The provisions of paragraphs (b)(2) and (b)(3) of this section are inapplicable and, therefore, backfit analysis is not required and the standards in paragraph (b)(3) of this

section do not apply where the Commission or staff, as appropriate, finds and declares, with appropriate documented evaluation for its finding, either—

(i) That regulatory action is necessary for reasonable assurance of adequate protection of the health and safety of the public and is in accord with the common defense and security; or

(ii) That the regulatory action involves defining or redefining what level of protection to the public health and safety or common defense and security should be regarded as adequate.

(5) The Commission will always require the backfitting of a facility if it determines that such regulatory action is necessary for reasonable assurance of adequate protection of the health and safety of the public and is in accord with the common defense and security.

(6) The documented evaluation required by paragraph (b)(4) of this section must include a statement of the objectives of and reasons for the modification and the basis for invoking the exception. If immediately effective regulatory action is required, then the documented evaluation may follow rather than precede the regulatory action.

(7) If there are two or more ways to reach a level of protection that is adequate, then ordinarily the applicant or licensee is free to choose the way that best suits its purposes. However, should it be necessary or appropriate for the Commission to prescribe a specific way to achieve adequate protection, then cost may be a factor in selecting the way, provided that the objective of adequate protection is met.

(c) In reaching the determination required by paragraph (b)(3) of this section, the Commission will consider how the backfit should be scheduled in light of other ongoing regulatory activities at the facility and, in addition, will consider information available concerning any of the following factors as may be appropriate and any other information relevant and material to the proposed backfit:

(1) The statement of the specific objectives that the proposed backfit is designed to achieve;

(2) The general description of the activity that would be required by the licensee, holder of the standard design approval, or applicant in order to complete the backfit;

(3) The potential change in the risk to the public from the accidental off-site release of radioactive material;

(4) The potential impact on radiological exposure of facility employees;

(5) The installation and continuing costs associated with the backfit, including the cost of facility downtime or the cost of construction delay;

(6) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements;

(7) The estimated resource burden on the NRC associated with the proposed backfit and the availability of such resources;

(8) The potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed backfit;

(9) Whether the proposed backfit is interim or final and, if interim, the justification for imposing the proposed backfit on an interim basis.

(d) No licensing action will be withheld during the pendency of backfit analyses required by the Commission's rules.

(e) The Executive Director for Operations will be responsible for implementation of this section, and all analyses required by this section must be approved by the Executive Director for Operations or his or her designee.

§ 53.1640 [Amended]

■ 96. In § 53.1640, remove and reserve paragraph (c).

§ 53.1720 [Amended]

■ 97. In § 53.1720, remove and reserve paragraph (c).

PART 55—OPERATORS' LICENSES

■ 98. The authority citation for part 55 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 107, 161, 181, 182, 183, 186, 187, 223, 234 (42 U.S.C. 2137, 2201, 2231, 2232, 2233, 2236, 2237, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); 44 U.S.C. 3504 note.

§ 55.1 [Amended]

■ 99. In § 55.1 paragraph (c), remove the phrase “and renew”.

§ 55.3 [Amended]

■ 100. In § 55.3, remove the phrase “or a senior operator” and replace it with the phrase “or a senior operator or a generally licensed reactor operator”.

■ 101. In § 55.4:

■ a. Add in alphabetical order the definitions for “*Generally licensed reactor operator*”, “*Licensed medical examiner*”, and “*Self-reliant-mitigation facility*”;

■ b. Remove the definition for “*Plant referenced simulator*”; and

■ c. Revise the definitions for “*Licensee*”, “*Reference Plant*”, and “*Simulation facility*”.

The additions and revisions read as follows:

§ 55.4 Definitions.

* * * * *

Generally licensed reactor operator has the same meaning as that presented in 10 CFR 50.2.

* * * * *

Licensee means an individual licensed operator, senior operator, or generally licensed reactor operator.

Licensed medical examiner means an individual, other than a physician, licensed by a State or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to independently conduct medical examinations for the purpose of determining an individual's medical condition and general health.

* * * * *

Reference plant means the specific nuclear power plant, or plant design for facilities which are not yet constructed, from which a simulation facility's control room configuration, system control arrangement, and design data are derived.

Self-reliant mitigation facility has the same meaning as that presented in 10 CFR 50.2.

* * * * *

Simulation facility or *simulator* means an interface designed to provide a realistic imitation of the operation of a nuclear plant used for the administration of examinations, for training, and/or to demonstrate compliance with experience requirements for applicants or licensees. A simulation facility may rely, in whole or in part, upon the physical utilization of the reference plant itself.

* * * * *

■ 102. In § 55.5:

■ a. Revise paragraphs (a)(3) and (b)(2) introductory text;

■ b. In paragraph (b)(1), remove the phrase “and renewal”;

■ c. Remove paragraphs (b)(2)(i) through (iv); and

■ d. In paragraph (b)(3), remove the phrase “or license renewal”.

The revisions read as follows:

§ 55.5 Communications.

(a) * * *

(3) Where practicable, by electronic submission. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making

electronic submissions can be obtained by visiting the NRC's website at <https://www.nrc.gov/site-help/e-submittals.html>; by email to MSHD.Resource@nrc.gov; or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.

(b)(1) * * *

(2) Any application for a license filed under the regulations in this part involving a nuclear power reactor licensed under 10 CFR part 50 or part 52 of this chapter and any related inquiry, communication, information, or report must be submitted to the Regional Administrator of the NRC region in which the nuclear power plant is located, using the contact information listed in appendix D to 10 CFR part 20, by an appropriate method listed in paragraph (a) of this section. The Regional Administrator or the Administrator's designee will transmit to the Director, Office of Nuclear Reactor Regulation, any matter that is not within the scope of the Regional Administrator's delegated authority.

* * * * *

■ 103. In § 55.8, revise paragraphs (b) and (c)(2) to read as follows:

§ 55.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in § 55.11, 55.25, 55.27, 55.35, 55.40, 55.41, 55.43, 55.45, 55.46, 55.47, 55.53, 55.59, 55.75, 55.77, and 55.78.

(c) * * *

(2) In §§ 55.31, 55.35, and 55.47, NRC Form 398 is approved under control number 3150–0090.

■ 104. Revise § 55.13 to read as follows:

§ 55.13 General exemptions.

The regulations in this part do not require a license for an individual who—

(a) Under the direction and in the presence of a licensed operator or senior operator or generally licensed reactor operator, as appropriate, manipulates the controls of—

(1) A research or training reactor as part of the individual's training as a student, or

(2) A facility as a part of the individual's training in a facility licensee's training program as approved by the Commission to qualify for an operator or senior operator license or a

generally licensed reactor operator, as appropriate, under this part.

(b) Under the direction and in the presence of a licensed senior operator or a generally licensed reactor operator, as appropriate, manipulates the controls of a facility to load or unload the fuel into, out of, or within the reactor vessel while the reactor is not operating.

■ 105. Revise § 55.21 to read as follows:

§ 55.21 Medical examination.

An applicant for a license shall have a medical examination by a physician or licensed medical examiner. A licensee shall have a medical examination by a physician or licensed medical examiner every 2 years. The physician or licensed medical examiner shall determine that the applicant or licensee meets the requirements of § 55.33(a)(1).

■ 106. In § 55.23:

■ a. In § 55.23 introductory text, remove the phrase “Website at <http://www.nrc.gov>” and add in its place the phrase “website at <https://www.nrc.gov>”; and

■ b. Revise paragraph (a).

The revision reads as follows:

§ 55.23 Certification.

* * * * *

(a) NRC Form 396 must certify that a physician or licensed medical examiner has conducted the medical examination of the applicant as required in § 55.21.

* * * * *

■ 107. Revise and republish § 55.25 to read as follows:

§ 55.25 Incapacitation because of disability or illness.

(a) If, during the term of the license, the licensee develops a permanent physical or mental medical condition that causes the licensee to fail to meet the requirements of § 55.21 of this part, the facility licensee shall determine whether one or more license conditions will accommodate the medical condition. If, based on the recommendation of the examining physician or licensed medical examiner, one or more of the license conditions identified on NRC Form 396 that are designated as covered by § 55.53(m) will accommodate the medical condition, then the license may continue unchanged based on the condition of the license under § 55.53(m) of this part. If, based on the recommendation of the examining physician or licensed medical examiner, one or more license conditions that are not identified on NRC Form 396 as covered by § 55.53(m) will accommodate the medical condition, then the facility licensee shall provide medical certification on NRC Form 396 to the Commission (as

described in § 55.23 of this part) within 30 days of learning of the medical condition. Any required changes to existing specific license conditions accommodating medical conditions must be requested of the Commission.

(b) If, during the term of the license, the licensee develops a temporary physical or mental medical condition that causes the licensee to fail to meet the requirements of § 55.21 of this part, the facility licensee shall document the medical condition consistent with § 55.27 of this part and take the appropriate actions to accommodate the medical condition.

■ 108. Revise and republish § 55.27 to read as follows:

§ 55.27 Documentation.

The facility licensee shall document and maintain the results of medical qualifications data, test results, and each operator's or senior operator's medical history for the license period, including any permanent or temporary physical or mental medical conditions and the actions taken to accommodate them, and provide the documentation to the Commission upon request. The facility licensee shall retain this documentation while an individual performs the functions of an operator or senior operator.

■ 109. In § 55.31:

■ a. In paragraph (a)(1), remove the phone number “(301) 415–7232” and add in its place the phone number “(301) 415–5877”;

■ b. In paragraph (a)(1), remove the phrase “Web site at <http://www.nrc.gov>” and add in its place the phrase “website at <https://www.nrc.gov>”;

■ c. In paragraph (a)(4), remove the phrase “Form NRC-” and add in its place the phrase “NRC Form”;

■ d. Revise paragraph (a)(5); and

■ e. In paragraph (a)(6), remove the phrase “Form NRC-” and add in its place the phrase “NRC Form”.

The revision reads as follows.

§ 55.31 How to apply.

(a) * * *

(5) Provide evidence that the applicant, as a trainee, has successfully manipulated the controls of either the facility for which a license is sought or a simulation facility that meets the requirements of § 55.46(c). At a minimum, either five significant control manipulations must be performed that affect reactivity or power level, or the applicant must perform the minimum number of significant control manipulations that affect reactivity or power level as determined by the facility licensee's requirements discussed in paragraph (a)(4) of this

section. Control manipulations performed on a simulation facility may be chosen from a representative sampling of the control manipulations and plant evolutions described in § 55.59(c)(3)(i)(A–F), (R), (T), (W), and (X) of this part, as applicable to the design of the plant for which the license application is submitted and, for non-water-cooled reactors, other evolutions that are not described in § 55.59(c)(3)(i)(A–F), (R), (T), (W), and (X) of this part but that affect reactivity or power level. For licensed operators applying for a senior operator license, certification that the operator has successfully operated the controls of the facility as a licensed operator shall be accepted; and

* * * * *

■ 110. In § 55.33, revise paragraph (b) to read as follows:

§ 55.33 Disposition of an initial application.

* * * * *

(b) *Conditional license.* If an applicant's general medical condition does not meet the minimum standards under § 55.33(a)(1) of this part, the Commission may approve the application and include conditions in the license to accommodate the medical condition. If in an applicant's NRC Form 396, the applicant requests, based on the recommendation of the examining physician or licensed medical examiner, one or more of the license conditions identified on NRC Form 396 that are designated as covered by § 55.53(m), then the Commission may issue the license based on the condition of the license under § 55.53(m) of this part. If in an applicant's NRC Form 396, the applicant requests a license condition other than one of the license conditions identified on NRC Form 396 that are designated as covered by § 55.53(m), then the Commission will consider the recommendations and supporting evidence of the facility licensee and of the examining physician or licensed medical examiner in arriving at its decision and any license that is issued may have a specific license condition to accommodate the medical condition.

■ 111. In § 55.35:

■ a. Revise paragraph (a); and

■ b. In paragraph (b), remove the phrase “Form NRC-” and add in its place the phrase “NRC Form”.

The revision reads as follows:

§ 55.35 Re-applications.

(a) An applicant whose application for a license has been denied because of failure to pass the written examination or operating test, or both, may file a new

application. The application must be submitted on NRC Form 398 and include a statement signed by an authorized representative of the facility licensee by whom the applicant will be employed that states in detail the extent of the applicant's additional training since the denial and certifies that the applicant is ready for re-examination.

* * * * *

■ 112. Revise and republish § 55.40 as follows:

§ 55.40 Implementation.

(a) The Commission shall use the criteria in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," or in NUREG-1478, "Operator Licensing Examiner Standards for Research and Test Reactors,"^[1] as appropriate, in effect 6 months before the examination date, or other criteria that has been reviewed and approved by the Commission, to prepare the written examinations required by §§ 55.41 and 55.43 and the operating tests required by § 55.45. The Commission shall also use the criteria in NUREG-1021 or in NUREG-1478, as appropriate, or other criteria that has been reviewed and approved by the Commission, to evaluate the written examinations and operating tests prepared by facility licensees pursuant to paragraph (b) of this section.

(b) Facility licensees may prepare, proctor, and grade the written examinations required by §§ 55.41 and 55.43 and may prepare, proctor, and grade the operating tests required by § 55.45, subject to the following conditions:

(1) Facility licensees shall prepare, proctor, and grade the required examinations and tests in accordance with the criteria in NUREG-1021 or NUREG-1478, as applicable, in effect 6 months before the examination date, or other criteria that has been reviewed and approved by the Commission;

(2) Pursuant to § 55.49, facility licensees shall establish, implement, and maintain procedures to control examination security and integrity;

(3) An authorized representative of the facility licensee shall approve the required examinations and tests before they are submitted to the Commission for review and approval;

(4) Facility licensees must receive Commission approval of their proposed written examinations and operating tests;

(5) Facility licensees must provide the opportunity for one or more representatives of the Commission to be present during operating test; and

(6) Facility licensees must ensure that any of their employees who are

involved in the grading of operating tests administered to applicants at the facility are sufficiently trained and qualified to conduct grading in accordance with the criteria in NUREG-1021 or in NUREG-1478, as appropriate, in effect 6 months before the examination date, or other criteria that has been reviewed and approved by the Commission.

(c) In lieu of paragraph (b) of this section and upon written request from a facility licensee pursuant to § 55.31(a)(3), the Commission shall, for that facility licensee, prepare, proctor, and/or grade, the written examinations required by §§ 55.41 and 55.43 and/or the operating tests required by § 55.45. In addition, the Commission may exercise its discretion and reject a facility licensee's determination to elect paragraph (b) of this section, in which case the Commission shall prepare, proctor, and/or grade the required written examinations and/or operating tests for that facility licensee.

^[1] Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Publishing Office, P.O. Box 38082, Washington, DC 20402-9328. Copies are also available from the National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312. A copy is available for inspection and/or copying in the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (O-1 F21), Rockville, MD.

■ 113. In 55.41, revise paragraph (b) introductory text to read as follows:

§ 55.41 Written examination: Operators.

* * * * *

(b) The written examination for an operator for a facility will include a representative sample from among the following 14 items, to the extent applicable to the facility, and, for non-water-cooled reactors, any other safety-significant topics that are applicable to operator duties for the facility.

* * * * *

■ 114. In § 55.43, revise paragraph (b) introductory text as follows:

§ 55.43 Written examination: Senior operators.

* * * * *

(b) The written examination for a senior operator for a facility will include a representative sample from among the following 7 items and the 14 items specified in § 55.41, to the extent applicable to the facility, and, for non-water-cooled reactors, any other safety-significant topics that are applicable to senior operator duties for the facility.

* * * * *

■ 115. In § 55.45, revise paragraph (a) introductory text and paragraph (b) to read as follows:

§ 55.45 Operating tests.

(a) *Content.* The operating tests administered to applicants for operator and senior operator licenses in accordance with paragraph (b)(1) of this section are generally similar in scope. The content will be identified, in part, from learning objectives derived from a systematic analysis of licensed operator or senior operator duties performed by each facility licensee and contained in its training program and from information in the Final Safety Analysis Report, system description manuals and operating procedures, facility license and license amendments, Licensee Event Reports, and other materials. The operating test, to the extent applicable, requires the applicant to demonstrate an understanding of and the ability to perform the actions necessary to accomplish a representative sample from among the following 13 items, and, for non-water-cooled reactors, any other safety-significant topics that are applicable to operator and senior operator duties for the facility.

* * * * *

(b) Implementation—Administration.

(1) The operating test will be administered in a plant walkthrough and in a simulation facility meeting the criteria of § 55.46(c)(1), and/or the plant, if approved for use in the administration of the operating test by the Commission under § 55.46(b).

(2) If the facility is under construction, suitable alternatives may be used in lieu of the plant walkthrough portion of the operating test.

■ 116. Revise and republish § 55.46 as follows:

§ 55.46 Simulation facilities.

(a) *General.* This section addresses the use of the plant for the administration of the operating test or a simulation facility for the administration of the operating test, requalification training, or to meet experience requirements for applicants for operator and senior operator licenses.

(b) *Commission approval of use of the plant in the administration of the operating test.*

(1) Facility licensees that propose to use the plant in the administration of the operating test under § 55.45(b)(1), shall request approval from the Commission. This request must include:

(i) A description of the way the plant would be used for each part of the operating test, unless previously approved; and

(ii) A description of the procedures for maintaining examination and test integrity consistent with the requirements of § 55.49.

(2) The Commission will approve use of the plant for administration of operating tests if it finds that the proposed use of the plant is suitable for the conduct of operating tests for the facility licensee's reference plant under § 55.45(a).

(c) *Simulation facilities.*

(1) A simulation facility used for the administration of the operating test, requalification training as described in § 55.59(c)(3) of this part, or to meet experience requirements in § 55.31(a)(5) must be designed and implemented so that it:

(i) Is sufficient in scope and fidelity to allow conduct of the evolutions listed in §§ 55.45(a)(1) through (13), and 55.59(c)(3)(i)(A) through (AA), as applicable to the design of the reference plant, and other evolutions analyzed in the plant's Final Safety Analysis Report; and

(ii) Allows for the completion of control manipulations.

(2) Facility licensees that propose to use a simulation facility to meet the control manipulation requirements in § 55.31(a)(5) must also ensure that:

(i) The simulation facility utilizes models relating to nuclear and thermal-hydraulic characteristics that either replicate the most recent core load in the reference plant for which a license is being sought or, prior to initial fuel load, replicate the intended initial core in the reference plant for which a license is being sought; and

(ii) Simulation facility fidelity has been demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence.

(d) *Continued assurance of simulator fidelity.* Facility licensees that maintain a simulation facility shall:

(1) Conduct performance testing throughout the life of the simulation facility in a manner sufficient to ensure that paragraphs (c)(2)(ii), as applicable, and (d)(3) of this section are met. The results of performance tests must be retained for 4 years after the completion of each performance test or until superseded by updated test results;

(2) Promptly correct modeling and hardware discrepancies and discrepancies identified from scenario validation and from performance testing or provide justification as to why the presence of such discrepancies will not adversely affect simulator performance

with respect to criteria in (c) of this section;

(3) Make results of any uncorrected performance test failures that may exist at the time of the operating test or requalification program inspection available for NRC review, prior to or concurrent with preparations for each operating test or requalification program inspection; and

(4) Maintain the provisions for license application, examination, and test integrity consistent with § 55.49.

■ 117. Revise and republish § 55.47 to read as follows:

§ 55.47 Waiver of examination and test requirements.

(a) On application, the Commission may waive any or all of the requirements for a written examination and operating test, if it finds that the applicant:

(1) Has had extensive actual operating experience at a comparable facility, as determined by the Commission, within 2 years before the date of application; has discharged his or her responsibilities competently and safely and is capable of continuing to do so; and has learned the operating procedures for and is qualified to operate competently and safely the facility designated in the application.

(2) The Commission may accept as proof of the applicant's past performance a certification of an authorized representative of the facility licensee or of a holder of an authorization by which the applicant was previously employed. The certification must contain a description of the applicant's operating experience, including an approximate number of hours the applicant operated the controls of the facility, the duties performed, and the extent of the applicant's responsibility.

(3) The Commission may accept as proof of the applicant's current qualifications a certification of an authorized representative of the facility licensee or of a holder of an authorization where the applicant's services will be utilized.

(b) On application, the Commission may waive any or all of the requirements for a written examination and operating test for a licensee who applies for a license to operate one or more subsequent units at a multiunit site, licensed collectively or individually, if it finds that:

(1) The subsequent unit(s) is/are approved to be, or was/were constructed to, the same standard design or modular design, as defined in § 52.1 of this chapter, as the unit(s) on which the applicant is already licensed, or the

subsequent unit(s) is/are otherwise essentially identical to the unit(s) on which the applicant is already licensed; and

(2) The applicant has been sufficiently trained on the differences between the units.

§ 55.49 [Amended]

■ 118. In § 55.49, remove the phrase "equitable and".

■ 119. In § 55.53:

■ a. Revise paragraphs (e), (f)(2), and (h);

■ b. In paragraph (g), remove the phrase "Commission" and add in its place the phrase "Commission via the facility licensee"; and

■ c. Add new paragraph (m).

The revisions and addition read as follows:

§ 55.53 Conditions of licenses.

* * * * *

(e) To maintain active status, the licensee shall actively perform the functions of an operator or senior operator on either a minimum of seven 8-hour or five 12-hour shifts per calendar quarter or a minimum number of hours per shift per quarter as determined by the facility licensee in accordance with its Commission-approved requalification program developed by using a systems approach to training under § 55.59(a) of this part. For non-power reactors, the licensee shall actively perform the functions of an operator or senior operator for either a minimum of 4 hours per calendar quarter or a minimum number of hours per quarter as determined by the facility licensee in accordance with its Commission-approved requalification program developed by using a systems approach to training under § 55.59(a) of this part. If a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section.

(f) * * *

(2) That the licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator as appropriate and in the position to which the individual will be assigned. The 40 hours must have included a complete tour of the plant and all required shift turnover procedures. For senior operators limited to fuel handling under paragraph (c) of this section, one shift must have been completed. For non-power reactors, a minimum of 6 hours must have been completed. In lieu of these requirements, the licensee may complete the minimum number of hours

as determined by the facility licensee in accordance with its Commission-approved requalification program developed by using a systems approach to training under § 55.59(a) of this part.

* * * * *

(h)

(1) The licensee shall successfully complete a requalification program as described by § 55.59.

(2) If the requirements of paragraph (h)(1) of this section are not met, the Commission may require the licensee to complete additional training and to submit evidence to the Commission via the facility licensee of successful completion of this training before returning to licensed duties.

(3) In lieu of the Commission accepting a certification by the facility licensee that the licensee has passed written examinations and operating tests administered by the facility licensee with its Commission-approved requalification program developed by using a systems approach to training under § 55.59, the Commission may administer the requisite written examination and operating test.

* * * * *

(m) The licensee must comply with all license conditions identified on NRC Form 396 that are designated as covered by § 55.53(m) and that are necessary for the licensee to meet the requirements of § 55.33(a)(1) of this part.

■ 120. Revise and republish § 55.55 to read as follows:

§ 55.55 Expiration.

Each operator license and senior operator license expires upon termination of employment with the facility licensee, or upon determination by the facility licensee that the licensed individual no longer needs to maintain a license. An operator license or senior operator license also expires upon the Commission's or the facility licensee's determination that a licensed individual's permanent physical or mental medical condition does not meet the minimum standards under § 55.33(a)(1) or § 55.21, respectively, and that the medical condition cannot be accommodated. The facility licensee shall notify the Commission, as described in § 55.5 of this part, within 30 days of any of these occurrences.

§ 55.57 [Removed and Reserved]

■ 121. Remove and reserve § 55.57.

■ 122. Revise and republish § 55.59 to read as follows:

§ 55.59 Requalification.

(a) A facility licensee shall have a requalification program reviewed and approved by the Commission and shall,

upon request consistent with the Commission's inspection program needs, submit to the Commission a copy of its comprehensive requalification written examinations or annual operating tests.

(b) The requalification program must meet the requirements of paragraphs (c)(1) through (7) of this section. In lieu of paragraphs (c)(1), (2), (3), and (4) of this section, the Commission may approve a program developed by using a systems approach to training.

(c) Requalification program requirements

(1) *Schedule*. The requalification program must be conducted for a continuous period not to exceed 2 years, and upon conclusion must be promptly followed, pursuant to a continuous schedule, by successive requalification programs.

(2) *Lectures*. The requalification program must include preplanned lectures on a regular and continuing basis throughout the license period in those areas where operator and senior operator written examinations and facility operating experience indicate that emphasis in scope and depth of coverage is needed in the following subjects:

(i) Theory and principles of operation.
(ii) General and specific plant operating characteristics.
(iii) Plant instrumentation and control systems.

(iv) Plant protection systems.
(v) Engineered safety systems.
(vi) Normal, abnormal, and emergency operating procedures.

(vii) Radiation control and safety.
(viii) Technical specifications.
(ix) Applicable portions of title 10, chapter I, *Code of Federal Regulations*.

(3) *On-the-job training*. The requalification program must include on-the-job training so that—

(i) Each licensed operator of a utilization facility manipulates the plant controls and each licensed senior operator either manipulates the controls or directs the activities of individuals during plant control manipulations during the term of the licensed operator's or senior operator's license. For reactor operators and senior operators, these manipulations must consist of the following control manipulations and plant evolutions if they are applicable to the plant design. Items described in paragraphs

(c)(3)(i)(A) through (L) of this section must be performed annually; all other items must be performed on a 2-year cycle. However, the requalification programs must contain a commitment that each individual shall perform or participate in a combination of

reactivity control manipulations based on the availability of plant equipment and systems. Those control manipulations which are not performed at the plant may be performed on a simulator. The use of the Technical Specifications should be maximized during the simulator control manipulations. Senior operator licensees are credited with these activities if they direct control manipulations as they are performed.

(A) Plant or reactor startups to include a range that reactivity feedback from nuclear heat addition is noticeable and heatup rate is established.

(B) Plant shutdown.

(C) Manual control of steam generators or feedwater or both during startup and shutdown.

(D) Boration or dilution during power operation.

(E) Significant (≥ 10 percent) power changes in manual rod control or recirculation flow.

(F) Reactor power change of 10 percent or greater where load change is performed with load limit control or where flux, temperature, or speed control is on manual (for HTGR).

(G) Loss of coolant, including—

(1) Significant PWR steam generator leaks.

(2) Inside and outside primary containment.

(3) Large and small, including leak-rate determination.

(4) Saturated reactor coolant response (PWR).

(H) Loss of instrument air (if simulated plant specific).

(I) Loss of electrical power (or degraded power sources).

(J) Loss of core coolant flow/natural circulation.

(K) Loss of feedwater (normal and emergency).

(L) Loss of service water, if required for safety.

(M) Loss of shutdown cooling.

(N) Loss of component cooling system or cooling to an individual component.

(O) Loss of normal feedwater or normal feedwater system failure.

(P) Loss of condenser vacuum.

(Q) Loss of protective system channel.

(R) Mispositioned control rod or rods (or rod drops).

(S) Inability to drive control rods.

(T) Conditions requiring use of emergency boration or standby liquid control system.

(U) Fuel cladding failure or high activity in reactor coolant or offgas.

(V) Turbine or generator trip.

(W) Malfunction of an automatic control system that affects reactivity.

(X) Malfunction of reactor coolant pressure/volume control system.

(Y) Reactor trip.

(Z) Main steam line break (inside or outside containment).

(AA) A nuclear instrumentation failure.

(ii) Each licensed operator and senior operator has demonstrated satisfactory understanding of the operation of the apparatus and mechanisms associated with the control manipulations in paragraph (c)(3)(i) of this section, and knows the operating procedures in each area for which the operator or senior operator is licensed.

(iii) Each licensed operator and senior operator is cognizant of facility design changes, procedure changes, and facility license changes.

(iv) Each licensed operator and senior operator reviews the contents of all abnormal and emergency procedures on a regularly scheduled basis.

(v) A simulator may be used in meeting the requirements of paragraphs (c)(3)(i) and (3)(ii) of this section. If the simulator or simulation facility is used to administer operating tests for a facility, as provided in § 55.46, it must be used for credit to be given for meeting the requirements of paragraphs (c)(3)(i)(G through AA) of this section.

(4) *Evaluation.* The requalification program must include—

(i) Comprehensive requalification written examinations and annual operating tests which determine areas in which retraining is needed to upgrade licensed operator and senior operator knowledge.

(A) The comprehensive requalification written examination for operators and senior operators will sample the items specified in §§ 55.41 and 55.43 of this part, as appropriate and to the extent applicable to the facility, and, for non-water-cooled reactors, any other safety-significant topics that are applicable to operator and senior operator duties for the facility.

(B) The annual operating test will require operators and senior operators to demonstrate an understanding of and the ability to perform the actions necessary to accomplish a comprehensive sample of items specified in § 55.45(a)(2) through (13), as appropriate and to the extent applicable to the facility, and for non-water-cooled reactors, any other safety-significant topics that are applicable to operator and senior operator duties for the facility.

(ii) Written examinations which determine licensed operators' and senior operators' knowledge of subjects covered in the requalification program and provide a basis for evaluating their

knowledge of abnormal and emergency procedures.

(iii) Systematic observation and evaluation of the performance and competency of licensed operators and senior operators by supervisors and/or training staff members, including evaluation of actions taken or to be taken during actual or simulated abnormal and emergency procedures.

(iv) Simulation of emergency or abnormal conditions that may be accomplished by using the control panel of the facility involved or by using a simulator. When the control panel of the facility is used for simulation, the actions taken or to be taken for the emergency or abnormal condition shall be discussed; actual manipulation of the plant controls is not required. After the provisions of § 55.46 have been implemented at a facility, the simulation facility must be used to comply with this paragraph.

(v) Provisions for each licensed operator and senior operator to participate in an accelerated requalification program where performance evaluations conducted pursuant to paragraphs (c)(4)(i) through (iv) of this section clearly indicated the need.

(5) *Records.* The requalification program documentation must include the following:

(i) The facility licensee shall maintain records documenting the participation of each licensed operator and senior operator in the requalification program. The records must contain copies of written examinations administered, the answers given by the licensee, and the results of evaluations and documentation of operating tests and of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies. The facility licensee shall retain the records specific to each requalification period until the end of the subsequent requalification period.

(ii) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period.

(iii) If there is a conflict between the Commission's regulations in this part, and any license condition, or other written Commission approval or authorization pertaining to the retention period for the same type of record, the retention period specified for these

records by the regulations in this part apply unless the Commission, pursuant to § 55.11, grants a specific exemption from this record retention requirement.

(6) *Alternative training programs.* The requirements of this section may be met by requalification programs conducted by persons other than the facility licensee if the requalification programs are similar to the program described in paragraphs (c)(1) through (5) of this section and the alternative program has been approved by the Commission.

(7) *Applicability to utilization facilities licensed under 10 CFR part 50 that are not power reactors.* To accommodate specialized modes of operation and differences in control, equipment, and operator skills and knowledge, the requalification program for each licensed operator and senior operator of a utilization facility licensed under 10 CFR part 50 that is not a power reactor must conform generally but need not be identical to the requalification program outlined in paragraphs (c)(1) through (6) of this section. Significant deviations from the requirements of paragraphs (c)(1) through (6) of this section will be permitted only if supported by written justification and approved by the Commission.

* * * * *

§ 55.73 [Amended]

■ 123. In § 55.73:

■ a. In paragraph (a), remove the phrase “conspiracy to violate” and in its place add the phrase “conspiracy to violate”; and

■ b. In paragraph (b), remove the reference “and 55.73” and add in its place the references “55.73, 55.74, and 55.79”.

■ 124. In part 55, add new subpart I to read as follows:

* * * * *

Subpart I—Generally Licensed Reactor Operators

§ 55.74 Applicability

Facility licensees for self-reliant-mitigation facilities may comply with the requirements in this subpart in lieu of those in subparts A through H, except for §§ 55.1 through 55.13, 55.71, and 55.73.

§ 55.75 Facility licensee requirements related to generally licensed reactor operators.

(a) Facility licensees for self-reliant-mitigation facilities must demonstrate compliance with the following requirements:

(1) Ensure that, in addition to being qualified to perform those items identified by the facility-specific

systems approach to training conducted under § 55.78, generally licensed reactor operators are qualified to safely and competently—

- (i) Perform administrative tasks, including compliance with technical specifications, and perform operability determinations;
- (ii) Implement maintenance and configuration controls;
- (iii) Comply with radioactive release limitations;
- (iv) Understand plant operating data, including reactor parameters, and evaluate emergency conditions;
- (v) Initiate a reactor shutdown from necessary locations;
- (vi) Dispatch and direct operations and maintenance personnel;
- (vii) Implement any applicable responsibilities under the facility emergency plan; and
- (viii) Make required notifications to local, State, participating Tribal, and Federal authorities.

(2) Develop, implement, and maintain facility technical specifications that provide the necessary administrative controls to ensure the implementation of the requirements in this section.

(3) Develop, implement, and maintain the generally licensed reactor operator training, examination, and proficiency programs required under § 55.78.

(4) Ensure that generally licensed reactor operators are subject to the facility licensee's generally licensed reactor operator training, examination, and proficiency programs required under § 55.78. Ensure that generally licensed reactor operators are subject to and comply with the applicable programmatic requirements for personnel required under 10 CFR parts 26 and 73. An individual that is not in compliance with any of these programs is not qualified to be in a position that may involve the manipulation of the controls of the facility.

(5) Report annually to the NRC the identity of all generally licensed reactor operators at the facility, including all additions and deletions since the previous report.

(6) Ensure that the facility design continues to meet the basis for the Commission's determination that the facility is a self-reliant-mitigation facility.

§ 55.76 [Reserved]

§ 55.77 Generally licensed reactor operators.

(a) A general license to manipulate the controls of a self-reliant-mitigation facility and to direct the licensed activities of generally licensed reactor operators is hereby issued to any

individual employed in a position that may involve the manipulation of the controls of that self-reliant-mitigation facility and who observes the restrictions of this section.

(b) A generally licensed reactor operator must comply with the operating procedures and other conditions specified in the license authorizing operation of the facility.

(c) The general license is limited to the facility or facilities at which the operator is employed.

(d) The Commission will suspend the general license on an individual operator basis for violations of any provision of the Act or any rule or regulation issued thereunder whenever the Commission deems such suspension desirable, including—

(1) For willful violation of, or failure to observe, any of the terms and conditions of the Act or the general license, or of any rule, regulation, or order of the Commission;

(2) For any conduct determined by the Commission to be a hazard to safe operation of the facility; or

(3) For the sale, use, or possession of illegal drugs, or refusal to participate in the facility drug and alcohol testing program, or a confirmed positive test for drugs, drug metabolites, or alcohol in violation of the conditions and cutoff levels established by paragraph (f) of this section or the consumption of alcoholic beverages in any location where the individual performs activities requiring a general license, or a determination of unfitness for scheduled work as a result of the consumption of alcoholic beverages.

(e) The Commission may require information from a generally licensed reactor operator to determine whether a general license should be revoked or suspended with respect to that operator.

(f) The generally licensed reactor operator must not consume or ingest alcoholic beverages within the protected area of power reactors, or the controlled access area of utilization facilities licensed under 10 CFR part 50 that are not power reactors. The generally licensed reactor operator must not use, possess, or sell any illegal drugs. The generally licensed reactor operator must not perform activities requiring a general license while under the influence of alcohol or any prescription, over-the-counter, or illegal substance that could adversely affect his or her ability to safely and competently perform these activities. For the purpose of this paragraph, with respect to alcoholic beverages and drugs, the term “under the influence” means the generally licensed reactor operator exceeded, as evidenced by a confirmed

test result, the lower of the cutoff levels for drugs or alcohol contained in part 26 of this chapter, or as established by the facility licensee. The term “under the influence” also means the generally licensed reactor operator could be mentally or physically impaired as a result of substance use including prescription and over-the-counter drugs, as determined under the provisions, policies, and procedures established by the facility licensee for its fitness-for-duty program, in such a manner as to adversely affect his or her ability to safely and competently perform generally licensed reactor operator duties.

(g) The generally licensed reactor operator must notify the Commission via the facility licensee within 30 days about a conviction for a felony.

§ 55.78 Generally licensed reactor operator training, examination, and proficiency programs.

(a) *Applicability.* The requirements of this section apply to each facility licensee of a self-reliant-mitigation facility with generally licensed reactor operators.

(b) *Requirements.*

(1) The facility licensee must develop, implement, and maintain training and examination programs that demonstrate compliance with the requirements of paragraphs (b)(2) through (b)(3) of this section.

(2) The training program must provide for both the initial and continuing training of generally licensed reactor operators and be derived from a systems approach to training as defined in this part.

(3)

(i) The training program must incorporate the instructional requirements necessary to provide qualified generally licensed reactor operators to operate and maintain the facility in a safe manner in all modes of operation. The training program must comply with the facility license, including all technical specifications and applicable regulations. The facility licensee must periodically evaluate and revise the training program as appropriate to reflect industry experience and relevant changes, including changes to the facility, procedures, regulations, and quality assurance (QA) requirements. Facility licensee management must periodically review the training program for effectiveness.

(ii) The training program must ensure that generally licensed reactor operators have and maintain the necessary knowledge, skills, and abilities.

(iii) The training program must include the generally licensed reactor operator manipulating the controls of either the facility or a simulation facility that demonstrates compliance with the requirements of § 55.78(e).

(iv) The training program must include an initial examination program for testing a representative sample of the knowledge, skills, and abilities needed to safely perform generally licensed reactor operator duties, to include both the examination methods and criteria to be used to assess passing performance. The facility licensee must provide the opportunity for a representative of the Commission to be present during initial examination administration.

(v) The training program must include a requalification examination program for testing a sample of the topics included under the systems approach to training, to include the examination methods and criteria to be used to assess passing performance. The requalification examination program must specify an appropriate periodicity for administering a complete requalification examination to each generally licensed reactor operator, and the facility licensee must provide the opportunity for a representative of the Commission to be present during requalification examination administration. The facility licensee must ensure that any generally licensed reactor operator who either demonstrates unsatisfactory performance on, or fails to complete, the requalification examination is removed from the performance of generally licensed reactor operator duties until such time that any necessary remedial training has been completed and a retake examination has been passed.

(vi) The training program must be approved by the Commission prior to its use. The examination program must provide for valid and reliable examinations and must be approved by the Commission prior to its use.

(c) *Records.* The following is required regarding the documentation of the generally licensed reactor operator training and examination programs:

(1) Sufficient records must be maintained by the facility licensee to maintain the integrity of the programs and kept available for NRC inspection to verify the adequacy of the programs.

(2) The facility licensee must maintain records documenting the participation of each generally licensed reactor operator in the training and examination programs. The records must contain copies of examinations administered, the answers given by the generally licensed reactor operator, documentation of the grading of

examinations, and documentation of any additional training administered in areas in which a generally licensed reactor operator exhibited deficiencies. The facility licensee must retain these records while the associated generally licensed reactor operators remain employed at the facility.

(3) Each record required by this part must be legible throughout the retention period. The record may be the original, a reproduced copy, or an electronic copy provided that the copy is authenticated by authorized personnel.

(d) *Examination integrity.* Generally licensed reactor operators and facility licensees must not engage in any activity that compromises the integrity of any examination conducted under the generally licensed reactor operator training and examination programs. The integrity of an examination is considered compromised if any activity, regardless of intent, affected, or, but for detection, could have affected the consistent administration of the examination. This includes all activities related to the preparation, administration, and grading of examinations.

(e) *Simulation facilities.*

(1) Simulation facilities used for training purposes, for maintaining proficiency, or for the conduct of examinations must demonstrate compliance with the following criteria as they relate to the facility licensee's reference plant:

(i) The simulation facility must be of sufficient scope and fidelity for individuals to acquire and demonstrate the necessary knowledge, skills, and abilities to safely perform generally licensed reactor operator duties.

(ii) The simulation facility must utilize models relating to nuclear, thermal-hydraulic, and other applicable design-specific characteristics that either replicate the most recent fuel load in the reference plant or, prior to initial fuel load (or, for a fueled manufactured reactor, prior to initiating the removal of the features to prevent criticality), replicate the intended initial fuel load for the reference plant, with the exception of those portions of the simulation facility that utilize the reference plant itself.

(iii) Simulator fidelity must be demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence.

(2) Facility licensees that maintain a simulation facility for training purposes, for maintaining proficiency, or for the conduct of examinations must—

(i) Conduct performance testing throughout the life of the simulation facility in a manner sufficient to ensure that paragraph (e)(1) of this section is met;

(ii) Retain the results of performance testing for 4 years after the completion of each performance test or until superseded by updated test results;

(iii) Promptly correct modeling and hardware discrepancies and discrepancies identified from scenario validation and from performance testing or provide justification for why the presence of such discrepancies will not adversely affect the criteria of paragraph (e)(1) of this section;

(iv) Make the results of any uncorrected performance test failures that may exist at the time of an inspection available for NRC review; and

(v) Maintain the provisions for examination integrity consistent with paragraph (d) of this section.

(f) *Waiver of examination requirement.* The facility licensee may waive any or all of the requirements for an examination in accordance with the facility licensee's Commission-approved generally licensed reactor operator training and examination programs.

(g) *Proficiency.* The facility licensee must develop, implement, and maintain a proficiency program to allow generally licensed reactor operators to maintain proficiency regarding position functions and familiarity with plant status. This program must include those steps that will be taken in order to re-establish proficiency when it cannot be maintained.

§ 55.79 Cessation of individual applicability.

The general license ceases to be applicable on an individual operator basis once a generally licensed reactor operator is no longer being employed in a position that may involve the manipulation of the controls of the self-reliant-mitigation facility.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 125. The authority citation for part 70 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

■ 126. In § 70.32

- a. In paragraph (g), remove the time period “60 days” and add in its place the time period “four months”; and
- b. Revise paragraph (i) to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(i) Licensees required to submit emergency plans in accordance with § 70.22(i) shall follow the emergency plan approved by the Commission. The licensee may change the approved plan without Commission approval if the changes do not decrease the effectiveness of the plan. The licensee shall maintain as a record, a copy of each change. Proposed changes that decrease the effectiveness of the approved emergency plan may not be implemented without prior application to and prior approval by the Commission.

* * * * *

- 127. Revise and republish § 70.59 to read as follows:

§ 70.59 Effluent monitoring reporting requirements.

Within 60 days after January 1 of each year, and using an appropriate method listed in § 70.5(a), each licensee authorized to possess and use special nuclear material in a spent fuel reprocessing facility shall submit a report addressed: ATTN: Document Control Desk, Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, with a copy to the appropriate NRC Regional Office shown in appendix D to part 20 of this chapter. The report must specify the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents during the previous 12 months of operation, and such other information as the Commission may require to estimate maximum potential annual radiation doses to the public resulting from effluent releases. If quantities of radioactive materials released during the reporting periods are significantly above the licensee’s design objectives previously reviewed as part of the licensing action, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

Within 60 days after January 1 of each year, each licensee authorized to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, conversion of uranium

hexafluoride, or in a uranium enrichment facility shall develop and maintain a report, or reports, specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months. The time between the development of the report, or reports, must be no longer than 12 months. The report, or reports, must include any information that may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report, or reports, must be maintained as records until termination of the license. Should the annual radiation doses to the public, resulting from the release result in an estimated total effective dose equivalent, or total effective dose, as applicable, of more than 25 mrem per year, or if quantities of radioactive materials released during the reporting periods are significantly above the licensee’s design objectives previously reviewed as part of the licensing action the licensee shall submit a report addressed: ATTN: Document Control Desk, Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, with a copy to the appropriate NRC Regional Office shown in appendix D to part 20 of this chapter.

- 128. In § 70.72, revise paragraph (d)(3) to read as follows:

§ 70.72 Facility changes and change process.

* * * * *

(d)(1) * * *

(3) For all changes that affect the integrated safety analysis summary, the licensee shall maintain a record of the revised integrated safety analysis summary pages.

* * * * *

- 129. In § 70.76:

- a. In paragraph (a)(1), remove the phrase “may result from” and add in its place the phrase “would be required by”;

- b. Remove paragraphs (a)(4)(i) and (ii);

- c. Redesignate paragraphs (a)(4)(iii) and (iv) as paragraphs (a)(4)(i) and (ii); and

- d. Revise paragraph (a)(7).

The revision reads as follows:

§ 70.76 Backfitting.

(a) * * *

(7) If there are two or more ways to reach an adequate level of protection, then ordinarily the licensee is free to choose the way that best suits its purposes. However, should it be necessary or appropriate for the

Commission to prescribe a specific way to achieve adequate protection, then cost may be a factor in selecting the way, provided that the objective of adequate protection is met.

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

- 130. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

Source: 53 FR 31658, Aug. 19, 1988, unless otherwise noted.

- 131. In § 72.44, revise paragraph (f) to read as follows:

§ 72.44 License conditions.

* * * * *

(f) A licensee shall follow and maintain in effect an emergency plan that is approved by the Commission. The licensee may make changes to the approved plan without Commission approval only if such changes do not decrease the effectiveness of the plan. The licensee shall maintain as a record a report containing a description of any changes made in the plan. Proposed changes that decrease the effectiveness of the approved emergency plan must not be implemented unless the licensee has received prior approval of such changes from the Commission.

* * * * *

- 132. In § 72.62, revise paragraph (b) to read as follows:

§ 72.62 Backfitting.

* * * * *

(b) The Commission will require backfitting of an ISFSI or MRS if it finds that such action is necessary for reasonable assurance of adequate protection of occupational or public health and safety.

* * * * *

- 133. In § 72.70, revise and republish paragraph (c) to read as follows:

§ 72.70 Safety analysis report updating.

* * * * *

(c)(1) The update of the FSAR must be maintained as a record.

(2) Each page shall include both a change indicator for the area changed, e.g., a bold line vertically drawn in the margin adjacent to the portion actually changed, and a page change identification (date of change or change number or both);

(3) The update shall include:

(i) A certification by a duly authorized officer of the licensee that either the information accurately presents changes made since the previous update, or that no such changes were made; and

(ii) An identification of changes made under the provisions of § 72.48, but not previously submitted to the Commission;

(5) Updates shall be made every 24 months from the date of issuance of the license.

* * * * *

§ 72.75 [Amended]

■ 134. In § 72.75:

■ a. Remove and reserve paragraph (b)(2); and

■ b. Remove paragraph (c)(3).

§ 72.80 [Amended]

■ 135. In § 72.80, remove and reserve paragraph (b).

■ 136. In § 72.248, revise and republish paragraph (c) to read as follows:

§ 72.248 Safety analysis report updating.

* * * * *

(c)(1) The update of the FSAR must be maintained as a record.

(2) Each page shall include both a change indicator for the area changed, e.g., a bold line vertically drawn in the margin adjacent to the portion actually changed, and a page change identification (date of change or change number or both);

(3) The update shall include:

(i) A certification by a duly authorized officer of the certificate holder that either the information accurately presents changes made since the previous update, or that no such changes were made; and

(ii) An identification of changes made by the certificate holder under the provisions of § 72.48, but not previously submitted to the Commission;

(4) Updates shall be made every 24 months from the date of issuance of the CoC; and

(5) The certificate holder shall provide a copy of the updated FSAR to each general and specific licensee using its cask design.

* * * * *

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF SAFEGUARDS AGREEMENTS BETWEEN THE UNITED STATES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

■ 137. The authority citation for part 75 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 103, 104, 122, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 75.4 also issued under Nuclear Waste Policy Act secs. 135 (42 U.S.C. 10155, 10161).

§ 75.13 [Amended]

■ 138. In § 75.13, remove and reserve paragraph (c).

Dated: September 22, 2026.

For the Nuclear Regulatory Commission.

Jody Martin,

Secretary of the Commission.

[FR Doc. 2026–19568 Filed 9–23–26; 8:45 am]

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Vol. 91, No. 184

Thursday, September 24, 2026

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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
58009-58346	14
58347-58574	15
58575-58806	16
58807-59046	17
59047-59694	18
59695-59980	21
59981-60298	22
60299-60504	23
60505-60790	24

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	920	59076
Proclamations:	930	59076
11060	57769	
11061	58311	
11062	58319	
11063	58325	
11064	58331	
11065	58339	
11066	58571	
11067	59971	
11068	59973	
11069	60497	
Executive Orders:		
13508 (revoked by EO 14428)	59975	
14422	56543	
14423	56737	
14424	57761	
14425	57765	
14426	58003	
14427	58007	
14428	59975	
14429	60289	
14430	60293	
14431	60501	
Administrative Orders:		
Notices:		
Notice of August 31, 2026	56547	
Notice of September 8, 2026	57773	
Notice of September 11, 2026	58805	
Memorandums:		
Memorandum of September 16, 2026	59979	
Presidential Determinations:		
No. 2026-23 of September 11, 2026	59687	
5 CFR		
302	58347	
330	58363	
332	58347	
337	58347	
1201	56549	
Proposed Rules:		
213	59076	
302	59076	
317	59076	
359	59076	
362	59076	
412	58387	
432	58387, 59076	
550	59076	
715	58387	
731	59076	
752	58387	
890	58388	
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	
1000	59047	
1217	59981	
Proposed Rules:		
1210	57275	
8 CFR		
101	57249	
264	57249, 58575	
Proposed Rules:		
106	57516	
204	57807	
214	57807	
9 CFR		
Proposed Rules:		
93	60521	
94	60521	
101-118	57828	
123	57828	
124	57828	
10 CFR		
72	56574	
433	56371	
435	56371	
452	56001	
460	59048	
Proposed Rules:		
20	60702	
21	60702	
30	57728	
40	57728	
50	57728, 60702	
52	57728, 60702	
53	57728, 60702	
55	60702	
70	57728, 60702	
72	57728, 60702	
75	60702	
708	60007	
12 CFR		
4	56004, 58009, 59987	

208.....58009
211.....58009
305.....56004, 59987
337.....56022, 58009
347.....58009

Proposed Rules:

4.....56074
303.....60196
314.....60196
331.....60018
333.....60196

13 CFR

Proposed Rules:

121.....60524

14 CFR

39.....56575, 56578, 56581,
56584, 57491, 57775, 57777,
57780, 57782, 58364, 58365,
58807, 58809, 58812, 58814,
59048, 59051
61.....58014
71.....56775, 57492, 58374,
59054, 59055, 59987
97.....56587, 59056, 59057
234.....56588

Proposed Rules:

21.....58029
27.....59708
39.....56081, 56377, 56601,
57275, 57278, 57281, 57516,
57519, 57521, 57829, 58034,
58036, 58039, 58042, 58390,
58613, 58823, 58826, 58829,
59708, 60026, 60028, 60030,
60033, 60336, 60525
67.....56798
71.....56083, 56809, 56810,
58392, 58394, 58396
91.....58029, 60530
93.....56380
119.....58029
135.....60530

15 CFR

705.....60505

Proposed Rules:

60.....57524
70.....57524

16 CFR

Ch. I.....60514
4.....60510
5.....60510
1500.....58817

Proposed Rules:

318.....58398
1120.....60546
1263.....56604

17 CFR

Ch. I.....56593
50.....57063
165.....58576
279.....56593

Proposed Rules:

146.....59711
200.....59852, 59904
229.....59852, 59904
230.....59852
232.....59852, 59904
239.....59852

240.....56387, 56946, 59852,
141.....59904
249.....59852, 59904
249b.....56946
260.....59852
275.....57698

19 CFR

Proposed Rules:

141.....56408
142.....56408
143.....56408
163.....56408

20 CFR

404.....58593
416.....58593
603.....58593

21 CFR

312.....59988
314.....59988
315.....59988
361.....59988
601.....59988
862.....57493
870.....57495, 57498, 57500,
57785
874.....57502
876.....57504
880.....57507
892.....57509, 58817
1308.....59695

Proposed Rules:

312.....60036
314.....60036
315.....60036
361.....60036
573.....57531
601.....60036
1308.....60338

22 CFR

120.....58610, 59059
121.....58610, 59063
123.....59059
125.....59059, 60299
126.....57787, 59059, 60299
171.....59698

23 CFR

658.....57789
771.....56029
1300.....60300

26 CFR

1.....57214
301.....57214

Proposed Rules:

1.....56811, 57832, 57968,
58615
301.....57968

28 CFR

27.....56049

29 CFR

2701.....57258

30 CFR

926.....56050

31 CFR

Ch. V.....57795

528.....60303
547.....60303
560.....57511
582.....57791
591.....57791, 57793, 60304
594.....57794, 60304
599.....57794
1010.....56776

Proposed Rules:

1010.....56085

33 CFR

100.....56596, 57512, 57795,
57796, 58610, 58819
117.....56778, 57258
165.....56051, 56372, 56373,
56374, 56597, 56779, 57089,
57259, 57796, 58022, 58375,
58377, 58611, 58821, 59705,
60306

Proposed Rules:

117.....58832, 58833, 58835
165.....60052, 60347
328.....57284

36 CFR

1120.....60308

Proposed Rules:

4.....56095
294.....57841

39 CFR

111.....56052

Proposed Rules:

111.....57301
3050.....60053

40 CFR

52.....57260, 57262, 58023,
60518
60.....58954
80.....56780
180.....58378

Proposed Rules:

52.....57302, 58046, 60349
60.....59002
62.....58053, 58054
120.....57284
122.....56819
142.....60358
257.....57842, 58616
300.....59712

42 CFR

Proposed Rules:

423.....60568

43 CFR

Proposed Rules:

3130.....57091

45 CFR

155.....60317

Proposed Rules:

211.....56826
1390.....56826

46 CFR

502.....56053

Proposed Rules:

390.....60054
401.....59712

404.....59712

47 CFR

1.....56598, 57798, 58258
2.....57798
54.....58027
64.....57513
73.....60004, 60005

Proposed Rules:

0.....57454
1.....57454
2.....57110
64.....57454
73.....56605

48 CFR

3025.....59066
3052.....59066
9903.....56056, 56061
9904.....56061

Proposed Rules:

8.....59406
9.....59584
12.....59406
13.....59406
14.....59534
15.....59406
16.....59476
17.....59476
27.....59584
28.....59534
35.....59476
36.....59534
38.....59406
44.....59406
47.....59584
51.....59406
52.....59406, 59476, 59534,
59584
538.....60063

49 CFR

92.....57801
98.....57801
264.....56029
367.....56063
571.....57265
622.....56029

Proposed Rules:

571.....59755
572.....60068

50 CFR

17.....56783
32.....56290
71.....56290
300.....58381
622.....60334
648.....57803, 57804
660.....56599
665.....58382
679.....56072, 57274, 57805,
60006

Proposed Rules:

17.....57531
300.....60238
622.....57532, 59098, 60076
660.....60238
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 22, 2026

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